ZONING BYLAW

TOWN OF WILLIAMSBURG

Adopted: November 17, 2003
Amended: June 3, 2013
Approved by Attorney General's Office: July 26, 2013

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SECTION 1 - AUTHORITY AND PURPOSE

1.0 This Bylaw is enacted by the Town of Williamsburg to secure those protections authorized by Chapter 40A, as amended, of the Massachusetts General Laws and pursuant to the authority granted under the Home Rule Amendment to the Massachusetts Constitution, Article 89. The purpose of this Bylaw includes but is not limited to:

a. Protecting the rights of the inhabitants and the property owners of the Town of Williamsburg;

b. Preserving the rural character and safeguarding sensitive environmental areas for future generations;

c. Providing a means of managing growth and change in the Town.

SECTION 2 - ZONING DISTRICTS

2.0 TYPES OF DISTRICTS

For the purposes of this Bylaw, the Town of Williamsburg is hereby divided into three use districts and three overlay districts. All proposed zones recognize the existing scale and character of the Town. The description of the Zoning Districts is found in Section 19: Attachments a and b.

2.1 VR - The Village Residential Zone

This zone will maintain the traditional character of the village residential neighborhoods, while limiting additional non-residential uses.

2.2 VM - The Village Mixed Zone

The intention of this zone is to follow the traditional mixed pattern of business and residential uses along Route 9 and in the village centers.

2.3 RU - The Rural Zone

This zone recognizes the traditional low-density residential and agricultural character of areas outside the village centers, while protecting their environmentally sensitive resources.

2.4 The Floodplain Overlay District

This zone is delineated on the Williamsburg Flood Insurance Rate Map (FIRM) dated June 1. 1981 as Zones A, A1-30, to indicate the 100-year floodplain and is described in Section 7.1 herein.

2.5 The Water Supply Protection Overlay District

This zone is established to include all lands within the Town of Williamsburg lying within the primary and secondary recharge areas of groundwater aquifers and watershed areas of reservoirs that provide or may in the future provide public water supply and is described in Section 7.2 herein.

2.6 The Age Restricted Housing Community Overlay District

The Age Restricted Housing Community Overlay District is herein defined as the areas of town serviced at a public way by Williamsburg public sewer and Williamsburg public water, and is described in Section 7.3 herein.

2.7 The Solar Photovoltaic Overlay District (SPOD)

This zone is delineated as shown on the Williamsburg Zoning map as amended May 14, 2013, and is described in Section 7.4 herein

Structure	Assessors Map	Block	Lot	Street Number	Street Name	Acreage
Transfer Station	008.H	0000	0020.0	25	Mountain Street	9.043
	008.H	0000	0015.0	23	Mountain Street	35.3
	011.K	0000	0046.0	21	Mountain Street	4.1

SECTION 3 - SCHEDULE OF USE REGULATIONS

3.0 USE TABLE

Any use not specifically set forth in this Use Table shall be prohibited, unless otherwise exempt from municipal zoning regulations as set forth in M.G.L. Chapter 40A (The Zoning Act).

Abbreviations in the Use Table:

VR Village Residential District
VM Village Mixed District
RU Rural District

P A Permitted Use within a district.
N Not Permitted within a district
SP A Special Permit is required for that use.
SPR Requires Site Plan Review by the Planning Board.

Section	Use	VR	VM	RU	Notes
3.1	**Residential Uses**				
	Single-family dwelling	P	P	P	
	Two-family dwelling	P	P	P	
	Multi-family dwelling (up to 4 dwelling units)	SP	SP	SP	
	Accessory apartment	SP	SP	SP	See Section 9.0
	Upper-floor apartments in Mixed Use buildings	P	P	SP	See Section 9. Limited to a maximum of 3 residential dwelling units per structure
3.2	**Business Uses**				
	Adult Uses	N	SP/SPR	N	See section 4.2
	Agriculture, horticulture, floriculture	N	P	SP	
	Automobile sales, rental, leasing	N	SP	SP	
	Automobile service and repair	SP	P	SP	Including auto body repairs
	Bank	N	P	SP	
	Bed & Breakfast inn (4 units or less)	SP	SP	P	
	Business with a drive-through	N	SP/SPR	N	See Definitions, Section 19
	Commercial, non-residential uses exceeding 5,000 sq. ft. (building footprint)	N	SP/SPR	SP/SPR	
	Funeral establishment	SP	SP	SP	
	Gasoline sales	N	SP	N	
	Ground-mounted Solar Photovoltaic Installation 1.25 acres to 20 acres	N	SP/SPR	SP/SPR	See Section 9.30 for additional requirements
	Ground-mounted Commercial Solar Photo-voltaic Installation larger than 20 acres	N	N	N	See Section 9.30.2 for over 20 acres in SPOD
	Home occupation	P	P	P	See Section 9.11

Section	Use	VR	VM	RU	Notes
	Industrial/manufacturing/sawmills	N	SP/SPR	SP/SPR	
	Kennel	N	SP	SP	See Definitions, Section 19
	Light industry	N	SP	SP	
	Lodging facility	SP	SP	SP	
	Professional office	SP	P	SP	
	Recreational business	SP	SP	SP	
	Restaurant	N	P	SP	
	Retail business	SP	P	SP	
	Riding academy	N	N	P	
	Service business	SP	P	SP	
	Soil mining	N	SP/SPR	SP/SPR	See Section 9.6
	Trucking/heavy equipment storage	N	SP	SP	
	Utility facility	SP	SP	SP	
	Veterinary hospital	N	P	SP	
	Warehouse	N	SP	SP	
	Wireless communications facility	SP	SP	SP	See section 11
3.3	**Community Uses**				
	Cemetery	SP	SP	SP	
	Day care center (includes 'Day Care-Home')	P	P	P	
	Health care facility	N	SP	SP	
	Membership club	SP	SP	SP	
	Municipal uses	SP/SPR	SP/SPR	SP/SPR	Municipal uses of the Town of Williamsburg shall be exempted from the requirements for frontage, ***front setbacks***, lot coverage, and parking
3.4	**Exempted Uses**	**VR**	**VM**	**RU**	**Notes**
	Agriculture, horticulture, floriculture on parcels of more than 5 acres in size	P	P	P	
	Church, or other religious use	P	P	P	
	School, or other educational use	P	P	P	
	Temporary mobile home	P	P	P	As allowed by MGL Chap. 40A
3.5	**Accessory Uses**				
	Accessory structures	P	P	P	See Section 9
	Common driveway	SP	SP	SP	See Section 10.7
	Parking of one (1) trailer, mobile home, or recreational vehicle on any tract, parcel or lot	P	P	P	On parcel serving as legal parking area for multi-family dwelling, the limit shall be one (1) trailer, mobile home, or recreational vehicle per dwelling unit

(1A). Must conform to the requirements of sec. 9.

(1B). A Maximum of three residences.

SECTION 4 - RESTRICTIONS

4.0 No building or structure or parcel, tract or lot of land shall be used for any purposes harmful to public health, safety or comfort by reason of the emission of odor, fumes, dust, gas, chemicals, poisonous fluids or substance, vibration, noise or other cause of danger.

4.1 Use of a trailer, mobile home or recreational vehicle as living or sleeping quarters is prohibited. Not more than one trailer or mobile home/recreational vehicle may be kept on any tract, parcel or lot of land. However, if the tract, parcel or lot of land serves as a legal parking area for a multi-family dwelling, not more than one (1) trailer or mobile home/recreational vehicle per legal dwelling unit shall be kept on the property. For purposes of this section a trailer, mobile home, and recreational vehicle is any vehicle, whether or not it has motive power of its own, either resting wheels, jacks or other foundation, which is designed, constructed, altered or converted in any manner so as to permit occupancy thereof for dwelling or sleeping purposes. This prohibition does not apply to temporary use as authorized by Massachusetts General Laws Chapter 40A.

4.2 Adult Uses

Adult uses shall be allowed by Special Permit in the VM District only. As required by G.L. Chapter 40A, Section 9A, any existing adult uses shall apply for a Special Permit within 90 days of the adoption of this Section 5.5-6 by Town Meeting. In addition to applicable Special Permit and site plan criteria, such uses shall satisfy the following additional standards:

a. No adult use shall be located within 500 feet of any single-family, two-family, or multi-family residence, or of any school, day care center, library, religious institution, park or other public recreation area, or recreational business.
b. No adult use shall be located within 1,000 feet of any other adult use or of any establishment licensed under G.L. Chapter 138, Section 12.
c. Adult uses shall be set back at least one hundred (100) feet from all public rights-of-way.
d. No Special Permit for an adult use shall be granted to any person convicted of violating the provisions of G.L. Chapter 119, Section 63 or G.L. Chapter 272, Section 28.
e. The Zoning Board of Appeals shall hold a public hearing on an application for a Special Permit for an Adult Use within twenty-one (21) days of filing with the Town Clerk, and shall take final action on the application with ninety (90) days of the close of the public hearing.

4.3 No structure or combination of structures on a building lot shall have an aggregate footprint in excess of 10,000 square feet. This restriction shall not apply to the municipal uses of the town of Williamsburg.

4.4 Maximum height for any structure shall be forty (40) feet except as noted below;

4.5 Height Exceptions

a. Otherwise applicable height limitations shall not apply to any flag pole, radio or television receiving antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet, or railing, water tank, or any similar structure, provided that such structure is firmly attached to the roof or side of a building and covers no more than 10% of the roof area of the building.

b. Barns, silos, solar energy systems, and wind energy conversion systems may exceed applicable height limits, provided that they comply with all other provisions of this Bylaw, and provided that for every one foot by which such structures exceed the height limit, the minimum setback requirements are increased by one (1) foot, up to a maximum of ninety (90) additional feet.

c. Wireless communication facilities are subject to the provisions of Section 11.4., below.

4.6.1 Temporary Medical Marijuana Moratorium

Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health promulgated regulations effective May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a specifically permitted use in the Town of Williamsburg. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider these issues. Such a study will consider the potential impact of State regulations on local zoning, and will consider amending our Zoning Bylaw. The State Regulations are expected to provide guidance to the Town in regulating medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers to allow sufficient time to address these issues, and to propose bylaws consistent with sound land use planning goals and objectives.

Section 4.6.2 Definition
"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 4.6.3 Temporary Moratorium
For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

SECTION 5 - SPECIAL PERMITS

5.0 Special Permits are required for certain uses, structures or conditions as specified in the Schedule of Use Regulations.

5.1 Purpose

Special Permits are intended to provide detailed review of certain uses and structures, which may have substantial impact upon traffic, utility systems, and the environment, among other things. The Special Permit review process is intended to ensure a non-detrimental relationship between proposed development and its surroundings, and to ensure that the proposals are consistent with the purpose and intent of this Bylaw.

5.2 Zoning Board of Appeals

As specified in Use Regulations, the Zoning Board of Appeals shall be the permit granting authority for all uses requiring a Special Permit. The Zoning Board of Appeals is specifically authorized to act under this Bylaw in accordance with the provisions of Section 9, Chapter 40A of The Massachusetts General Laws, as amended.

5.3 Actions by the Applicant

5.31 The applicant shall file a Special Permit Application, a filing fee, a list of the abutters, and six (6) copies of the required site plan with the Zoning Board of Appeals. Applications are available from the Town Clerk.

5.32 The applicant is responsible for filing one (1) copy of the Special Permit Application with the Town Clerk. The effective date of filing is the date the application is filed with the Town Clerk.

5.33 Filing fee to cover the expense of legal notices and administration costs shall be set by the Zoning Board of Appeals (See paragraph 5.41). The fee shall be delivered with the application.

5.34 The applicant shall file with the application a list of abutters with their addresses as they appear on the most recent applicable tax list. Abutters include all landowners within three hundred (300) feet of the property line of the petitioner, not withstanding that the land of any owner is located in another city or town, as deigned by Section 11, Chapter 40A, General Laws, as amended.

5.35 The applicant shall file with the application a plan(s) of any proposed sign(s) showing the location and design. Such signs shall conform to all provisions of this Bylaw.

5.4 Actions by the Zoning Board of Appeals

5.41 The Zoning Board of Appeals shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of the Special Permit application, including the costs of any engineering or planning, legal, and/or other, consultant services necessary for review purposes.

A review fee may be imposed only if:

a. The work of the consultant consists of review of studies or application materials prepared on behalf of the applicant, and not of independent studies on behalf of the Zoning Board or others,

b. The work is in connection with the applicant's specific proposal, and

c. All written results and reports are made part of the record before the Zoning Board of Appeals.

5.42 After receipt of an application for a Special Permit which fulfills the requirements of Section 5.3, the Zoning Board of Appeals shall schedule a public hearing, public notice of which shall appear in a local newspaper and be posted in the Town Office Building and public places in the Town of Williamsburg at least fourteen (14) days prior to the date of the hearing.

5.43 Notice of the Public Hearing shall include: (1) name of the applicant; (2) a description of the area or premises including a street address, if any; (3) the date, time and place of the public hearing; (4) the subject matter of the hearing; and (5) the nature of the action or relief requested.

5.44 In addition, the Zoning Board of Appeals shall ensure that notice of public hearings on Special Permits is sent to "parties of interest" as required by section 11, Chapter 40A of the Massachusetts General Laws, as amended.

5.45 The Zoning Board of Appeals shall open the public hearing no later than sixty-five (65) days after the date that the Special Permit application is filed with the Town Clerk and shall take final action on the application within ninety (90) days of the close of the public hearing. This Section shall not apply to Adult Use applications, see Section 4.3(f) above.

5.46 The Zoning Board of Appeals may, in the review of the Special Permit application conduct a site visit of the lot that is the subject of the application.

5.5 Criteria

Where a Special Permit may be authorized by the Zoning Board of Appeals under this Bylaw, said Authority may grant, upon written application, such Special Permit if it finds among other findings:

a. That the structure and use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.
b. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, or excessive noise.
c. The proposed use shall comply with any and all additional Special Permit criteria or special use regulation imposed by this Bylaw.
d. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.
e. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other waste generated by the proposed use.
f. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use screening or vegetated buffer zones.

