A Guide for Reviewing the Adopted Zoning Bylaw

The Zoning Bylaw is a legal document that required approval from the Attorney General's office. Therefore, it contains legal language and references to State Law, Massachusetts General Law (M.G.L.), Code of Massachusetts Regulations (CMR), and Massachusetts State Building Code (780 CMR). We hope this **simple guide and annotated version of the Zoning Bylaw will make it easier** to read and understand.

The Planning Board recommended the Town adopt the proposed Zoning Bylaw because it is:

- Compliant with Massachusetts State Laws
- Compliant with Massachusetts General Laws (M.G.L.)
- Compliant with Code of Massachusetts Regulations (CMR)
- Compliant with Massachusetts State Building Code (780 CMR)

Furthermore, the Planning Board believed the proposed Zoning Bylaw:

- "Protect(s) the Town's significant environmental features" per the Zoning Bylaw's Purpose and Authority Section 215-1, including two of Massachusetts Areas of Critical Environmental Concern (ACEC): *Karner Brook Watershed and Schenob Brook Drainage Basin*
- Recodifies into one Bylaw all Mount Washington Zoning amendments enacted since 1989, the last time the Bylaw was updated
- Considers Town feedback from more than 50 Planning Board meetings over 3+ years
- Incorporates feedback received at a Town Planning Board meeting on farming
- Incorporates feedback received at a Public Hearing on March 1, 2021 and feedback received by email and at two subsequent Planning Board meetings held on March 4 and 11, 2021
- Protects nonconforming lots and structures
- Provides greater setback flexibility when building or expanding many residential and accessory structures
- Preserves the right for non-commercial farming, encourages sustainable and regenerative practices, and reasonably regulates exempt and non-exempt *commercial* farming equally
- Streamlines or eliminates many Special Permit or Variance requirements
- Expands Site Plan Review requirements to ensure abutter notification occurs
- Adds or corrects cross references and citations
- Expands definitions for clarification

We recommend you begin by reading Section 215-1: *Purpose and Authority*

This will help you understand the Planning Board's objectives when it came to proposing and updating the Zoning Bylaw. As you read, we encourage you to compare this proposed Zoning Bylaw to the Town's former Zoning Bylaws and amendments, and ask yourself three questions: ***Which one is better organized? Which one is easier to understand? Which one allows you to do more with just a Building Permit or Site Plan Review, rather than a Special Permit?***

Read the annotations on the right side before reading the content changes on the left

We have highlighted sections throughout the document and noted changes, updates and additions to the Bylaw in the annotations in the righthand margin. Read each annotation first and then the corresponding highlighted section on the left to understand the modification.

Sections highlighted in RED on this annotated version of the Bylaw are changes made in response to Public Hearings and feedback. They include:

- Added definitions for clarification
- Bylaw language changes recommended at the Public Hearing and by Town legal counsel
- Added Dormers as a permissible change for nonconforming residential structures with a building permit
- Eliminated Special Permit demolition requirements for 100-year-old homes
- Eliminated general dimensional "slope" requirements
- Changed Variance requirements to a less restrictive Special Permit when building in wetland and river setbacks
- Followed Town legal counsel advice to only reference and not interpret M.G.L. c. 44 §53G as it pertains to permissible professional and technical consultants and fees

In what ways is the Zoning Bylaw less restrictive or more permissible?