5.6 Site Plan Requirements

In all instances where a Special Permit is required for the proposed uses as specified in the Schedule of Use Requirements, no building or structure shall be erected or externally enlarged, or operation conducted, and no area for parking, loading or vehicular service (including driveways giving access thereto) shall be established or changed, except in conformity with a site plan bearing the endorsement of approval of the Zoning Board of Appeals. Said site plan shall show, the following and any other relevant items that the Zoning Board of Appeals may require: All existing and proposed buildings and structures and their uses, parking areas, loading areas, driveways, service areas, and all other open space areas, all facilities for sewer, refuse and other waste disposal and for surface water drainage, zoning district boundaries, and all landscape features (such as walks, planting areas, trees, fences, and signs) on the lot. Said plan shall be subject to such rules relating to scale, dimensions, legend, form and preparation as may from time to time be promulgated by the Zoning Board of Appeals.

5.7 Conditions, Safeguards, Limitations

In granting a Special Permit, the Zoning Board of Appeals may, in accordance with MGL Chapter 40A, impose conditions, safeguards and limitations to be enforced in accordance with section 7. Such conditions, safeguards, and limitations shall be in writing and may include but are not limited to the following:

a. Front, side and rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fencing or wall as specified by the Zoning Board of Appeals.
b. Limitations of size, number of occupants, method or time of operation or extent of facilities.
c. Regulations of number and location of driveways, or other traffic features and off street parking or loading requirements, or special permit features beyond the minimum required by this Bylaw.
d. Screening of parking areas or other parts of the premises from adjoining properties or from streets by the use of walls, fences, plantings or other such devices.
e. Measures to protect against environmental pollution.
f. Performance bond or other security to ensure that the project meets the conditions specified in the Special Permits.

Any conditions, safeguards or limitations shall be imposed in writing and shall be made a part of the special permit.

5.8 Decisions and vote requirements

The Zoning Board of Appeals shall act within ninety (90) days following the date of the close of the public hearing. Failure to take final action upon an application for Special Permit within said ninety (90) days shall be deemed to be a grant of the permit applied for unless said deadline has been extended by written agreement of the applicant and the Zoning Board of Appeals. Special Permit issued by the Zoning Board of Appeals shall require a unanimous affirmative vote of the board.

5.9 Lapse of Permit

If substantial use or construction has not commenced without good cause within two (2) years from the date of issuance of a Special Permit, including the time required to pursue or await the determination of an appeal, the Special Permit will lapse. The date of issuance shall be the date that the special permit decision is filed with the Town Clerk.

5.10 Change, Alteration, or Expansion.

Any substantial change, alteration, or expansion of a use allowed by Special Permit shall require a new special permit from the Zoning Board of Appeals.

SECTION 6 - SITE PLAN REVIEW

6.0 Project Requiring Site Plan Review

No Special Permit or building permit shall be granted for any non-residential structure or structures which have a footprint exceeding 5,000 square feet, unless a Site Plan has been reviewed by the Planning Board. This requirement shall not apply to agricultural uses as defined by section 3 of section 40A of the M.G.L.

6.1 Purpose

The purpose of Site Plan Review is to further the purposes of this Bylaw and to ensure that new development of large, non-residential and non-agricultural structures is designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and adequate drainage of surface water.

6.2 Application

6.21 Each application for Site Plan Review shall be submitted to the Planning Board by the current owner of record, accompanied by eleven (11) copies of the Site Plan.

6.22 The Planning Board shall by regulation establish a fee schedule for each such application

6.3 Required Site Plan Content

A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans. All Site Plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

a. The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
b. Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
c. Existing and proposed structures, including dimensions and elevations.
d. The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
e. The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
f. Proposed landscape features including the location and a description of screening, fencing and plantings.
g. The location, dimensions height, and characteristics of proposed signs and lighting.
h. The location and a description of proposed open space or recreation areas.
i. The Planning Board may request any additional information it judges to be necessary or convenient, or waive any information requirements it finds unnecessary, for the review of a particular plan.

6.4 Procedures for Site Plan Review

a. An application for a Special Permit for a use or structure requiring Site Plan Review shall be considered incomplete without an application for Site Plan Review by the Planning

Board.

b. The period of review for a Special Permit requiring site plan review shall be the same as any other Special Permit and shall conform to the requirements of Chapter 40A Section 9, "Special Permits." Specifically a joint Public Hearing shall be held by the Planning Board and the Zoning Board of Appeals within sixty-five (65) days of the filing of a Site Plan Review application with the Planning Board. Within forty-five (45) days of the joint Public Hearing, the Planning Board and the Zoning Board of Appeals shall hold a joint meeting at which the Planning Board shall report its findings and recommendations regarding the Site Plan application. Within forty-five (45) days after the joint meeting, and no longer than ninety (90) days from the date of the close of the Public Hearing, the Zoning Board of Appeals shall, after due consideration of the recommendations of the Planning Board, take final action on the Special Permit.

6.5 Site Plan Review Criteria

6.51 The following criteria shall be considered by the Planning Board in the review and evaluation of a Site Plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located:

a. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:
   1. Minimize impact on wetlands, steep slopes, flood plains, hilltops;
   2. Minimize obstruction of scenic views from publicly accessible locations;
   3. Preserve unique natural or historical features;
   4. Minimize tree, vegetation and soil removal and grade changes;
   5. Maximize open space retention;
   6. Screen objectionable features from neighboring properties and roadways.

b. In the absence of town services, the development shall be served with adequate water supply and waste disposal systems provided by the applicant. For structures to be served by an on-site waste disposal system, the applicant shall submit a septic system design prepared by a Certified Engineer and approved by the Board of Health.

c. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak-hour vehicular traffic to be generated by the site, traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate circulation within the site.

d. The Site Plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential for flooding. Drainage shall be designed so that run-off shall not be increased and that neighboring properties will not be adversely affected. A system of groundwater recharge shall be provided that does not degrade groundwater quality. Recharge shall be by storm water infiltration basins or a similar system covered with natural vegetation. Dry wells shall be used only where other methods are not feasible. All basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

e. Electric, telephone, cable TV, and other such utilities are required to be underground unless proven to be physically and environmentally unfeasible.

f. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and other unsightly structures or uses shall be set back or visually screened to protect the neighbors from objectionable site characteristics.

g. Outdoor lighting shall be designed to prevent glare or light, which reflects, strays or scatters beyond the subject structure or structures.
h. Noise generated by machinery or equipment shall not extend beyond the property line.
i. The Site Plan shall comply with all other provisions of this bylaw.

6.52 Before a finding on a Site Plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.

6.53 After a public hearing, the Planning Board may waive, for good cause shown, any or all requirements of Site Plan Review where such action is in the public interest and not inconsistent with the purpose and intent of this Bylaw.

6.6 Finding

6.61 The Planning Board's finding shall consist of:
a. A written denial of the application, stating that the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies decisional criteria set forth in this section.
b. A finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate.
c. A finding that the proposed project does not constitute a suitable development in that it does not meet the criteria set forth in section 6.5.

6.62 The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.

SECTION 7 – SPECIAL OVERLAY DISTRICTS

7.1 Floodplain Overlay District

7.1.1 Purpose

The purposes of the Floodplain Overlay District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the floodplain, and to preserve and maintain the ground water table and water recharge areas within the floodplain.

7.1.2 Overlay District Delineation

7.1.21 The Floodplain Overlay District is delineated on the Williamsburg Flood Insurance Rate Map (FIRM), dated June 1, 1981, as Zones A, A1-30, to indicate the 100-year floodplain. The precise boundaries of the Overlay District are defined by the 100-year flood elevations shown on the FIRM and further defined by the Flood Profile contained in the Flood Insurance Study, dated June 1, 1981. The floodway boundaries are delineated on the Williamsburg Flood Boundary Floodway Map (FBFM), dated June 1, 1981, and further defined by the Floodway Data Tables contained in the Flood Insurance Study.

7.1.22 Within Zone A, where the 100-year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Planning Board. If the data is sufficiently detailed and accurate it shall be relied upon to require compliance with the Bylaw and the State Building Code.

7.1.3 Use Regulations

All development, including structural and nonstructural activities, whether permitted by right or by Special Permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplain (currently Section 744).

7.1.3.1 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows shall be permitted provided they do not require new structures, fill, or storage of materials or equipment:

a. Agricultural uses such as farming, grazing, truck farming, horticulture;
b. Forestry and nursery uses;
c. Outdoor recreational uses, including fishing, boating, play areas;
d. Conservation of water, plants, wildlife;
e. Wildlife management areas; foot, bicycle, and/or horse paths;
f. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
g. Buildings lawfully existing prior to the adoption of these provisions.

7.1.3.2 Special Permits

No structure or building shall be erected, constructed, substantially improved, reconstructed, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Zoning Board of Appeals following the procedures in Section 5. The Zoning Board of Appeals may issue a Special Permit hereunder provided that:

a. The proposed use complies with all provisions of this bylaw, including all requirements for Special Permits in Section 5.
b. There will be no encroachment in the floodway, including fill, new construction, substantial improvements to existing structures, or other development, unless the applicant provides certification by a registered professional engineer that such encroachment will not result in any increase in flood levels during the occurrence of the 100-year flood.
c. The Zoning Board of Appeals may specify such additional requirements and conditions as it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

Section 7.2 - Water Supply Protection Overlay District

7.2.1 Purpose

The purposes of the Water Supply Protection Overlay District are to promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater supply resources of Williamsburg from any use of land or structures that reduce the quality or quantity of its water supply resources.

7.2.2 Scope of Authority

The Water Supply Protection Overlay District shall be superimposed on the other districts established by this Bylaw. All regulations of this Bylaw applicable to such underlying districts shall remain in effect, except that where the Water Supply Protection Overlay District imposes additional regulations, such regulations shall prevail.

7.2.3 Overlay District Delineation

7.2.31 The Water Supply Protection Overlay District is herein established to include all lands within the Town of Williamsburg lying within the primary and secondary recharge areas of groundwater aquifers and watershed areas of reservoirs that provide or may in the future provide public water supply. The map entitled "Water Supply Protection District", on file with the Town Clerk, delineates the boundaries of the District.

7.2.32 Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s), the Town may engage a professional hydro-geologist to determine more **accurately the location and extent of an aquifer recharge or watershed area. In the case of a determination by a hydro-geologist that the bounds delineated on the above said map are incorrect for the property in question, the Town shall pay for the investigation. In the case of a determination by a hydro-geologist that the bounds delineated on the map are c**orrect for the property in question, the owner(s) shall pay for the investigation.

7.2.4 Prohibited Uses

a. Uses which manufacture, use, process, store or dispose of hazardous materials except for:
   1) very small quantity generators, as defined by 310 CMR 30.00;
   2) household hazardous waste collection centers or events operated pursuant to CMR 30.390;
   3) waste oil retention facilities required by MGL. c. 21, § 52A; and
   4) treatment works approved by the Water/Sewer Commission designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters

b. Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the U.S Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto;

c. Car washes, except when connected to public water and sewer.

d. Solid waste landfills, open dumps, junk and salvage yards.

e. Business and industrial uses, not agricultural, which involve the on-site disposal of process waste from operations.

f. Non sanitary waste water treatment or disposal works subject to 314 CMR 5.00, except for:

1) the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);

2) treatment works approved by the Water/Sewer Commission designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and

3) publicly owned treatment works, or POTW;

4) disposal of liquid or leachable wastes, except for residential subsurface waste disposal systems, normal agricultural operations, and business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for patrons and employees.

g. Outdoor storage of commercial fertilizer, road salt, de-icing materials, pesticides, herbicides, and animal manure

h. The use of septic system cleaners, which contain toxic chemicals

i. Land uses that result in the rendering impervious any lot or parcel more than 15% or 2500 square feet, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

7.2.5 Restricted Uses

a. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table. The property owner to verify groundwater elevations shall install a monitoring well. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.

b. Access roads to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.

c. The use of sodium chloride for ice control shall be minimized, consistent with public highway safety requirements.

d. stockpiling and disposal of snow or ice removed from highways and streets located outside of the Zone that contains sodium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal;

e. storage of commercial fertilizers, as defined in MGL Chapter 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate

f. Storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface, and either:

1) in containers or above ground tanks within a building, or;

2) outdoors in covered containers or above ground tanks in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

7.2.6 Drainage

All runoff from impervious surfaces shall be recharged on the lot by being diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps

to facilitate removal of contamination. All drainage structures and systems and recharge areas shall be permanently maintained in full working order by the owner.

7.2.7 Uses by Special Permit

With the exception of those uses prohibited in Section 8.3 of this bylaw, commercial or industrial uses, allowed in the underlying district may be allowed in the Water Supply Protection District by Special Permit from the Board of Appeals. Any enlargement, intensification or alteration of an existing commercial or industrial non-conforming use in the district shall also require a Special Permit under this section.

a. Requirements for Special Permit in the Water Supply Protection District: The applicant shall file six (6) copies of a site plan prepared by a qualified professional with the Board of Appeals. The site plan shall at a minimum include the following information where pertinent:

1. Provisions to prevent contamination of groundwater by petroleum products, hazardous materials or wastes;
2. Drainage recharge features and provisions to prevent loss of recharge;
3. Provisions to control soil erosion, sedimentation and soil compaction;
4. Provisions to prevent seepage from sewer pipes;
5. A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Every business using or storing such hazardous materials shall file a definitive operating plan which shall comply with the rules and regulations of the Williamsburg Board of Health and all other applicable local, state and federal regulations.
6. Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act, 310 CMR 30.

7.2.71 Application requirements for Special Permit in the Water Supply Protection Overlay District. The applicant shall comply with all application requirements for Special Permits contained in Section 5. The application shall include the following information where pertinent:

a. Provisions to prevent contamination of groundwater by petroleum products, hazardous materials or wastes;
b. Drainage recharge features and provisions to prevent loss of recharge;
c. Provisions to control soil erosion, sedimentation and soil compaction;
d. Provisions to prevent seepage from sewer pipes;
e. A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Every business using or storing such hazardous materials shall file a definitive operating plan which shall comply with the rules and regulations of the Williamsburg Board of Health and all other applicable local, state and federal regulations.
f. Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act, 310 CMR 30.

7.2.72 Review of Special Permits in the Water Supply Protection Overlay District

a. The Zoning Board of Appeals shall follow all procedures for Special Permits as provided in Section 5.

b. The Zoning Board of Appeals may grant the Special Permit only upon finding that the proposed use meets the standards in Section 5.1 of this Bylaw. In addition, the Zoning Board of Appeals must find that the proposed use will:

1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection Overlay District; and

2) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water related natural characteristics of the site to be developed.

c. A Special Permit under this section shall not be granted unless the application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in 8.61.

Section 7.3 Age Restricted Housing Community Overlay District

7.3.1 Purpose

The purpose of the Age Restricted Housing Community Overlay District is to promote the health, safety and welfare of the community by restricting such Communities to areas of Williamsburg able to safely manage water and sewer service to such Communities.

7.3.2 Scope of Authority

The Age Restricted Housing Community Overlay District shall be superimposed on the other districts established by this Bylaw. All regulations of this Bylaw applicable to such underlying districts shall remain in effect, provided however, to the extent that such regulation are inconsistent with the provisions of the Age Restricted Housing Community Overlay District , in which event, the provisions of the Overlay District shall apply.

7.3.3 Overlay District Delineation

7.3.3.1 The Age Restricted Housing Community Overlay District is herein defined as the areas of town serviced at a public way by Williamsburg public sewer and Williamsburg public water.

Section 7.4 Solar Photovoltaic Overlay District

7.4.1 Purpose

The purpose of the Solar Photovoltaic Overlay District (SPOD) is to protect the health, safety and welfare of the community by promoting the creation of large-scale commercial ground-mounted solar photovoltaic installations of appropriate sizes and scales within the Town of Williamsburg.

7.4.2 Scope of Authority

The SPOD shall be superimposed on the other districts established by the Williamsburg Zoning Bylaw. All regulations of this Bylaw applicable to such underlying districts shall remain in effect, except that where the SPOD imposes additional regulations, such regulations shall prevail. The application of the SPOD shall not restrict the uses allowed by right or special permit in the underlying zone.

7.4.3 Solar Photovoltaic Overlay District Delineation

The SPOD is delineated on the Williamsburg Zoning Map as amended May 14, 2013, and is described in Section 7.4 herein

7.4.4 Solar Photovoltaic Overlay District Requirements

All of the requirements of Section 9.30 shall apply to the SPOD.

Allowed Installations

In the SPOD commercial Solar Photovoltaic installations up to 20 acres in area are allowed as of right with Site Plan Review by the Planning Board. This bylaw does not apply to solar photovoltaic installations for residential use, or to ground-mounted photovoltaic installations smaller than 1.25 acres in area, which will continue to be allowed and regulated by compliance with building and electrical codes.

Section 8 Reserved for future use

SECTION 9 - DISTRICT LOCATIONS AND AREA PROVISIONS

9.0 General

a. No building or structure or any part thereof shall be located within forty (40) feet of the property line along a public way nor within fifteen (15) feet of the side lot line or rear lot line. This subsection (a) shall not apply to stone walls four (4) feet or less in height, retaining walls that retain four (4) feet or less of unbalanced fill and fences six (6) feet or less in height which do not impair visibility at intersections in a manner which endangers traffic or pedestrian safety. All walls and fences within ten (10) feet of a public road must allow sufficient room for snow removal. This exemption does not remove the requirement for a building permit.

b. A building lot shall have a minimum frontage of not less than two hundred (200) feet contiguous along a public way and shall contain not less than 65,000 square feet of area.

c. Every principal structure, other than buildings used for agricultural purposes, shall be constructed on a building lot, and no more than one such principal structure shall be permitted per lot.

d. No structure shall be constructed or modified for human habitation into more than one dwelling unit unless the lot upon which that structure is situated contains for each additional dwelling unit a minimum area 10% greater than that required for the previous number of dwelling units (i.e., for two dwelling units: the minimum lot area required for a single family dwelling in that zone plus 10%; for three dwelling units: the minimum lot area required for two dwelling units in that zone plus 10%, and so on.

e. Primary access to a building lot shall be through the lot frontage unless a Special Permit has been issued by the Zoning Board of Appeals.

f. For provisions applicable to Overlay Districts, see the particular Overlay District section in this Bylaw

9.1 Accessory Apartments

a. An accessory apartment shall be defined as a dwelling unit containing a kitchen and bath within an existing single family dwelling.

b. Accessory apartments may be allowed only by Special Permit issued by the Zoning Board of Appeals.

c. Accessory apartments shall only be allowed in an owner-occupied dwelling.

d. Total floor space of the accessory apartment shall not exceed 750 square feet or one-third of the total livable square footage of the dwelling, whichever is greater.

e. The accessory apartment may not be occupied by more than three persons.

f. The applicant for a Special Permit for an accessory apartment must present to the Board of Appeals sufficient guarantees of a covenant which will be filed with the Registry of Deeds stating the conditions of use for the accessory apartment as established by the Zoning Board of Appeals.

g. The accessory apartment must comply with the parking requirements and all other sections of this Bylaw.

9.2 Accessory structures

a. A maximum of two (2) accessory structures to a principal use which separately do not exceed 150 square feet in area or twelve (12) feet in height may be located within the side and rear setback area to a distance no closer than four (4) feet from the property line, however such structures may not be located within thirty (30) feet of a dwelling unit on an abutting building lot.

These structures may not be used for human habitation, housing animals, or the storage of hazardous materials or manure.

b. Accessory structures to a principal use shall not have a total aggregate square footage exceeding 1,500 square feet unless a special permit has been issued by the Zoning Board of Appeals. This shall not apply to agricultural uses as defined by MGL Sec. 40A.

9.3 Lot Coverage

The maximum aggregate coverage of a building lot shall be 50% in the Village and Village Mixed Zones and 25% in the rural zone. Coverage shall include the footprint and impervious surfaces. Changes to pre-existing non-conforming structures may exceed this amount upon the granting of a Special Permit by the Zoning Board of Appeals. For ground-mounted solar photovoltaic installations see Section 9.30-8.2.

9.4 Projections

1. No structural projection shall extend over any public way or property line.
2. The following projections into required yards shall be permitted:
   a. Steps and stairs: four feet into required side or rear yards.
   b. Awnings or movable canopies: six feet into any required yard.
   c. Cornices, eaves, and other similar architectural features: three feet into any required yard.
3. Porch
   An open or screened porch may project eight feet into a required front yard.

9.5 Rain Water

Rain water leaders and drains shall not be placed to discharge water upon a sidewalk and no part of any building or structure shall be constructed so as to allow water, snow, ice or waste material to be deposited upon or discharged upon a public way or place dedicated to public use.

9.6 Off-street Parking

All uses shall provide adequate off-street parking, which shall be determined at the time of Special Permit, Site Plan or building permit approval. The Zoning Board of Appeals may establish specific schedules of parking requirements for specific uses from time to time as it deems necessary. Waivers from requirements for on-site parking may be granted by the Zoning Board of Appeals for lots within the Village Residential and Village Mixed zones where provision of on-site parking is impractical. Waivers may also be granted in any district if the property owner can demonstrate that actual parking demand for the specific use will be less than required and/or that off-site, on-street, or shared parking can feasibly meet the need. An initial list of specific minimum requirements is as follows:

a. Residential use: two (2) spaces per dwelling unit.
b. Office, business, service, clinic or store: one (1) space per 250 square feet of gross leaseable area.
c. Restaurant and public meeting space: one (1) space for every four (4) seats.
d. Parking for uses not listed shall be determined by the Zoning Board of Appeals.
e. Refer to Section 9.30-9.5 for Solar Photovoltaic Installation parking.

9.7 Fences

a. Fences shall be set back at least one (1) foot from side and rear property lines, with the finished side of the fence facing out, and with all wiring, structural elements, and other components of the fencing not designed for presentation to the public facing the interior of the property.

a. Swimming Pools

1. All in-ground swimming pools shall be enclosed, and such enclosures, including any gates, shall be secured against unauthorized entry, and shall be not less than four (4) feet in height.
2. Any decks, ladders, or catwalks on above ground pools with a wall height of more than eighteen (18) inches shall be secured against unauthorized entry.

c. Corner Clearance/Visibility at Intersections.

Where necessary to provide visibility for traffic safety, the Highway Superintendent may require all or a portion of any corner lot to be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. This provision shall not apply to intersections with traffic signals or four-way stop signs

9.8 Signs

Section 9.81 Permitted Signs

a. Signs Not Requiring a Special Permit

1. Noncommercial signs are permitted in all zones.

2. One sign, not exceeding seven (7) square feet in area, located on the property advertising contractors working or real estate for sale or rent. In the case of subdivisions, the sign may be located at the entrance to the subdivision on property which is part of the subdivision.

3. Temporary signs that are in compliance with this section may be displayed for a period not to exceed three (3) months in any one year.

4. Commercial Sign Area- On a single contiguous lot on which a business or businesses are located, freestanding or projecting signs are allowed up to the following areas:

a) Village Mixed Zone- 1 business- 12 square feet

2 businesses- 24 square feet
3 businesses- 30 square feet
4 businesses- 36 square feet
5 or more- 40 square feet

On multi business signs, no one business may have more than 12 square feet of sign space.
An additional 4 square feet is allowed for the street address with the street number being at least 6” high and in a contrasting color.

Each business is allowed one additional sign on the building conforming to the above area chart and the bylaw provisions. Only one side of a freestanding or projecting sign shall be counted toward the measurement of the maximum sign area.

b) Village residential- 2 square feet for home businesses

c) Rural residential- 2 square feet for home businesses, 12 square feet for agricultural.

d) A building permit may be required for commercial signs.

5. Off premises signs not exceeding 4 square feet directing the public to specific establishments are allowed in the Village Mix Zone.

b. Signs Requiring a Special Permit

Signs permitted in Village Mixed and not prohibited by Sign Restrictions section below may be allowed in Village Residential and Rural Residential by Special Permit.

9.82 Sign Restrictions

a. Signs shall be illuminated only by shaded or indirect light of constant intensity, and no sign shall be illuminated internally or by flashing, intermittent, rotating, or moving light or lights, or have any visibly moving parts or noise-making devices.

b. No sign or light shall be placed so as to constitute a traffic hazard or nuisance.

c. No sign shall be placed on the roof of any building or structure, or extend above the parapet or eave line of the main structure.

d. A freestanding sign shall not exceed ten (10) feet in height above grade. It shall not be closer to the front property line than fifteen (15) feet except by Special Permit. A real estate or a contractor sign may be closer to the front property line than fifteen (15) feet by right, provided that it does not constitute a traffic hazard. No more than one (1) freestanding sign may be permitted per lot, except that on lots with more than 400 feet of road frontage, Special Permit may permit one (1) freestanding sign for each 200 feet of frontage.

e. Signs must be removed within thirty (30) days by the owner of the premises, unless it qualifies for a historical exemption, when:

1. Sign has been abandoned

2. The business or activity no longer exists

3. The product described is no longer carried

9.83 Exemptions and Non-Conforming Signs

a. Historical exemptions: A sign may be considered exempt from Section 9.82e when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) of the following criteria:

1. Is identified with the history of a product, business or service advertised.

2. Reflects the history of the building or a Historic District on/in which located.

3. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.

4. Exemplifies or reflects the Town's cultural, social, economic, political, engineering and/or architectural history.

The Planning Board will determine historical exemptions and recommend to the Zoning Enforcement Officer.

b. Non-Conforming Signs:

1. Signs, which were legal under any prior Bylaw and are illegal hereunder, shall be considered to be in violation of the Bylaw

2. Signs which were legal when constructed but are prohibited by this Bylaw shall be allowed to continue as non-conforming structures.

9.9 Soil Mining

The removal of soil, clay, sand, gravel or stone from land not in public use in a quantity greater than twenty (20) cubic yards in any one (1) year, except when incidental to or in connection with the construction of a building or structure for which a permit has been issued or incidental to the grading and development of contiguous property may be allowed only upon Special Permit from the Zoning Board of Appeals.

a. Persons removing gravel shall replace topsoil when available and leave the terrain in a safe condition.

9.10 Unregistered Motor Vehicles

a. An unregistered motor vehicle is defined as any motor vehicle required to be registered by the laws of the Commonwealth of Massachusetts for operation on public ways and not so registered.
b. A junk motor vehicle is defined as any motor vehicle not capable of being operated on public ways because of its being damaged or dismantled or its not containing parts necessary for such operation.

c. No unregistered motor vehicle shall be parked, stored, or otherwise placed in the open upon any tract, lot, or parcel of land for a period of more than six (6) months subsequent to January 1 of any year, or subsequent to the required registration date of a former non-resident.
d. No junk motor vehicle shall be parked, stored, or otherwise placed in the open upon any lot, tract, or parcel of land for a period of more than thirty (30) consecutive days.
e. The above restrictions shall not apply to unregistered motor vehicles or junk vehicles parked, stored, or otherwise placed upon land permitted to be used for business purposes by duly licensed dealers in new or secondhand motor vehicles, nor to vehicles used principally for farming purposes.

9.11 Home Occupations

9.11-1 Home Occupations which are incidental to a permitted primary residential use of a dwelling unit, may include and are not limited to the following:

a. Antique or gift dealer, artist, dressmaker, hairdresser, handcrafter, insurance or real estate broker, milliner, musical instructor.
b. Use of premises in connection with the trade of a resident carpenter, electrician, painter, plumber, mason or other artisan
c. Professional offices of a resident doctor, dentist, optician, clergy, lawyer.
d. Cultivation for off premises sale of fruits, vegetables, and flowers.

9.11-2 Home occupations shall not include those uses defined in the Zoning By-Law of the Town of Williamsburg, which require a Special Permit from the Zoning Board of Appeals. A Home Occupation shall be in compliance with the following:

a. There shall be no external change which alters the residential appearance of the building on the lot.
b. The use shall not change the character of the dwelling unit and shall not be characterized by outward manifestations, such as traffic generation, noise, public services and utility demand, etc., unlike those of dwelling units in the particular neighborhood in which the dwelling is located.
c. All operations, including incidental storage, shall be carried on within the dwelling unit except as permitted by Section 9.11 – 1d and no more than 1,000 sq. ft. of floor space shall be used for the home occupation.
d. The use shall not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use shall not pose a hazard to abutters, vehicles or pedestrians.
e. Adequate off-street parking shall be provided to prevent interference with traffic flow.
f. A single sign no greater than two (2) square feet in area may be displayed on the lot. No off-premise signs shall be permitted.
g. The occupation and use shall be pursued by at least one (1) member of the family residing in the dwelling unit with not more than the equivalent of one (1) full time employee.
h. The home occupation shall not be in violation of any other provision of this By-law.

9.12 Lighting

Lighting shall not be located or directed in a manner which will cause any glare beyond the building on which the lighting is located.

9.13 AGE RESTRICTED HOUSING COMMUNITY (ARHC)

A master-planned development of land as a unified residential community, constructed expressly for use and residence by persons who have achieved a minimum age of fifty five (55) years, in accordance with M.G.L. Chapter 151 B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board of Appeals.