1. No changes to less restrictive 1970s setback requirements for nonconforming undeveloped lots.
2. Nonconforming Section – Many parts have been made less restrictive, requiring only a Building Permit instead of a Special Permit or Variance. Some parts have been clarified, including permitting voluntary demolition of nonconforming structures.
3. Allowed nonconforming structures to intrude 5' into setbacks with a Building Permit.
4. Eliminated Special Permit for adding a front porch to a nonconforming structure.
5. Added dormers as permissible changes for nonconforming residential structures with only a building permit.
6. Eliminated Variance requirement when building within 150 feet of a brook or stream.
7. Increased size of accessory structures requiring only a Building Permit from 600 to 800 sq. ft. (currently a Special Permit is required for structures larger than 600 sq. ft.).
8. Increased sheds from 100 to 200 sq. ft. before requiring a Building Permit.
9. Allowed sheds under 200 sq. ft. to use lesser setbacks with a Site Plan Review.
10. Added Farm Stands as permitted use by right requiring only a Building Permit (the previous Bylaw required a Special Permit).
11. Permitted accessory apartments as a use by right within a principal residential structure.
12. Added Historical Site Plaques to the list of permitted signs.
13. Extended 2-year abandonment or non-use lapse period to 3 years.
14. Extended 2-year Special Permit lapse period to 3 years.
15. Extended 2-year Site Plan Review approval lapse period to 3 years.
16. Permitted Planning Board to waive the Zoning Bylaw surveyed Site Plan requirement.
17. Added Planning Board and ZBA Associate Members to expediate scheduling and decision making.

In what ways is the Zoning Bylaw more protective?

1. Increased setback requirement from any headwater, perennial river or stream to 200 feet per Massachusetts Rivers Protection Act.
2. In keeping with Zoning Bylaw section 215-1 Purpose and Authority to "Protect the Town's significant environmental features," kept the 1989 Bylaw's 150 feet setback from ponds, lakes and wetlands (Wetlands Protection Act has a minimum of 100 feet), while also further protecting two of Massachusetts' Area of Critical and Environmental Concern (ACEC): *Karner Brook Watershed and Schenob Brook Drainage Basin*.
3. In keeping with the proposed Zoning Bylaw section 215-1 Purpose and Authority and to preserve the rural character of the Town, expanded prohibited uses to include: commercial junk yard, aviation field, and industrial manufacturing.
4. In keeping with the proposed Zoning Bylaw 215-1 Purpose and Authority, expanded prohibited uses to include nonexempt commercial slaughterhouses, commercial saw mills, retail greenhouses, and all uses detrimental to the water supply and environment.
5. In keeping with the 1989 Zoning Bylaw, prohibited any use that interferes with a neighbor's right to enjoy his or her property from excessive or objectionable noise, odor, fumes, dust, electrical interference, and traffic.
6. Expanded Site Plan Review for permitted uses by right to help facilitate understanding between neighbors prior to building and development.

For someone applying for a permit, what will be easier?

1. Simplified permit application process in the Zoning Bylaw and in the "Application Guidelines for Obtaining a Building Permit" found in the Building Inspector section of the Town website.
2. Allowed the Planning Board to waive Site Plan requirements.
3. Eliminated Special Permit requirements in many cases.
4. Extended approval lapse periods for Site Plan Review and Special Permits from 2 years to 3 years.
5. Extended 2-year abandonment or non-use lapse period to 3 years.
6. Allowed for larger accessory structures before requiring a Special Permit.
7. Reduced applicant cost, time, and paperwork, and fewer reasons to meet with the Planning Board.

Town of Mount Washington
Chapter 215 ZONING BYLAW
Final Draft ~~1/21~~3/11/2021

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§215-1. Purpose and Authority.

A. **Statement of Purpose**. The purpose of this chapter is to provide for the Town of Mount Washington all the protection authorized by M.G.L. c. 40A, and any amendments thereof, in order to achieve greater implementation of the powers granted to the municipalities under Article 89 of the Amendments to the Constitution of the Commonwealth in the general interests of public health, safety and welfare, including, but not limited to, the following objectives:
    1. To prevent overcrowding of land; to secure safety from fire, flood, panic and other dangers; to conserve health; and to lessen congestion on the roads.
    2. To facilitate the adequate provision for transportation, water supply, drainage, sewerage, parks, open space and other public requirements.
    3. To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment.
    4. To preserve and increase amenities by the promulgation of regulations designed to:
        a. Protect the Town's significant environmental features, areas of scenic beauty and sites, and structures of historic importance, and minimize the adverse effects of development on the Town's environmental and historic features.
        b. Employ cooperatively the various measures taken by the Town's agencies and individual voters, under diverse legislative authority, for the protection and enhancement of the Town's existing rural character, open spaces, low density of population, and in the interests of the Town's orderly growth at a deliberate pace.