9.13-1 Purpose

The purposes of the Age Restricted Housing Community Overlay District are:

a. To increase the variety of housing choices for citizens who are 55 years of age and older;
b. To provide well-designed homes affordable to residents who wish to remain in the community;
c. To recognize the importance of diversity and variety in the design of Age Restricted housing communities;
d. To provide housing which reduces residents' burdens of building and yard maintenance and which minimizes demands on municipal services;
e. To promote flexible and efficient use of land while maintaining a respect for its natural beauty.
f. To provide for building at a higher density than would normally be allowed, and allow greater flexibility in site planning to promote affordable housing and the preservation of open space and historic resources within the development; and
g. To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

9.14 Applicability

The Zoning Board of Appeals (hereafter in this Section called the Board), acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Age Restricted Housing Community (ARHC) and accessory structures, in the Age restricted Housing Community Overlay District as defined below:

9.14-1 Age Restricted Housing Community Overlay District Delineation: The age restricted housing community overlay district shall be defined as the areas of town serviced at a public way by Williamsburg public sewer and Williamsburg public water.

9.14-2 Special Permit Approval: Approval by the Board of a special permit hereunder shall not substitute for compliance with MGL Chapter 41: subdivision control laws, nor reduce any time periods for board consideration under the law.

9.14-3 Uses in the ARHC Overlay District:
Non-residential uses may be permitted in the ARHC development upon the issuance of a Special Permit by the Zoning Board of Appeals, provided that such use shall be consistent only with those uses allowed by right and by Special Permit in the Village Residential zone and the gross square footage of the proposed use does not exceed 4% of the gross **building** square footage of the ARHC.

9.14-4 Age Qualification: An ARHC shall constitute housing intended for persons of age fifty-five or over **in accordance with M.G.L. chapter 151B, section 9, sub-section 6.** One hundred percent (100%) of the dwelling units in a Age Restricted Housing Community shall each be occupied by at least one person fifty-five (55) years of age or older except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two (2) year exemption shall be allowed to facilitate the transfer of the dwelling unit to another eligible household.

9.14-5 Applicant Qualifications: The applicant for a Special Permit for an ARHC shall be the owner of the land proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit.

9.14-6 Maximum Number of ARHC Dwelling Units in the Town of Williamsburg: The maximum number of permitted housing units within all permitted ARHC developments in the Town of Williamsburg shall be limited to a number equivalent to five percent (5%) of the existing residential units (excluding ARHC units) located in the Town of Williamsburg. For the purpose of this Bylaw, the number of residential units shall be as established by the Board of Assessors as of January 1 of each calendar year.

9.14-7 Affordability Requirement: A proposal shall, at a minimum, set aside fifteen percent (15%), with a minimum of one (1) unit per development, of the total number of dwelling units provided on the site as affordable Age Restricted housing. For the purposes of this Section, affordable Age Restricted housing shall be defined as dwelling units that are rented or sold to, and occupied by, households earning up to 80% of the Median Area Household Income, as such median is defined by the United States Department of Housing and Urban Development (HUD). Affordable Age Restricted rental units shall be "rent restricted", as such term is defined in the Federal Low-Income Housing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than thirty (30) percent of the income limit. Affordable Age Restricted units shall be dispersed throughout the ARHC and shall be externally indistinguishable from the market rate units. The property owner shall seek the services of a third party entity such as a local community development corporation to manage the assignment of affordable age restricted units.

9.14-8 Permanent Age Restriction: Each dwelling unit within an ARHC shall be subject to a permanent age restriction, described in a deed, deed rider or lease, and the organizational documents for the ARHC shall be recorded with the Hampshire Registry of Deeds or run with the land for a minimum period of 99 years and shall be enforceable by any or all of the owners of the ARHC or by the Town.

9.15 DIMENSIONAL REGULATIONS AND DEVELOPMENT REQUIREMENTS
Except as noted below, an ARHC shall comply with all applicable dimensional regulations and development requirements listed in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, Massachusetts.

a. Lot Area: At the time of granting a special permit by the Zoning Board of Appeals, the property under consideration for an ARHC shall be located on

one or more contiguous parcels, whether or not separated by a public or private way, having an area of at least five (5) acres.

b. Lot Frontage: an ARHC shall have a minimum frontage of not less than 100 feet.

c. Setbacks: There shall be no minimum standards for internal lot line setbacks within the ARHC, however the distribution of buildings and lots within the ARHC shall be distributed in a manner designed to enhance the primary and secondary resources as defined in Section 9.62 and 9.63. There shall be a minimum of 30 feet between the edge of the access drive and any abutting property line.

d. Lot Width: the lot or combination of lots upon which an ARHC is located shall maintain a minimum width of open land between the limits of work of the ARHC and any adjacent property of 50 feet, except for access to the development.

e. Open Space: at least 50% of an ARHC lot shall be maintained as open space as defined in Section 9.5.

f. Number of Dwelling Units: The maximum number of dwelling units allowed in an ARHC is 40. The minimum number of dwelling units allowed in an ARHC is 7.

g. Distribution Of Dwelling Unit Types: In an ARHC development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:
   - At least 50% of the units constructed shall be single-family or two-family dwellings.

h. Parking: Parking for motor vehicles shall be provided as follows:
   - Two (2) spaces per dwelling unit.
   - Guest parking – One (1) space per six (6) dwelling units.
   - Common Facility parking – Additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the ARHC provided that no common facility lot shall contain more than twelve (12) spaces.
   - All driveways must meet the performance standards for parking lots set forth in the Williamsburg Zoning Bylaw, Section 10.

9.15-1 Roadways and Lot Access: All proposed roads shall comply with Section 8 of the Construction Standards as contained in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg and the roadways must be named. The construction and maintenance of roads, driveways, alleyways, and parking areas in an ARHC is the sole responsibility of the project applicant or an association of dwelling unit owners.

9.15-2 Natural and Neighborhood Features: The plan for an ARHC shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the ARHC shall also consider human-designed landscapes by extending existing street tree

plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.

9.15-3 Pedestrian Facilities: The plan for an ARHC shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as a means of transportation. Connections to the Town's existing or planned sidewalk network shall be made by the applicant where possible.

9.15-4 Transit Access: The applicant shall make every reasonable effort to insure adequate access to transit routes, including bus stops, from the ARHC development.

9.15-5 Landscaping And Screening: All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Zoning Board of Appeals, shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.

9.15-6 Accessory Buildings and Structures: In an ARHC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

9.15-7 Other Facilities: All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Zoning Board of Appeals, consistent with applicable provisions of the Williamsburg Zoning Bylaws and the Williamsburg Subdivision Regulations.

9.15-8 Project Maintenance: In an ARHC there shall be an organization of the owners of the residential dwelling units, either a Condominium or Homeowners Association, which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents. The Town of Williamsburg shall assume no responsibility for these facilities unless specifically noted under separate agreement.

9.15-9 Water Supply and Wastewater Disposal: In every development wastewater disposal shall comply with the regulations of the Williamsburg Board of Health and applicable Massachusetts Department of Environmental Protection regulations. No ARHC shall be approved that is not served by the Town of Williamsburg Public Sewer System. No ARHC shall be approved that is not served by the Town of Williamsburg Public Water Supply System.

9.16 BUILDING AND DWELLING UNIT REQUIREMENTS

The following requirements shall apply to all buildings and dwelling units in an Age Restricted Housing Community:

9.16-1 Dwelling Unit Types: Unit types allowed in an approved ARHC are:

- Single-Family Detached
- Duplex or Two-Family Dwelling
- Triplex or Three-Family Dwelling

- Quadplex or Four-Family Dwelling

9.16-2 Maximum D.U. per Building. No building shall contain greater than four (4) dwelling units.

9.16-3 Maximum Number of Bedrooms. No dwelling unit shall contain more than two (2) bedrooms.

9.16-4 Maximum Height: No building shall exceed 35 feet in height.

9.16-5 Architectural Appearance: All buildings shall be compatible with the character, scale and context of the surrounding neighborhood. The applicant shall present and respond to review comments by the Williamsburg Historical Commission.

9.17 OPEN SPACE AND BUFFER AREA REQUIREMENTS

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the required open space areas.

9.17-1 In ARHC development the following requirements for open space shall apply:

a. The open space shall be planned as single, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.

b. Open space areas shall be designed to protect or enhance the primary and secondary resources as defined in Sections 9.62 & 9.63.

c. Where the proposed development abuts or includes a stream, river, body of water or wetland, these areas and the buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to the shorelines.

d. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to the abutting conservation land. Trail connections should be provided where appropriate.

e. No more than 50 percent of the common open space shall be situated within wetlands or the Williamsburg Floodplain Overlay District.

f. Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and the public. The board shall have the authority to approve or disapprove particular uses proposed for the open space.

g. The open space shall be owned in common by the owners of the dwelling units in the ARHC, or by an organization or entity owned and controlled by such dwelling unit owners. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

9.18 APPLICATION PROCEDURES

The Planning Board shall by regulation establish a fee schedule for each application. The procedure for issuance of a special permit for an Age Restricted Housing Community shall be as follows:

9.18-1 Preliminary Plan and Determination of Density:

Applicants shall submit preliminary plans and materials for a joint review by the Zoning Board of Appeals and the Planning Board prior to formal application for special permit. The applicant may submit a Sketch Plan to assist the Boards in making a determination regarding maximum number of dwelling units to be permitted on the tract of land proposed for an AHRC. The sketch plan shall be drawn at 1" = 40' and include a Yield and Proposed development plan as follows:

a. A yield plan drawn to scale shall clearly indicate the number of buildable residential lots the applicant believes would be attainable if the site were to be developed as a conventional subdivision consistent with the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, MA.

b. A proposed development plan drawn to scale shall clearly indicate the primary and secondary resource areas as defined below. From these two resource areas, the final plan shall clearly indicate the building placement, lots and road layout of the proposed AHRC.

c. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans All Proposed Development Plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

- The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
- Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
- Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
- Existing and proposed structures, including dimensions and elevations.
- The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
- The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
- Proposed landscape features including the location and a description of screening, fencing and plantings.
- The location, dimensions height, and characteristics of proposed signs and lighting.
- The location and a description of proposed open space or recreation areas.

9.18-2 Primary Resource Areas:

Primary resource areas should show the following:

a. The location of all wetlands and floodplains as determined by a licensed hydrologist, and/or qualified licensed professional.

b. The location of all significant woodlands, tree lines, or open fields or meadows, rocky outcroppings of ledge or bedrock, public water supply areas, watershed divides, aquifer recharge areas, drainage ways, wildlife habitat and corridor areas and areas of slopes greater than 10%.

c. The location of soil test pits with supporting documentation on test results.

9.18-3 Secondary Resource Areas:

Secondary resource areas should show the following:

a. The location and description of all significant scenic views, fences and stone walls, roads and trails, recreational areas, historic structures and archeological sites.

b. A statement of the proposed use and ownership of the open space as permitted by this bylaw.

9.18-4 Board Determination on Yield Plan:

Based on the sketch plans, drawings and any other materials the applicant submits relevant to the tract under consideration, the Planning Board shall make a determination within 30 days as to the number of conventional lots that can be achieved on the proposed site.

9.18-5 Maximum Density of Proposed Development Plan:

If the proposed area of common open space exceeds 60% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the board times 110 percent. If the proposed area of common open space exceeds 70% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the Planning Board times 120 percent.

9.18-6 Conclusion of the Preliminary Plan Process:

Upon the conclusion of the preliminary plan process, the Planning Board shall approve, approve with modifications or disapprove said preliminary plan and in the case of disapproval, the Planning Board shall state in detail the reasons for its disapproval.

9.19 DEFINITIVE PLAN

A Definitive Plan of an ARHC may be submitted after a preliminary plan application and determination of density has been made by the Planning Board .The purpose of Plan Review is to further the purposes of this Bylaw and to ensure that new development of ARHC residential structures are designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and appropriate drainage of surface water.

9.19-1 Application

a. Each application for ARHC Plan Review shall be submitted to the Planning Board by the current owner of record, accompanied by eleven (11) copies of the Site Plan.
b. The Planning Board shall by regulation establish a fee schedule for each such application
c. A definitive plan may not be submitted without an approval of the preliminary plan as endorsed by the Planning Board.

9.19-2 Required Site Plan Content

Site Plans shall be on standard 24"x 36" drawing. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans. All sheets and shall be prepared at a sufficient scale to show:

a. The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
b. Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
c. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
d. Existing and proposed structures, including dimensions and elevations.
e. The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
f. The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
g. Proposed landscape features including the location and a description of screening, fencing and plantings.
h. The location, dimensions height, and characteristics of proposed signs and lighting.
i. The location and a description of proposed open space or recreation areas.
j. The Planning Board may request any additional information it judges to be necessary or convenient, or waive any information requirements it finds unnecessary, for the review of a particular plan.

9.19-3 Procedures for Site Plan Review

a. An application for a Special Permit for an ARHC requiring ARHC Plan Review shall be considered incomplete without an application for ARHC Plan Review by the Planning Board.

b. The period of review for a Special Permit requiring ARHC plan review shall be the same as any other Special Permit and shall conform to the requirements of Chapter 40A Section 9, "Special Permits." Specifically a joint Public Hearing shall be held by the Planning Board and the Zoning Board of Appeals within sixty-five (65) days of the filing of a Site Plan Review application with the Planning Board. Within forty-five (45) days of the joint Public Hearing, the Planning Board and the Zoning Board of Appeals shall hold a joint meeting at which the Planning Board shall report its findings and recommendations regarding the Site Plan application. Within forty-five (45) days after the joint meeting, and no longer than ninety (90) days from the date of the close of the Public Hearing, the Zoning Board of Appeals shall, after due consideration of the recommendations of the Planning Board, take final action on the Special Permit.