B. **Scope**. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures; the size and width of lots; the density of population, and; the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

C. **Applicability**. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw. Any use that is not expressly permitted by these bylaws is prohibited.

Commented [PB1]: Standard zoning bylaw language recommended by the Berkshire Regional Planning Commission.

D. **Zoning Amendments**. This Bylaw may be amended or repealed at any Town Meeting of the Town of Mount Washington as provided by M.G.L. c. 40A §5.

E. **Validity.**
    1. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations or bylaws or with deed restrictions or covenants, the most restrictive or the one imposing the higher standards shall govern.
    2. This chapter repeals and replaces the Zoning Bylaw adopted originally on August 16, 1989 and any subsequent amendments to said bylaws thereto.

3. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

F. **Separability.** The provisions of this chapter shall be deemed to be separable. If any of its provisions, subsections, sentences, or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall continue to be in full force and effect.

§215-2. Definitions.

A. **Word Usage.** For the purpose of this chapter and unless the context of usage clearly indicates another meaning, the following rules of construction apply to the text of this chapter.
   1. Words used in the present tense include the future; the singular number includes the plural; and the plural number includes the singular.
   2. The words "used" or "occupied" include the words "designed," "intended" or "arranged" to be "used" or "occupied."
   3. The words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof."
   4. The word "shall" is mandatory; the word "may" is permissive.
   5. The words "including" or "such as" shall not limit a term to specified examples but are intended to extend their meaning to all other instances or circumstances of like kind or character.

B. **Terms Defined.** For the purpose of this chapter, the following words and terms, as used herein, shall have the meanings or limitations of meaning hereunder defined, explained or assigned.

Commented [PB2]: Definitions have been expanded to align with bylaw updates, increase clarification, and further enable consistent enforcement.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory structures shall include, but not be limited to detached garages, barns, carports, sheds, treehouses, trash enclosures, private generators, ground-mounted solar installations, unenclosed decks, and pools (see §215-5 C). Accessory structures shall not include dwelling units, public utility structures, fences, or walls. Enclosed structures attached to a primary building shall be considered part of a primary building.

AGRICULTURAL USE, **EXEMPT from unreasonable regulation**: Use of land for the primary purpose of commercial agricultural, aquaculture, silviculture, horticulture, floriculture, or viticulture, as set forth in M.G.L. c. 40A §3.

AGRICULTURAL USE, **NONEXEMPT**: Agricultural use of property not exempted by M.G.L. c. 40A §3.

AVIATION FIELD: A landing field for aircraft, including helicopters.

BASEMENT: A portion of a building, partly below grade, which has more than one half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four and a half (4 1/2) feet or more above the finished grade or one-half of the total height above finished grade, whichever is greater.

BED AND BREAKFAST: A private owner-occupied house where three (3) or fewer rooms are let and a breakfast is included in the rent.

BOARDING HOUSE (LODGING HOUSE): Any house or building, or part thereof, in which four (4) or more persons are harbored, received or lodged for hire, or any building, or part thereof, which is used as a sleeping place or lodging for four (4) or more persons not members of the family residing therein (M.G.L. c. 140 §22).

BUILDING: A roofed or walled structure used or intended for supporting or sheltering any use or occupation.

BUILDING HEIGHT: The vertical distance measured from the mean level of the highest and lowest points of the original grade adjoining the wall of a building to the mean height of the highest roof surface (see §215-5).

BUILDING INSPECTOR: The town official, appointed by the Select Board, who is responsible for the administration and enforcement of the Code of Massachusetts Regulations 780, Town Zoning Bylaws, and State Board Building Regulations and Standards.

BUILDING LOT: A clearly defined parcel of land in one (1) ownership used or available for use as the site of one (1) or more buildings of sufficient area and dimensions to meet this chapter's minimum requirements. Such lots have been shown on a plan and the deed has been legally recorded or registered.

BUILDING PERMIT: A construction permit issued by the building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as Chapter 215 of the Town Bylaw.