9.19-4 Site Plan Review Criteria

The following criteria shall be considered by the Planning Board in the review and evaluation of an ARHC Plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located.

a. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:
   - Minimize impact on wetlands, steep slopes, flood plains, hilltops;
   - Minimize obstruction of scenic views from publicly accessible locations;
   - Preserve unique natural or historical features;
   - Minimize tree, vegetation and soil removal and grade changes;
   - Maximize open space retention;
   - Screen objectionable features from neighboring properties and roadways.

b. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak-hour vehicular traffic to be generated by the site, traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate circulation within the site.

c. The Site Plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential for flooding. Drainage shall be designed so that run-off shall not be increased and that neighboring properties will not be adversely affected. A system of groundwater recharge shall be provided that does not degrade groundwater quality.

d. Recharge shall be by storm water infiltration basins or a similar system

covered with natural vegetation. Dry wells shall be used only where other methods are not feasible. All basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

e. Electric, telephone, cable TV, and other such utilities are required to be underground unless proven to be physically and environmentally unfeasible.

f. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and other unsightly structures or uses shall be set back or visually screened to protect the neighbors from objectionable site characteristics.

g. Outdoor lighting shall be designed to prevent glare or light, which reflects, strays or scatters beyond the subject structure or structures.

h. Noise generated by machinery or equipment shall not extend beyond the property line.

i. The Site Plan shall comply with all other provisions of this bylaw.

9.19-5 Technical Consultants

If after receiving a subdivision application the Planning Board determines that it requires technical advice 'unavailable from municipal employees and departments to review the application, it may employ outside consultants. The Planning Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Planning Board alone.

a. A review fee may be imposed only if:

- The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
- The board finds that an adequate review can not be performed by Town board members or employees,
- The work is in connection with the applicant's specific project, and
- All written results and reports are made part of the record before the Planning Board.

b. Before a fee is imposed:

- The applicant shall be given five business days notice and opportunity to submit written comments relative to the invitation for bids or request for proposals,
- The applicant shall be given five business days notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract,
- The applicant shall be given five business days notice and the opportunity to file an appeal of the selection of the outside consultant with the Selectboard. Grounds for said appeal are limited to written claims, with written documentation, that the consultant selected has a conflict of interest or does not posses~ the minimum required qualification
- in accordance with MGL Ch. 44, Section 53G.

9.19-6 Finding

a. Before a finding on an ARHC Plan, the Planning Board may request the

applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.

b. After a public hearing, the Planning Board may waive, for good cause shown, any or all requirements of ARHC Plan Review where such action is in the public interest and not inconsistent with the purpose and intent of this Bylaw.

c. The Planning Board's finding shall consist of:

- A written denial of the application, stating that the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies decisional criteria set forth in this section.
- A finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate.
- A finding that the proposed project does not constitute a suitable development in that it does not meet the criteria set forth in section 6.5.

9.20 DEFINITIONS

CONDOMINIUM – A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.

HOMEOWNERS ASSOCIATION - A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common area and facilities and open space of an Age Restricted Housing Community Development, and to enforce certain covenants and restrictions.

OPEN SPACE - Undeveloped land set aside for common or individual ownership as a result of a Retirement Community Development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of Age Restricted Housing Community Development approval is that open space may not be further subdivided.

AGE RESTRICTED - An individual who is 55 years of age or older.

AGE RESTRICTED HOUSING COMMUNITY - A master-planned development of land as a unified, self contained, residential community, constructed expressly for use and residence by persons who have achieved a minimum age requirement for residency of fifty five (55) years or older, in accordance with M.G.L. Chapter 151 B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board of Appeals.

9.30 Ground-mounted Solar Photovoltaic Installation requirements

9.30-1 Purpose

The purpose of this section of the Williamsburg Zoning Bylaw is to promote the creation of commercial ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and provide adequate financial assurance for the eventual decommissioning of such installations.

9.30-2 Applicability

This section of the Williamsburg Zoning Bylaw applies to commercial ground-mounted solar photovoltaic (PV) installations measuring 1.25 acres in area and larger that are proposed to be constructed after the date of adoption of this bylaw. This section also applies to physical modifications that materially alter the type, configuration, physical size and generating capacity of commercial ground-mounted solar photovoltaic installations measuring 1.25 acres and larger. Commercial ground mounted solar photovoltaic installations with a total area between 1.25 acres and 20 acres in the RU and VM Districts and larger than 20 acres in the SPOD require a special permit.

This section of the Williamsburg Zoning Bylaw does not apply to solar PV facilities mounted on buildings or to solar PV facilities for residential use.

9.30-3 General Requirements for All Solar Power General Installations

The following requirements are common to all ground-mounted solar photovoltaic installations proposed to be sited in designated locations.

9.30-3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all commercial ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

9.30-3.2 Building Permit

No ground-mounted commercial solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

9.30-4 Site Plan Review

Ground-mounted solar photovoltaic installations measuring 1.25 (54,450 square feet) acres and larger shall undergo the site plan review outlined in Section 6 of the Williamsburg Zoning Bylaw prior to construction, installation or modification of the facility as provided in this section. The total area of ground-mounted solar photovoltaic structures as measured shall

include the areas where the solar panels are installed, all appurtenant and accessory buildings, access roads, landscaping and visual screening elements.

9.30-4.1 General Site Plan Review Requirements
All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

9.30-4.2 Required Documents
Pursuant to the required site plan content described in Section 6.3 of the Zoning Bylaw, the project proponent shall provide the following additional documents and information. The Planning Board (or Zoning Board of Appeals, if special permit as applicable) may waive any of these requirements as it deems appropriate.

(a) A site plan showing:
- **i.** Property lines and physical features, including roads for the project site, wetlands, wildlife corridors and other relevant features;
- **ii.** Location and approximate height of tree cover, including any trees on public property that are age 75 years and older or with a diameter of 36 inches or greater, and any trees that are within the jurisdiction of the Tree Warden;
- **iii.** Proposed changes to the landscape of the site, including roads, grading, vegetation clearing and planting, roads, parking areas, exterior lighting, screening vegetation or structures;
- **iv.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from structures and vegetation, including those on abutting property(ies);
- **v.** A three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- **vi.** Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
- **vii.** Name, address, and contact information for the proposed system installer;
- **viii.** Name, address, phone number and signature of the project proponent, as well as all co-proponents and property owners, if any;
- **ix.** The name, contact information and signature of any agents representing the project proponent; and

(b) Documentation of actual or prospective access and control of the project site (see also Section 9.30-5);
(c) An operation and maintenance plan (see also Section 9.30-6);
(d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
(e) Proof of liability insurance consistent with industry standards for the proposed facility;
(f) Description of financial surety that satisfies Section 9.30-13; and
(g) Pre- and post-construction color photorealistic visualizations of the existing site and proposed large-scale ground-mounted solar photovoltaic installation from at

least four perspectives (with a total of at least 180-degree separation) specified by the permitting authority, including from the nearest residential structure and of the area(s) that are most publicly visible, with technical explanation of how visualization was produced.

9.30-5 Site Control
The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

9.30-6 Operation and Maintenance Plan
The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

9.30-7 Utility Notification
No ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical distribution system grid where the installation is to be located has been informed by the owner or operator of the proposed solar photovoltaic installation of their intent to install an interconnected customer-owned generator.

9.30-8 Dimension and Density Requirements

9.30-8.1 Setback and Height Requirements
The setbacks for ground-mounted solar photovoltaic installations, including appurtenant structures and parking areas, shall be at least 50 feet from any property boundary. The setback areas shall not be included in the calculation of the size of the ground-mounted solar voltaic installation. The height of a ground-mounted solar photovoltaic installation or any appurtenant structure shall comply with the requirements of Sections 4.4 and 4.5 of the Williamsburg Zoning Bylaw.

9.30-8.2 Lot Coverage
The lot coverage requirements of Section 9.3 of the Williamsburg Zoning Bylaw do not apply to ground-mounted solar photovoltaic installations.

9.30-8.3 Appurtenant Structures
All appurtenant structures to ground-mounted solar photovoltaic installations shall comply with the requirements of Section 9.2 Accessory Structures of the Williamsburg Zoning Bylaw. All such appurtenant structures include but are not limited to equipment shelters, storage facilities, transformers, and substations.

9.30-9 Design Standards

9.30-9.1 Lighting
Lighting of solar photovoltaic installations shall be consistent with Section 9.12 of the Williamsburg Zoning Bylaw and all other applicable state and federal laws. Lighting

of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

9.30-9.2 Signage

Any signs on ground-mounted solar photovoltaic installations and property shall comply with Section 9.8 Sign Restrictions of this Zoning Bylaw.

A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

9.30-9.3 Utility Connections

Reasonable efforts, as determined during the site plan review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

9.30-9.4 Landscaping

All land associated with the ground-mounted solar installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize on-site infiltration of stormwater. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited. Herbicides shall be applied only by properly licensed personnel in conformance with all applicable state regulations.

9.30-9.5 Parking and Access

Reasonable on-site parking is required for vehicles that will service the installation only. The requirements of Section 9.6 Off-street Parking of the Williamsburg Zoning Bylaw do not apply. The requirements of Section 10 Driveway Standards of the Williamsburg Zoning Bylaw do apply. The frontage requirements of Section 9.0 of the underlying district do apply.

9.30-9.6 Visual Impact Mitigation

The plan for a ground-mounted solar photovoltaic installation shall be designed to maximize the preservation of on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. In developed areas, the design of the installation shall consider and

incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be of varieties native to New England. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public road and viewing the installation from a height of 10 feet. Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.

9.30-10 Safety and Environmental Standards

9.30-10.1 Emergency Services

The owner or operator of the ground-mounted solar photovoltaic installation shall provide a copy of the project summary, electrical schematic, and site plan to the Williamsburg Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify and provide contact information for a person who is responsible for responding to all public and emergency inquiries related to the installation. This information shall be updated as needed.

9.30-10.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Sufficient vegetation shall be maintained to minimize soil erosion.

Ground-mounted solar photovoltaic installations shall be installed only upon water permeable surfaces as approved during site plan review.

9.30-10.3 Preservation of Trees

Ground-mounted solar photovoltaic installations shall be designed and constructed to preserve and maintain the health and root systems of significant trees on public property and within the jurisdiction of the Tree Warden that are age 75 years and older or at least three feet in diameter at a height of four feet above the ground. Any removal of trees on public property shall be consistent with MGL Chapter 87 Shade Trees, MGL Chapter 40 Section 15C Scenic Road Designations and all other applicable laws and regulations.

9.30-10.4 Wildlife Corridors

Ground-mounted solar photovoltaic installations shall be designed and constructed to minimize the impacts on and optimize the maintenance requirements of wildlife corridors.

9.30-10.5 Sound Levels

Sound levels under normal operating conditions of the ground-mounted solar photovoltaic installation measured at the boundary of the lot on which the installation in sited shall not be more than 10 decibels greater than would otherwise exist in the absence of the facility.

9.30-10.5 Hazardous Materials

Hazardous materials that are stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by Massachusetts Department of Environmental Protection regulations 310 CMR 30.000 and shall meet all applicable requirements, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

9.30-11 Monitoring and Maintenance

9.30-11.1 Solar Photovoltaic Installation Conditions

The owner or operator of the ground-mounted solar photovoltaic installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, landscaping and integrity of security measures. Site access shall be maintained to a level acceptable to the Williamsburg Fire Chief, Building Inspector and Electrical Inspector. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.

9.30-11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

9.30-11.3 Annual Reporting

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and the approved site plan. The Annual Report shall also provide information on the quantity of electricity generated, the percentage of generated electricity that was used off site, and maintenance completed during the course of the year. The Annual Report shall include a reasonable photo survey of the installation. The report shall be submitted to the Select Board and the Planning Board no later than June 30 of each year. The owner or operator shall allow and make arrangements for an authorized agent of the Town of Williamsburg to enter the property to verify the contents of the Annual Report following its submittal if requested.

9.30-12 Removal Requirements and Abandonment

9.30-12.1 Abandonment

Absent notice of a proposed date of decommissioning, the filing of an annual report as required in 9.30-11.3, or written notice to the Planning Board of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without a written waiver of consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town or its agents may enter the property and physically remove the installation, the full cost of which shall be the responsibility of the owner or operator.

9.30-12.2 Removal Requirements

Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 9.30-12.1 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and electrical lines from the site;
(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
(c) Stabilization and re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruption to vegetation.

9.30-13 Financial Surety

The project proponent of ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town becomes responsible for removing the installation and remediating the landscape. The amount and form of the surety shall be determined to be reasonable by the permitting authority, but in no event should exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety is not required for municipally-owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

9.30-14 Independent Engineer

Upon request of the Planning Board, the proponent shall pay for a licensed third-party Independent Engineer selected by the permitting authority to review submittals on their behalf.

SECTION 10 - DRIVEWAY STANDARDS

10.0 Purpose

The purpose of this Bylaw is to protect public safety and welfare in the Town of Williamsburg by establishing minimum standards for the location, design and construction of driveways intersecting any way in the Town that is open to the public.

10.1 Applicability

This Bylaw shall govern the location, design and construction of driveways intersecting with any way open to the public in the Town of Williamsburg. A driveway in existence and in regular use prior to the effective date of this Bylaw shall not be subject to these requirements unless and until it is reconstructed or improved so as to alter its grades or paving. Any such alteration shall be in conformance with this Bylaw to the extent possible. However, Sections 10.3 f, ,g, h, concerning the impact on Town roads caused by runoff and debris from driveways, shall apply to every driveway in the Town, regardless of the date of construction.

10.2 Definitions

Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 18.

a. **Driveway**: A way lying within a lot or lots, which is used or intended to be used by registered motor vehicles as the primary access to a year-round or seasonal dwelling, a place of business, a group of residential or commercial buildings or any other principal buildings(s), whether publicly or privately owned, on a lot. This definition shall not include any public way. Nor shall it include any private way, which has been approved under the Subdivision Control Law as part of a Definitive Subdivision Plan. Nor shall it include any farm lane, logging road, gravel pit access road, foot trail, bridle path or other minor travel route which is not used as the primary vehicular access to a residential or commercial building.
b. **Public way:** A state highway, a county highway, or a town way.
c. **Right-of-way**: The strip of land which is held, or over which an easement is held, for use as a road or way, including the traveled surface and, typically, additional land on each side of it to make up a specified overall width. All the land within the right-of-way is available to its owner for widening or other improvements to the road or way. The legal boundaries of a right-of-way are defined by deed, by survey, or in the absence of a recorded description, by other evidence presented by a registered land surveyor.
e. **Traveled roadway or traveled surface:** The portion of a way that is physically improved and maintained and used for travel by ordinary passenger vehicles. The paved area, in the case of a paved way; the graded and maintained area, in the case of an unpaved gravel way. Where shoulders are paved or gravel-surfaced, they shall be deemed part of the traveled way. For the purposes of this Bylaw, the traveled surface of every way that is open to public use shall be assumed to be at least twenty feet wide. The intersection of a driveway with any narrower road shall be designed as if the road were to be widened to twenty feet plus a two (2) to four (4) -foot shoulder on each side, and the edge of the traveled way shall be taken to be ten feet from its existing centerline.
f. **Common Driveway:** A driveway which is not entirely contained within the lot being served.