COMMERCIAL FARM: Any property from which $1,000 or more of annual gross farm revenue is produced and sold or normally would be sold.

COMMERCIAL FARM USE, EXEMPT from unreasonable regulation: Commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture on five (5) or more acres, or two (2) or more qualified acres ~~as per~~ pursuant to M.G.L. c. 40A §3.

COMMERCIAL FARM USE, NONEXEMPT from regulation (does not qualify as exempt under M.G.L. c. 40A §3): Agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture on less than five (5) acres, or less than two acres each of which produces less than $1,000 of gross annual sales, ~~as per~~ pursuant to M.G.L. c. 40A §3.

CUSTOMARY HOME OCCUPATION: An occupation conducted in the home of a self-employed resident of the home, which is limited to the home, conducted at the home, and requires no more on-street or off-street parking than would ordinarily be used by the household. Customary home occupations do not include gift shops, antique shops, art galleries, or other similar retail establishments.

DORMER: A roof structure, often containing a window, projecting from a sloped roof.

DWELLING UNIT: One (1) or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one (1) family.

DWELLING, ONE-FAMILY: A detached residential building designed for and occupied by one (1) family only, not including mobile homes.

DWELLING, MULTI-FAMILY: A residential building containing two (2) or three (3) dwelling units, including houses that have been subdivided into separate dwelling units.

FAMILY: Two (2) or more individuals related by blood, marriage, or adoption, or not more than five (5) individuals who are not so related living in a single dwelling unit.
GARDEN: Land appropriate for the cultivation of herbs, fruits, flowers or vegetables for the use of the landowner or lessee, with annual gross sales of less than $1,000.
GRADE: A gradient or slope, measured in its original, natural state for an undeveloped property, and prior to any alteration or work on a property for which a building permit has ever been issued.
GREENHOUSE: Any structure with walls and a roof made chiefly of transparent material, such as glass or plastic, in which plants are grown.
GREENHOUSE, PERSONAL: A structure used for the growing of plants for the property occupants' personal use.
GREENHOUSE, COMMERCIAL: A structure used for the commercial growing of plants to be sold at another location.
GREENHOUSE, COMMERCIAL RETAIL: A structure used for the commercial growing and selling of plants and plant products associated with gardening and/or landscaping.
GROSS FLOOR AREA: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy.
INDUSTRIAL MANUFACTURING: The making or processing of a product, especially with the use of industrial machines, which is not considered a customary home occupation. See definition for Customary Home Occupation.
JUNK YARD: A commercial structure or lot used in connection with a business for the collection, storage, or sale of waste or scrap materials.
LOT: A continuous parcel of land in the same ownership throughout, with boundaries established through one or more recorded deeds or plans.
LOT DEPTH: The mean horizontal distance, measured perpendicular (at right angles) to the front property lot line, at the shortest distance between the front property lot line and the rear property lot line.
LOT WIDTH: The distance along the required front yard building setback line measured parallel to the front property lot line.
LOT FRONTAGE: The continuous distance along the front property lot line, measured between the side property lot lines. A private street approved by the Planning Board under the Subdivision Control Law may provide frontage only for the lots which are contained within the approved subdivision.
MOBILE HOME: A dwelling unit that is transportable in one or more sections, built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters. For the purpose of this zoning bylaw, the term "mobile home" shall include "manufactured home" ~~as per~~ pursuant to M.G.L. c. 140 §32Q, "auto home" and "house trailer" ~~as per~~ pursuant to M.G.L. c. 90 §1, and "recreational vehicle" ~~as per~~ pursuant to M.G.L. c. 93B §1.
MODULAR HOME: A manufactured building (modular home) is a living space that is manufactured off-site, without a permanently attached chassis (780 CMR 3502.0).
MUNICIPAL USE: Use of land by the Town of Mount Washington in accordance with the

general laws governing municipal powers and functions, including participation in regional uses.

NONCONFORMING LOTS: A lot which, when originally created, conformed to any zoning requirements relative to minimum lot area, minimum lot width and frontage, and/or minimum lot depth which were then in effect, but which zoning requirements have since been amended so that said lot would no longer conform to the new zoning requirements.