10.3 Location and Design Requirements

Every driveway constructed in the Town of Williamsburg after the effective date of this Bylaw shall be designed and constructed in accordance with the following requirements:

a. The property owner or builder shall obtain a driveway permit from the Highway Superintendent before beginning driveway construction. The Highway Superintendent shall not issue a driveway permit until all relevant state and local permits are secured. The form of such permit and the procedure for obtaining it shall be determined by the Board of Selectmen.

b. Where a driveway intersects any way that is open to the public, a driver emerging from the driveway shall be provided with a clear, unobstructed view of the full width of the roadway on each side of the driveway intersection for a distance deemed safe by the Highway Superintendent.

c. No part of a driveway's surface within twenty (20) feet of the edge of the traveled roadway, measured along the centerline of the driveway, shall be more than one (1) foot (5%) higher or lower in elevation than the edge of the traveled way at the centerline of the driveway. Within 20 feet of the traveled roadway, the slope of the driveway shall not exceed one (1) foot (five percent [5%]) at any point unless approved by the Highway Superintendent and the Fire Chief.

d. If the grade is more than 10%, a scaled layout of the driveway is needed with approval of the Highway Superintendent and the Fire Chief.

e. Every driveway shall, in the judgment of the Highway Superintendent, permit passenger and emergency vehicles to turn safely from street to driveway and vice versa, in any direction.

f. Every driveway and all associated earthworks and drainage structures shall be designed, constructed, stabilized and maintained to prevent the discharge of storm water, floodwater, melt water, snow, ice, mud, gravel, stone, wood debris, leaves or any other foreign material onto the traveled surface of any way, whether public or private, that is open to the public. Faulty construction or maintenance of a driveway or associated drainage structures shall not be permitted to cause obstruction or overloading of any drainage structure or system lying within a public right-of-way. Violation of these requirements shall be sufficient cause for emergency action by the town to eliminate safety hazards to the public. The costs of any such emergency action shall be borne by the defective driveway's owner.

g. The Highway Superintendent may require a driveway owner to install culverts, rip-rap, retaining walls, curbs or berms, or to take other appropriate measures to ensure that drainage related to the driveway does not adversely affect a publicly traveled way. The Highway Superintendent may require this work to be completed within a specified time. The installation and maintenance of all such structures or improvements shall be the responsibility of the driveway owner. In case of severe problems, the Highway Superintendent may require that a Registered Professional Engineer be engaged at the driveway owner's expense to design appropriate corrective measures and to certify their proper installation.

h. Driveway materials shall not be placed or spilled on the traveled surface of a way, nor shall the traveled surface of a way be altered in any manner without the prior written approval of the Highway Superintendent.

i. Every driveway shall permit ordinary passenger vehicles to be turned around in it and to exit frontward onto the publicly traveled road.

j. The Highway Superintendent may, in his discretion, require that a driveway, or any portion thereof, be designed by a Registered Professional Engineer, where compliance with the provisions of Section 4 appears unlikely given existing conditions.

10.4 Enforcement

a. The Highway Superintendent shall enforce Section 10 of this Bylaw.
b. The Building Inspector shall notify the Highway Superintendent promptly of each building permit application that involves, or appears likely to involve, construction or alteration of a driveway subject to the requirement of this Bylaw.
c. Any property owner contemplating the construction, substantial alteration, or paving of a driveway shall apply to the Highway Superintendent, directly or through the Town Clerk, for a driveway construction permit.
d. The Highway Superintendent shall issue a driveway construction permit when satisfied that the driveway as described in the application will comply with the standards for driveway location and design specified in this Bylaw. If the superintendent determines that a proposed alteration is so small as not to require a permit, he shall so inform the applicant.
e. The Highway Superintendent may order the cessation of any unauthorized driveway construction or alteration work in progress until a driveway construction permit has been issued for it, and if work is not stopped immediately, the Superintendent may declare the property owner to be in violation of this Bylaw.
f. Where a permit has been issued for a new driveway, and the driveway is not satisfactorily completed before occupation of the building(s) it serves, the Highway Superintendent may order the owner to complete the driveway within twenty-one (21) days. Failing such completion, the Superintendent may declare the owner of the property to be in violation of this Bylaw.
g. When the Superintendent observes that a new driveway has not been constructed in conformance with the permit issued for it, or that an existing driveway is giving rise to problems on a way that is open to the public, the Superintendent shall so notify the property owner. Unless an emergency situation requires corrective action by the Town, the Superintendent shall allow the owner twenty-one (21) days from the time of such notice to bring the driveway into conformance and/or to rectify the problem. Failing that, the Superintendent may declare the owner of the property to be in violation of this Bylaw.
h. Each violation of Section 10 of this bylaw shall be punishable by a fine of twenty-five (25) dollars. Each day on which such violation continues shall be punishable as a separate violation.

10.5 Appeals

a. Any person aggrieved by an order or decision of the Highway Superintendent pursuant to this Bylaw may, within thirty (30) days following the date of such order or decision, appeal to the Zoning Board of Appeals. The filing and hearing of such appeals shall be governed by procedural and other requirements set forth in MGL Chapter 40A, § 8 and 15.
b. In interpreting the above-mentioned provisions of the Zoning Act for the purposes of appeals under this Driveway Standards bylaw, read "Highway Superintendent" for "zoning administrator," and for "any administrative officer under the provisions of this chapter," and for "inspector of buildings, or other administrative official." Read "Driveway Standards Bylaw" for "zoning ordinance or by-law" and for any other reference in the cited statute to local legislation under which appeals may be filed. Appeals under this Bylaw shall be processed by the Zoning Board of Appeals in the same manner as appeals authorized under Section 8 of the Zoning Act, except as here noted.

10.6 Exemptions

a. The Highway Superintendent may grant an exemption in writing from any requirement of Section 10.3, if in his opinion:

1. Such exemption will not result in any increased hazard, expense or inconvenience to

the general public, and

2. The requirement of full compliance with this Bylaw would impose an unusual hardship on the driveway's owner that could not have been foreseen and avoided through prudent planning.

10.7 Common Driveways

10.71 Common driveways may be allowed by Special Permit only. The Zoning Board of Appeals may issue the Special Permit for a common driveway serving not more than three (3) lots containing not more than six (6) dwelling units. The applicant must provide the following:

a. Evidence of deeded covenants binding each of the lots served by the common driveway, which will be filed at the Registry of Deeds, that include provisions for continued maintenance, which are adequate in the opinion of the Zoning Board of Appeals.
b. A plan for the common driveway, acceptable by the Zoning Board of Appeals, showing grades, subsurface preparation, drainage, and surface materials.

10.72 The common driveway must be designed to safely handle the proposed traffic and must conform to all other provisions of this Bylaw.

10.73 A Special Permit for the common driveway may be issued by the Zoning Board of Appeals if one or more of the following conditions are met:

a. The common driveway will lessen the adverse impact upon wetlands located within the lots or will otherwise lessen environmental degradation.
b. The common driveway will allow reasonable, safer and less environmentally damaging access to lots in locations with steep slopes or similar environmental conditions.
c. The common driveway will result in the preservation of the rural quality of the area, such as: the reduction in access ways, increase in front yard setbacks, or the preservation of the existing vegetative and topographic conditions.

SECTION 11 - WIRELESS COMMUNICATIONS FACILITIES (WCF)

11.0 Objectives

This section regulates the permitting of Wireless Communication Facilities in a manner that:

a. Minimizes any adverse impact of wireless communication structures, buildings and/or appurtenances on adjacent properties and residential neighborhoods;
b. Limits the height of such facilities to only what is essential;
c. Promotes shared use of existing facilities and structures to reduce the need for new facilities;
d. Protects, to the maximum extent practicable, the historic and residential character of Williamsburg, the property values of the community and the health, welfare, safety and general quality of life in the community;
e. Provides standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of wireless communication facilities;
f. Is in compliance with the federal Telecommunications Act of 1996.

11.1 Terminology

In addition to the terms defined in Section 18, Definitions, of this Bylaw, the following words, which are technical terms applying to wireless communication facilities, shall have the meaning indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 19.

Definitions

a. **Co-location:** The installation and operation of more than one wireless communications facility on a single tower.
b. **Lattice Style:** A style of tower characterized by a latticework type of construction wherein the structure is much larger at its base (ground level) and grows smaller as it increases in height. The lattice style is in direct contrast to the monopole.
c. **Monopole:** A style of tower characterized by a single round pole having the general configuration of a flagpole. The monopole does not appear significantly larger at its base than at the point of maximum height.
d. **Modification of an Existing Facility:** Any material change or proposed change to a facility including but not limited to power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit or Special Permit.
e. **Telecommunications Tower:** A structure, framework or monopole that is designed for the primary purpose of supporting wireless communication, transmitting, receiving and/or relaying antennas and/or equipment.
f. **Wireless Communication Facility:** All equipment buildings and structures with which a wireless communication service carrier broadcasts and receives the radio-frequency waves that carry their services and all locations of said equipment or any part thereof. This definition does not include an antenna used by a federally licensed amateur radio operator or television antennas or satellite dishes that are accessory to a residential use.

11.2 Grant of Special Permit

During the Public Hearing in accordance with Section 9 of the Zoning Act (M.G.L. c. 40A § 9), the Zoning Board of Appeals shall consider the reports and recommendations of the Conservation

Commission, the Building Inspector and the Planning Board and may grant a Special Permit, provided that all conditions in this Section have been adequately met. The Board may impose such additional conditions it deems necessary to achieve the purpose of this Bylaw and Section 5.

The Zoning Board of Appeals may:

a. Waive strict compliance with requirements of this Bylaw, where such action is in the public interest and is not inconsistent with the purposes and intent of this Bylaw and the Zoning Act.

b. Grant a Special Permit to allow expansion or enlargement of existing non-conforming facilities, subject to the provisions of this Bylaw and those of Section 12, Non-Conforming Uses; or

c. Grant a Special Permit to a pre-existing, non-conforming facility, structures or use to reconstruct the facility provided it does not increase the degree of non-conformity as per Section 12, Non-conforming uses.

11. 3 Requirements for a WCF Special Permit

A wireless communications facility shall require a building permit in all cases with one tower allowed per lot. Facilities may be permitted as follows:

a. All wireless communications facilities shall require a Special Permit from the Zoning Board of Appeals.
b. No wireless communications facilities shall be erected, modified or installed except in compliance with the provisions of this Section.
c. Any proposed modification to an existing wireless communications facility including, but not limited to extension in the height, addition of antennas or panels, or construction of a new or replacement of a facility shall be subject to these provisions and shall require a new application and Special Permit or amendment to an existing permit.
d. Wireless communications facilities shall be located on existing towers, structures or facilities, as appropriate unless the applicant can demonstrate that there are no existing towers, structure or facilities whereupon wireless communication facilities can feasibly be located. The applicant shall consider public land and structures which have been approved by the Selectmen for use and which comply with other requirements of this section and where visual impact can be minimized and mitigated. Public land shall be land owned by the Town of Williamsburg.
e. All new towers shall be monopoles and pre-engineered to fail at a pre-determined height enabling the structure to collapse upon itself in the event of a catastrophic failure.
f. Providers of wireless communication service and the tower owner shall report to the property owner and the Building Inspector, any cessation in the use or operation of any wireless communications facility that exceeds thirty (30) days, and such facilities shall be removed at the owner's expense within one (1) year of cessation of use or operation.
g. A plan outlining the return of the site to pre-existing condition shall be submitted as part of the application. The applicant shall, as a condition of the Special Permit, provide a bond, financial surety or other form of financial guarantee acceptable to the Zoning Board of Appeals in an amount the applicant estimates will be required to recondition the site. The Zoning Board of Appeals must approve the amount of the financial guarantee and any terms and conditions of its release. Said guarantee shall be held by the town and released at such time as the Zoning Board of Appeals determines that the conditions of the financial guarantee agreement have been satisfied.
h. The provider shall comply with the appropriate Federal Communications Commission

regulations regarding emissions of electromagnetic radiation and shall, at the provider's expense conduct the required monitoring program on an annual basis as described in subsection 11(6)p.

i. The fixed or conditional term, in years, of each permit shall be set by the Zoning Board of Appeals. All facility providers shall periodically (minimally every five (5) years or as specified in the Special Permit) report to the Town on the operational status of the facility. The report shall include but not be limited to power consumption, power radiation (summaries of the annual survey reports), frequency transmission, the number, location and orientation of antennas and type of services provided.

11.4 Siting and Construction Criteria

The following shall be used when preparing plans for the siting and construction of all wireless communications facilities:

a. To the extent feasible, all service providers shall co-locate on a single tower. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of towers that will be required within the community. New towers shall be permitted only upon a finding by the Zoning Board of Appeals that existing towers cannot accommodate the applicant's needs.
b. No wireless communication tower shall be located within 250 feet of an existing residential building, the setback of the tower from the property line shall be at least equal to the height of the tower or the height of the pre-engineered fault, measured from the finished grade of the tower base plus ten (10) feet from each lot line of the site on which the tower is located.
c. All towers shall be designed to be constructed to the minimum height necessary to accommodate the anticipated and future use and the proponent shall demonstrate the height requirements in the application. No wireless communications facility shall exceed 130 feet in height as measured from ground level at the base of the tower unless the applicant demonstrates in the Special Permit process that coverage within the town of Williamsburg cannot be met.
d. All wireless communications facilities shall be sited in such a manner that the view of the facility from abutters, residential neighbors and other areas of the town shall be as limited as possible. All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the wireless communications facilities on abutters, residential neighbors and other areas of town. Owners of wireless communications facilities shall endeavor to install said facilities in a manner that blends in and does not contrast with the tower and/or landscape where it is located. The Zoning Board of Appeals may impose reasonable conditions to ensure this result, including painting and lighting standards.
e. An applicant proposing a wireless communications facility shall demonstrate to the satisfaction of the Zoning Board of Appeals that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on residential abutters and that the facility must be located at the proposed site due to technical, topographical, or other unique circumstances.
f. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the town and of abutting properties. Fencing shall not be constructed of barbed or razor wire. A landscape buffer of evergreen shrubs or trees shall be provided at the time of installation on the outside of the fenced area. The shrub or tree planting shall mature to a height greater than the fence height and be planted at a height of at least four (4) feet. At maturity, the landscape plantings must form a dense visual barrier throughout the year. All landscape plantings must be continually maintained.
g. There shall be no signs associated with a wireless communications facility except: a sign

identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four (24) hour basis; a no trespassing sign; a sign displaying the FCC registration number; and any signs required to warn of danger. All signs shall comply with the requirements of the Zoning Bylaw.

h. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Tower lighting not required by the FAA shall be limited to that needed for emergencies. Lighting of buildings and the ground may be provided to ensure a safe and secure facility. All lighting shall be shielded to prevent undue impact on surrounding properties.
i. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
j. To the extent feasible, all network interconnections from the communications site shall be via land lines.
k. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize marring and scarring of the landscape or silting of streams or wetlands.
l. Regular traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.
m. Applicants proposing to erect wireless communications facilities or structures shall provide evidence of contractual authorization from the owner to conduct wireless communications services on their property.
o. Where feasible, no facility shall project more than five (5) feet above an existing structure on which it is mounted or more than five (5) feet out from the plane of the existing wall or structure to which it is attached and shall be designed and located so as to appear to be an integral part of the original architectural structure.
p. To the extent feasible, all utilities and accessory structures for the facility shall be underground. Aboveground structures shall be, to the extent feasible, compatible in design with abutting structures.