NONCONFORMING USE OR STRUCTURE: A use or structure that lawfully existed at the time of adoption of this Bylaw, which does not conform to the current requirements of this Bylaw.

PLOT PLAN: A detailed plan drawn to scale, indicating the location of existing and proposed structures and additions and the setbacks of those structures from the property lines and the size, height and gross floor area of the proposed building(s) and additions.

PREEXISITNG NONCONFORMING: A preexisting nonconforming designation allows preexisting nonconforming uses and structures to continue, subject to M.G.L. c. 40A and this Zoning Bylaw.

RIGHT-OF-WAY LINE: The right-of-way line of a street as established under public authority or as shown on a plan approved by the Planning Board or, if neither of the above apply, a line parallel to the center line of the road and measured from that centerline perpendicular back a distance of twenty-five (25) feet and parallel to the center line. The right-of-way line shall also be known as the "front property line" of a particular parcel.

ROAD/STREET: A public way or a way which the Clerk of the Town certifies is maintained and used as a public way; a way shown on an approved subdivision plan that should be either (a) built to specification, or (b) secured by a performance guarantee before it constitutes "frontage"; or a way shown on a plan approved and endorsed in accordance with the Subdivision Control Law; or a way in existence when the Subdivision Control Law was adopted in Mount Washington on July 31, 1970, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

SETBACK: The area of the lot extending inward from a property lot line for the distance specified in the zoning regulations in which no building or structure may be placed.

SETBACK, FRONT: The minimum unoccupied distance between a front property line and a structure or building, measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel to the center line of the traveled way. A corner lot shall be considered to have two front setbacks.

SHORT-TERM RENTAL: The rental of a room or unit, in a property occupied by an owner as a primary residence, through the use of advanced reservations for a period of time not more than thirty-one (31) consecutive days within a twelve (12) month period.

SIGN AREA: The area of the sign face, not including supporting posts or sign bases.

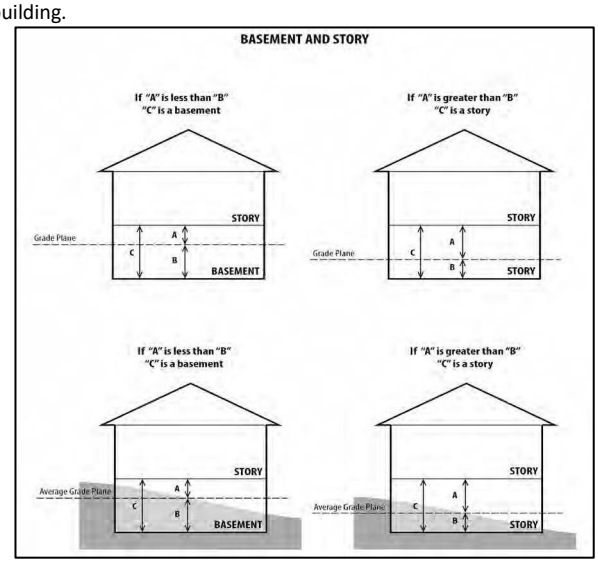
SPECIAL PERMIT: A permit which the Planning Board is authorized to grant upon finding that the criteria for approval have been satisfied, as provided in M.G.L. c. 40A, §9. See application in Appendix B.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA): The Planning Board is the Special Permit Granting Authority.

SITE PLAN: A site plan is a set of construction drawings that a builder or contractor uses to make improvements to a property. Site plans are often prepared by a design consultant who must be either a licensed engineer, architect, landscape architect or land surveyor.

SITE PLAN REVIEW: A review conducted by The Planning Board for the purpose of reasonably regulating religious, educational, agricultural, childcare centers and municipal uses, pursuant to M.G.L. c. 40A §3. In addition, it is used in conjunction with a Special Permit to provide detailed information on aspects of a proposed project. See Appendices C and D of this bylaw.

STORY: That portion of a building contained between any floor and the floor or the ceiling next above it, but not including any portion so contained if more than one-half (1/2) of such portion vertically is below the grade plane or average grade plane of the ground adjoining such building.