11.5 Application Requirements

For an application to be complete, the following information must be submitted:

a. A color photograph or rendering of the proposed wireless communication facilities including, but not limited to, the proposed tower with its antenna and/or panels.
b. A landscape plan showing the proposed site before and after development, including buildings within 300 feet of the proposed facility, topography and screening proposed to protect abutters, line-of-sight drawings and/or visual simulations adequate to determine visual impact of the facility. The Zoning Board of Appeals may require more visual analysis before acting on a permit application.
c. A description of the wireless communication facilities including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type, size and number of transmitters and a technical report that demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service. Details of structures must be prepared and stamped by a registered professional engineer qualified in structural design. If the Zoning Board of Appeals requires technical assistance to review the proposal the Board may hire a qualified professional, at the applicant's expense, pursuant to M.G.L. Ch. 44, Section 53(g).
d. The technical and other reasons for the proposed location, height and design including, but not limited to, a survey of all sites which are feasible for providing the intended services both within and directly adjacent to the Town of Williamsburg and the reason(s) the proposed site was selected over an alternative site(s).
e. A survey of all pre-existing structures, buildings or towers that are capable of supporting the equipment necessary to provide the intended service and a technical report that demonstrates why any such structure, building or tower cannot be used by the applicant.
f. A map, of an appropriate scale, of existing wireless communications facilities within Williamsburg and within one (1) mile of the town boundaries.
g. A map illustrating the service provider's existing and planned wireless communications facilities plan for the service area(s) including the Town of Williamsburg.
h. A description of the capacity of the tower including the number and type of panels, antenna and/or transmitter/receivers that it can accommodate and the basis for these calculations.
i. A statement that the sound levels under normal operating conditions, whether emanating directly from, or as a result of natural wind blowing through the wireless communications facility, measured at the boundary of the lot on which it is sited, shall not be greater than would otherwise exist in the absence of such facility.
j. A statement of the services to be supported by the proposed wireless communication facility and a delineation on a map of all areas in Williamsburg that will not be served by the proposed installation for the primary site and an alternate site(s), as appropriate.
k. A description of the special design features utilized to minimize the visual impact of the proposed wireless communication facilities in accordance with these Sections.
1. A certification that the applicant possesses all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service.
m. The applicant must demonstrate full compliance with the Massachusetts Wetlands Protection Act where applicable.
n. Within twenty-one (21) days of filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the primary and alternate site(s) at the maximum height of the proposed installation on one weekend and one week day between the hours of noon and 3 p.m. The balloon shall be of size and color that can be seen from every unobstructed direction for a distance of one mile. The applicant shall be responsible for posting the date and location of the balloon(s) as a legal advertisement at least fourteen (14) days, but not more than twenty-one (21) days before the flights in at least two (2) different issues of a newspaper with a general circulation in the Town of

Williamsburg.

o. Within ten (10) business days of filing the application for any new facility or modification to an existing facility, the applicant shall notify the adjacent property abutters, in writing, that an application has been filed and where a copy of the application may be obtained or reviewed. Proof of notification must be submitted to the Zoning Board of Appeals.

p. The applicant shall submit and be required as a condition of the Special Permit to conduct, a monitoring program, to be paid for by the provider confirming compliance with the FCC regulations regarding emissions of electromagnetic radiation and conducted annually.

SECTION 12 - NON-CONFORMING USES AND STRUCTURES

12.0 Continuation, Reconstruction, and Extension of Non-conforming Uses and Structures

a. Any lawful use or structure that does not conform to this Bylaw may be continued, but no such non-conforming use or structure shall be changed, extended, or enlarged in any manner, except as provided in Subsections (e) and (f) below.
b. If any non-conforming use of any structure is changed to a conforming or less restricted use, it shall not thereafter return to a nonconforming or more restricted use.
c. Any non-conforming use of a structure or land which has been abandoned or not used for a period of twenty-four (24) consecutive months shall thereafter be used or developed only in accordance with this Bylaw.
d. A non-conforming structure damaged or destroyed by fire, explosion, or any other catastrophe may be rebuilt provided such rebuilding, reconstruction, or restoration shall be undertaken within two (2) years of such catastrophe and the structure as rebuilt or restored shall not be in greater nonconformity with the provisions of this Bylaw. Such rebuilt, reconstructed, or restored structure may be enlarged in accordance with the provisions of Subsection (e) below.
e. The Zoning Board of Appeals may authorize by Special Permit (pursuant to the procedures contained in Section 6, Chapter 40A, of the Massachusetts General Laws) any change, extension, or enlargement of a non-conforming structure or use or land, provided that the Zoning Board of Appeals finds that such change, extension, or enlargement shall not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure.
f. An existing non-conforming one-family or two-family dwelling or structures accessory thereto which is non-conforming with respect to a minimum setback, frontage, or lot size may be enlarged or extended by the issuance of a building permit, provided that such enlargement or extension shall comply with the minimum setback standards and lot coverage requirements of this Bylaw and that there shall be no change of use.

12.1 Non-conforming Lots

Lots shall be exempted from this bylaw to the extent and as provided in Section 6, Chapter 40A of the General Laws.

12.2 Non-conforming Signs

a. Signs, which were illegal under any prior Bylaw and are illegal hereunder, shall be considered to be violations of this Bylaw.
b. Signs which were legal when constructed but are prohibited by this Bylaw shall be allowed to continue as non-conforming structures.

SECTION 13 - ADMINISTRATION

13.0 Inspector of Buildings

a. The Board of Selectmen shall annually, within thirty (30) days after the Annual Town Meeting, appoint an Inspector of Buildings, referred to in this Section as the Inspector, who shall hold office for a term of one (1) year or until his successor is appointed and qualified.
b. The Board of Selectmen may, when necessary, authorize the Inspector to appoint assistants, subject to confirmation by the Board of Selectmen. The Inspector may authorize such assistants to act in his behalf in executing any of the duties of his office.

13.1 Salary

The Inspector and any assistants shall receive such salaries as may be fixed and determined by the Town at any regular or special Town Meeting.

13.2 Duties

a. The Inspector shall execute all tasks and duties specified by the Massachusetts State Building Code.
b. The Inspector shall enforce this Bylaw and all amendments thereto, together with all orders of the Zoning Board of Appeals, all variances, with any conditions imposed thereon, granted by the Zoning Board of Appeals, and all Special Permits, with any conditions imposed thereon, granted by the Zoning Board of Appeals.
c. The Inspector shall inspect all building operations and all suspected or reported violations of this Bylaw or any amendment thereto, or of any order, variance, Special Permit or condition which is within his authority to enforce.
d. The Inspector has the authority to issue a cease-and-desist order whenever, in the course of his duties, he observes a violation. Such order shall be posted on the premises and delivered by hand or by certified mail, return receipt requested, to the assessed owner of the premises, or to any person believed by the Inspector to be responsible in whole or in part for the violation.
e. Any violations observed by the Inspector in the course of his duties, as well as any enforcement actions taken and/or requests for enforcement actions, shall be reported by him to the Board of Selectmen at its next regular meeting. In January of each year the Inspector shall submit an annual report of the work of his office for publication in the Town Report.
f. Any citizen of Williamsburg or abutter to the property in question may request, in writing, an enforcement action by the Inspector. Within fourteen (14) days of his receipt of such written request, the Inspector shall notify the Board of Selectmen and the party making such request of his action or refusal to act, and of the reasons therefore.
g. The Inspector shall not issue any permit for building, use or occupancy, which would result in a violation of this Bylaw.

13.3 Appeals of Orders or Decisions of the Inspector

a. Any person aggrieved by reason of inability to obtain a permit or enforcement action, or by any other order or decision of the Inspector under the provisions of this Bylaw, may appeal the Inspector's action, inaction, order or decision to the Zoning Board of Appeals. Such appeal shall be filed in writing with the Town Clerk within thirty (30) days after receipt by the Board of Selectmen of notification of the Inspector's action, inaction, order or decision.
b. In the event that no appeal is filed within thirty (30) days of the Inspector's notification to the Board of Selectmen of his action, inaction, order or decision, such notification shall have the force of a decision of the Zoning Board of Appeals, entered as of the thirtieth (30th) day following said notification.

13.4 Penalty

Whoever violates any provision of this Bylaw or any amendment thereto, or any order, variance, Special Permit or condition issued, granted or imposed under the provisions of this Bylaw, shall be punished by a fine not exceeding $100.00 for each offense. Each day that willful violation continues to exist shall constitute a separate and distinct violation.

13.5 Judicial Enforcement

a. In the event that any order under this Bylaw of the Inspector and/or the Zoning Board of Appeals is not complied with, and the period to appeal such order has expired, the Inspector shall so report to the Board of Selectmen at its next regular meeting. The Board of Selectmen shall then seek judicial enforcement of the order or take other appropriate action within its authority.
b. In case of emergency involving health or safety, as when a cease-and-desist order issued by the Inspector is ignored, the Inspector may act directly to bring such case to the proper court of law.

SECTION 14 - PERMITS AND EXEMPTIONS

14.0 Building Permits.

A. Except as hereinafter provided, a twenty-one (21) day review period shall elapse between the filing of a valid application for a building permit for non-residential purposes and the issuance of such permit.

B. Within seven (7) days of application to the Inspector of Buildings for such a permit, the Building Inspector shall notify the Town Clerk of such application, and the Town Clerk shall make public notice of the application by posting a notice in the Town Office Building that such a permit has been requested, and the Town Clerk shall further notify in writing the Selectmen, the Zoning Board of Appeals, the Board of Health, the Conservation Commission, the Planning Board and other legally constituted town boards which request regular notification, that such an application for non-residential use or building is pending.

C. Within fourteen (14) days following receipt of such notice of pending application, any of the above Town Boards, by majority roll call vote, may notify the Inspector of Buildings in writing with reasons listed, that they believe that the issuance of such a permit would be in violation of federal, state, or town laws or regulations.

D. The above stated Town Boards and officials may establish procedures for the efficient processing of such applications and the notifications of pending applications.

E. If no objection to the application is received or found to have merit by the Inspector of Buildings within the time period stated above, the Inspector of Buildings may then issue a permit for the proposed construction or alteration within thirty (30) days of receipt of said application.
Exceptions:

a. No review period shall be required for non-residential uses permitted by right under Section 3 of this By-Law.
b. No review period shall be required for non-residentia1 uses permitted by new Special Permit under Section 3 of this By-Law provided said Special Permit has been granted and recorded prior to the filing of application for the related Building Permit.
c. No review period shall be required for repairs or alterations to existing non-residential use buildings or structures, provided such repairs or alterations will not increase the scope or use of any occupying business(es).

14.1 Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and in cases of construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

SECTION 15 - ZONING BOARD OF APPEALS

15.0 There is hereby established a Zoning Board of Appeals of three (3) regular members and two (2) associate members to be appointed by the Board of Selectmen as provided in the General Laws, Chapter 40A, which Zoning Board of Appeals shall act on all matters within its jurisdiction under this Bylaw and under the provisions of the General Laws of the Commonwealth.

15.1 The Zoning Board of Appeals shall have the power after public hearing notice has been given by publication and posting as provided in Section 11 of Chapter 40A of the General Laws and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this Bylaw where such Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such Bylaw.

15.2 The Zoning Board of Appeals shall have the power, after a Public Hearing, to issue Special Permits in accordance with the requirements of this Bylaw.

15.3 The Zoning Board of Appeals shall have the power to hear and decide appeals in accordance with Section 8 of Chapter 40A of the General Laws.

SECTION 16 - AMENDMENTS

16.0 This Bylaw may be amended, altered or repealed in accordance with the provisions of Chapter 40A of the General Laws at any regular or special Town Meeting.

SECTION 17 - VALIDITY

17.0 The invalidity of any Section or Provision of this Bylaw shall not invalidate any other Section or Provision thereof.

SECTION 18 – DEFINITIONS

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Except where specifically defined herein, all words used in this Bylaw shall carry their ordinary dictionary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word shall is always mandatory. The word may is permissive. Building or structure includes any part thereof. The word lot includes the word plot or parcel. The word person includes an individual person, a firm, a corporation, a partnership, and any other agency of voluntary action. The word he shall include she or they. The phrase used for includes arranged for, designed for, intended for, maintained for, and occupied for.

Accessory Apartment: A dwelling unit occupying no greater than 750 square feet or one-third of the floor space of an existing single-family dwelling.
Accessory Structure: A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use, including accessory apartments.
Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.
Adult Use: Any adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or any establishment offering live entertainment characterized by sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.
Agriculture: Any use of land for the purpose of raising agricultural, horticultural, floricultural, or viticultural products, livestock, poultry, or dairy products, including necessary farm structures, vehicles, and equipment. This use does not include kennels.
Applicant: Any person, corporation, or other entity applying for a building permit, Certificate of Occupancy, Special Permit, Site Plan or subdivision approval, variance, or zoning amendment.
Aquifer: Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.
Aquifer Recharge Area, Primary: Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward public water supply wells or potential sites for such wells.
Aquifer Recharge Area, Secondary: Areas which are underlain by surficial geologic deposits including till or bedrock, and in which the prevailing direction of surface water flow is toward public water supply wells or potential sites for such wells.
As-of-Right Siting: The proposed development may proceed without obtaining a special permit, variance, amendment, waiver or other discretionary approval from local permit granting authority(ies). As-of-right project submittals may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. As-of-right projects cannot be prohibited, but may be reasonably regulated by the local building inspector under 780 CMR, the Williamsburg Zoning Bylaw and Williamsburg General Bylaws.
Bed and Breakfast Inn: A dwelling in which overnight accommodations not exceeding four bedrooms and breakfast are provided for transient guests for compensation. A bed and breakfast must be the primary residence of the owner/proprietor.
Boarding House: A building other than a lodging facility containing a shared kitchen and/or dining room, in which no more than six sleeping rooms are offered for rent on a weekly or monthly basis, with or without meals.
Boarding Stable: See Riding Academy.

Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. When a lot fronts on two or more streets of different levels, the lower street level shall be taken as the base for measuring the height of the building.

Building, Principal: A building or structure in which is conducted the main or principal use of the lot on which it is located.

Business with a drive through: A business establishment wherein patrons may be served a product or service while seated in vehicles.

Club, Membership: Premises used by a not-for-profit organization catering exclusively to members and their guests for social, recreational, athletic, or similar purposes.

Commercial: The business of selling goods or services, to include the housing of or open land storage of salable goods or the equipment and/or materials for supplying services.

Commercial Solar Photovoltaic Installation: Any combination of structures, devices, and elements which rely upon solar photovoltaic cells and arrays to generate electricity, of which at least 50% is for use off-site.

Common Driveway: A driveway that is not entirely contained within the lot being served.

Conformity/Conforming: Complying with the use, density, dimensional, and other standards of this bylaw, or permitted to deviate therefrom by Special Permit.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as mining, dredging, filling, paving, excavation, or drilling operations.

Designated Location: The locations designated in the Zoning Bylaw in accordance with MGL Chapter 40A Section 5 where solar photovoltaic installations may be sited as-of-right or by special permit.

Driveway: A private way providing vehicular access from a public or private road to a residence or to a commercial or non-commercial establishment.

Dwelling: A building designed or used exclusively as living quarters for one or more families.

Dwelling, Multi-family: A dwelling containing separate living units for three or more families.

Dwelling, Single-family: A detached building designed for the use of one household, including one or more persons living as a family, and wherein not more than three boarders are sheltered and/or fed for compensation.

Dwelling, Two-family: A detached building containing two dwelling units.

Dwelling Unit/Residential Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Floodplain: The 100-year floodplain as shown on Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency.

Floor Space: The sum of the areas of habitable or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, excluding cellars or unfinished basements.

Footprint: Area of the ground covered by a structure, or structures on a building lot, including the foundations and all areas enclosed by exterior walls and footings and/or covered by roofing.

Front: The side of a building or structure parallel to and closest to a road or street.

Funeral Establishment: An establishment used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

G.L., General Laws: The Massachusetts General Laws.

Glare: Spillover of artificial direct light beyond the area intended for illumination in a manner that either impairs vision or beams light onto adjoining properties or toward the sky.

Grading: Any excavation, alteration of land contours, grubbing, filling, or stockpiling of earth materials.

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system which includes appurtenant or accessory buildings and structures that are mounted on the ground and are not mounted on the roof of a structure. All such appurtenant structures include but are not limited to equipment shelters, storage facilities, transformers, and substations.

Groundwater: All the water found beneath the surface of the ground.

Hazardous Waste: A waste which is hazardous to human health or the environment as designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, G.L. Chapter 21C.

Health Care Facility: A hospital, nursing home, extended care facility, medical clinic, or office building for doctors and other medical personnel.

Home Occupation: The production and/or sale of goods and services conducted within a dwelling unit; such business activity being clearly secondary to the residential use of the building, and which neither makes use of any accessory building nor infringes upon the residential character of the neighborhood in which the dwelling unit is located.

Impermeable/Impervious Surface: Any material covering the ground through which water does not readily penetrate, including but not limited to roofed structures, compacted soil, and pavement consisting of concrete, oil and stone, tar, or asphalt.

Impermeable Surface Coverage: The ratio between impermeable surface and total land area of a lot expressed as the percentage of land covered by impermeable surfaces.

Industrial/manufacturing/sawmills: Those uses exceeding 2,000 square feet which, because of traffic, noise, fumes, odor, or hours of operation, would generally not be compatible with residential or other commercial uses

Industry, light: Those uses, under 2,000 square feet, including by not limited to manufacturing, processing, woodworking, or sawmills which might not be compatible with other commercial or residential uses.

Inverter: The electrical component(s) of a solar photovoltaic installation that convert(s) DC current to AC current.

Junk: Any worn-out, cast-off, discarded, or neglected article or material which is ready for destruction or has been collected or stored for salvage or conversion to another use.

Junk Car: Any vehicle not operable on a public road or highway system, unless such vehicle is an antique or special interest automobile stored for restoration and/or display as part of a bona fide hobby.

Junkyard: The use of 200 square feet or more of area on any lot outside a structure for the storage or collection of junk or junk cars.

Kennel: Any establishment including cages, dog runs, and structures wherein more than three dogs which are over six months old are kept for sale, boarding, care, or breeding, for which a fee is charged.

Leachable Wastes: Waste materials including solid wastes, sludge, and pesticide and fertilizer wastes capable of releasing waterborne contaminants to the environment.

Lodging Facility: A hotel, motel, inn, or other establishment providing sleeping accommodations for transient guests, with or without a dining room or restaurant.

Lot: A parcel of land, recorded at the registry of deeds, containing a minimum of 65,000 square feet and 200 feet of frontage along a public way as defined in M.G.L. c41, sec.81L.

Lot, frontage: The unbroken linear distance of a building lot, along a public way as provide in M.G.L. c41, sec.81L. and providing the primary access to that lot. Where a building lot is a corner lot, the frontage shall be along that way which provides the primary access to that lot.

Lot, Corner: A lot at the junction of, and abutting on, two or more intersecting roads.

Membership Club: See Club, Membership.

Mixed Use: Any combination of residential, commercial, or industrial uses on the same lot or in the same building.

Mobile Home: A dwelling unit built on a chassis and containing complete electrical, plumbing, and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for living quarters.

Multi-family Dwelling: See Dwelling, Multi-family.

Municipal Use: Any use of land by the Town of Williamsburg in accordance with the general laws governing municipal powers and functions including participation in regional uses.

Non-conforming Structure: A structure which does not satisfy the dimensional requirements of this bylaw for the district in which it is located, but which was not in violation of applicable requirements when constructed.

Non-conforming Lot: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this bylaw for the district in which it is located.

Non-conforming Use: Any use lawfully existing prior to and at the time of the adoption or amendment of this bylaw or any preceding zoning law or ordinance, which use is not permitted by or does not conform with the permitted use provisions of this bylaw for the district in which it is located.

Office: A business, professional, or non-profit workplace in which most activities are conducted by persons seated at desks or tables, excluding health-care facilities.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation is a structure that is constructed at a location where other uses of the underlying property occur.

Plot Plan: A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions, and submitted with an application for a Special Permit or a variance.

Principal Building: See Building, Principal.

Project Proponent: The person(s) or business entity submitting the project application(s) to the local permitting authority(ies).

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Recreational Business: A business which, for compensation, offers recreational services or entertainment, including but not limited to hunting clubs, ski resorts, public stables, boat livery, summer camps, travel trailer, tenting, and cottage camps, golf courses and driving ranges, miniature golf, movie theaters, and other places of public or private entertainment.

Residential Unit: See Dwelling Unit.

Residential Use: A use of land and structures in which people live and sleep overnight on a regular basis.

Retail Business: An establishment selling or renting goods to the general public for personal and household consumption, including but not limited to an appliance store, bakery, convenience store, drug store, florist, grocer, hardware store, liquor store, newsstand, shoe store, stationery store, video store, and variety store.

Riding Academy: Any establishment where more than six horses are kept for riding, driving, horseback riding lessons, or stabling for compensation, or incidental to the operation of any club, association, resort, riding school, ranch, or similar establishment.

Sawmill: A facility for milling logs into commercially salable lumber, processing more than 25,000 board feet of lumber per year.

Screen/Screening: The location of structures in such a manner that they are not visible from a public road or any other public place during the summer months, and no more than partially visible in winter. Objects or structures may be screened by topography, vegetation, or other structures not required to be screened.

Service Business: A business or non-profit organization that provides services to the public, either on or off the premises, including but not limited to building, electrical, plumbing, and landscape contracting, arts instruction or studio, auto repair, business and educational services, catering, health club, house cleaning services, locksmith, photocopying, repair and restoration services, tailoring, typing, and word processing. Service business does not include retail business, restaurants, warehouses, or other uses separately listed in the Use Table.

Setback: The area of a building lot extending inward from the property line of that building lot for the distance specified in this bylaw, in which no structures may be located except those specifically allowed by this Bylaw.

Sign: Any billboard, signboard, inscription, pennant, or other material, structure, exterior painting, or device composed of lettered or pictorial material that is intended for outdoor viewing by the general public (including inside a window), and used as an advertisement, announcement, or direction. A group of signboards mounted on a single structure shall be deemed to be one sign.

Sign Area: The total area on each side of a sign within which all written and graphic material is contained.

Sign, Commercial: A sign advertising a product, use, service, or activity sold or conducted for private financial gain.

Sign, Freestanding: A sign and sign-support structure not attached to or part of a building.

Sign, Illuminated: A sign lighted by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.

Sign, Interior: A sign located within the exterior walls of a building which is readily readable from outside the building through a window, door, or other opening.

Sign, Internally Illuminated: An illuminated sign that is made of translucent material with internal artificial lighting.

Sign, Projecting: Any sign that extends from the exterior of any building more than nine inches.

Single-family Dwelling: See Dwelling, Single-family.

Soil Mining and Mineral Extraction: Use of land for the purpose of extracting and selling stone, minerals, oil, gas, water, sand, and/or gravel or other subsurface materials, not including the process of preparing land for construction of a structure for which a building permit has been issued.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

Solar Photovoltaic Installation: A solar photovoltaic system of any nameplate generating capacity with any type of mounting system.

Structure: A static construction of building materials affixed to the ground, such as a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, sign, stadium, storage bin, or wall.

Subdivision Regulations: The Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, Massachusetts.

Tree Warden: The Town of Williamsburg Tree Warden.

Two-family Dwelling: See Dwelling, Two-family.

Trucking/Heavy equipment storage: Parking or storage of more than three commercial vehicles, which have a separate gross vehicle weight exceeding 15,000 pounds.

Use: The purpose for which any premises may be arranged, designed, intended, maintained, or occupied, or any occupation, activity, or operation conducted or intended to be conducted on a premises.

Utility Facility: An installation used by a public utility to supply electric, gas, water, cable television, telephone, or other utility service. Included are such facilities as electric unit substations, high voltage transmission lines, pump stations, water towers, and telephone substations. Utility distribution facilities serving customers directly are

considered customary accessory uses, not utility facilities. A utility facility shall not include a Wireless communication facility.

Visible/Visibility: Able to be seen by a person with normal vision on a clear day when there is no foliage on deciduous trees.

Warehouse: A structure or structures in which materials, goods, or equipment are stored.

Watercourse: Any stream, pond, lake, drainage channel, or other area of land that is normally or seasonally filled with water.

Watershed Area: Lands adjacent to water courses or bodies which create the catchment or drainage areas of such water bodies or courses.

Wetlands: Wetland resource areas as defined by the Massachusetts Wetlands Protection Act, 310 CMR 10.02 (1) (a)-(f).

Wholesale Business: A business that sells non-agricultural goods in quantity and does not, except incidentally, sell directly to the ultimate user of the product.

Wireless Communication Facility: See Section 11.1 above for definition.

Zoning Act: Chapter 40A of the Massachusetts General Laws.

SECTION 19 – ATTACHMENTS

a. DESCRIPTION OF WILLIAMSBURG ZONING DISTRICTS FOR USE WITH ZONING MAP.

1. VILLAGE MIXED

BEGINNING at the Northampton line and following Route 9 to the intersection with Hyde Hill Road. The Zone includes easterly side of South Main Street from the intersection of Bridge Street to the intersection with Walpole Road and the westerly side of South Main Street to include 18 South Main Street or Lot 240 as designated on Assessor's map k to the intersection of Walpole Road; Bridge Street from Route 9 to South Main Street; All parcels having frontage on South Main Street from the intersection with Fort Hill Road south to the Northampton line; Kellogg Road including Kellogg Road Extension; Depot Road from Route 9 through the property at #6 Depot Road; Petticoat Hill to the Anne T. Dunphy School; North Main Street from the intersection of North Street and Main Street to Village Hill Road; Buttonshop from North Main Street to Route 9; Nichols Road from the intersection of Route 9 and Old Goshen to Village Hill Road;

2.VILLAGE RESIDENTIAL

Properties in the village centers without frontage on Route 9, including Mill Street, Myrtle, Fairfield; Fort Hill Road from the Northampton line to the intersection of South Main Street; the easterly side of South Main Street to the intersection of Bridge Street; the westerly side of South Main Street to land of 18 South Main Street or Lot 240 designated on Assessor's Map k; Deer Haven Manor Road; all of Walpole Road; Pine Street, Grove Street, Edwards Street, Maple Street, Hatfield Street, Kingsley Street, Dansereau, Round Hill, Pond View, High Street from Route 9 to Mountain Street, Laurel Road, Mountain Street from High Street to the NE end of Laurel; Hillenbrand; South Street to Eastern Avenue; Eastern Avenue; Sunset Avenue; and Petticoat Hill from the Anne T. Dunphy School parking lot up to and including Petticoat Lane; Valley View Road, Mill Street, East Main Street, Nash Hill Road to Nash Hill Place; Nash Hill Place; North Street to Village Hill Avenue, Village Hill Avenue; Village Hill Road; Old Goshen Road from Route 9 to Village Hill Road.

3. RURAL

All property that is not Village Mixed or Village Residential

GENERAL NOTES

1. Both sides of the specified public way shall be in the same zone, except as specified above.

2. Zones shall extend from properties frontage on the public way from a line 400' from the frontage, parallel to the frontage or to the rear property line whichever is less.

3. Corner lots at intersecting zone lines abutting two public ways shall be governed by the street address of the lot.

4. Village Mixed zone lines shall terminate at the Mill River

5. All Anne T. Dunphy School property, including its parking lots, shall be in the Village Mixed zone.