STRUCTURE: Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land, including, but not limited to, buildings, swimming pools and recreational courts.

TINY HOUSE: For the purposes of this bylaw, a "tiny house" shall be considered a mobile home (refer to above definition for MOBILE HOME).

USES BY-RIGHT: Uses which are permitted and uses which may be permitted after the issuance of a Building Permit or a Site Plan Review.

WETLANDS: Areas defined as wetlands by the state and federal laws and/or regulations adopted by the Town's Conservation Commission.

YARD: An unoccupied space open to the sky on the same lot with a building or structure.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front property line of the lot and the nearest line of the building. The depth of the front yard shall be the minimum distance between the building and the front property lot line.
YARD, REAR: A yard extending across the full width of the lot and lying between the rear property lot line and the nearest line of the building. The depth of the rear yard shall be the minimum distance between the building and the rear property lot line.
YARD, SIDE: A yard between the side property lot line and the nearest line of the building and extending from the front and rear yard property lot lines. The width of a side yard shall be the minimum distance between the building and the side property lot line.
ZONING ENFORCEMENT OFFICER: The Building Inspector shall act as the Zoning Enforcement Officer (M.G.L. c. 40A §7) and shall ensure that proposed projects comply with the state building code, local zoning regulations, and any other applicable regulations.

§215-3. Districts.

A. For the purpose of this Zoning Bylaw, the entire area of the Town of Mount Washington shall constitute a single zoning district with uniform regulations for every class or kind of structure or use permitted, known as the Residential (R-1) zone district (see Appendix A).
B. In addition, the following types of overlay districts are hereby established:
    1. Wireless Communication Facility Overlay District (WCFOD). See §215-9.

§215-4. Use Regulations.

A. **Compliance Required.** Within the R-1 zone district, no building or structure shall be erected, and no building, structure or land shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted by-right or set forth as permissible by Special Permit from the Planning Board. Pursuant to the grant of authority contained in M.G.L. 40A §10, use variances are expressly prohibited.

B. **Permitted Uses By-Right.**
    1. Customary home occupations carried on in their own home by self-employed resident occupants working at occupations which are limited to the home, carried forth at the home and require no more off-street parking than would ordinarily be used by the household.
    2. The use of a room or rooms in a dwelling or accessory building by a resident occupant for practice of a recognized profession, or by a resident carpenter, painter, plumber, electrician or for a customary home occupation in connection with his or her trade, provided that there is no evidence of a business other than a permitted sign.
    3. The growing of a garden, utilization of a greenhouse, and the raising of livestock and crops primarily for the property occupant's personal use. Refer to §215-12 B.

Commented [PB3]: Added to allow non-commercial gardening and farming as permitted uses by-right.

C. **Permitted Uses By-Right; Permit Required from Building Inspector.** Uses which shall be permitted after issuance of a permit from the Building Inspector:

1. Detached one-family dwellings.
2. Accessory use or structure incidental to a permitted principal use on the same building lot, as per the definition in §215-2 B and the dimensional requirements of §215-5 B.
3. Farm stands (see §215-12 C)
4. Small-Scale Solar photovoltaic installations (see §215-11)
5. Mobile homes as temporary dwellings, not to exceed twelve (12) months, as per §215-4 C (5), §215-12 A and M.G.L. c. 40A §3.
6. Accessory Apartments in a Principal Residential Structure

D. **Permitted Uses By-right; Site Plan Review Required.** Uses that shall be permitted by Site Plan Review in accordance with §215-13 ~~D~~ E (3). See Appendix C for uses 1 – 3 and Appendix D for uses 4 and 5.

1. Uses to the extent protected or exempt pursuant to M.G.L. c. 40A §3, or other state law, including, but not limited to, structures for religious purposes, or family child care homes (as defined in M.G.L. c. 15D §1A), as specified within said law.
2. New Camps, as defined by and subject to regulation under 105 CMR 430.000 et seq. and per §215-10.
3. Municipal uses.
4. Commercial farming on five (5) or more acres, or two (2) or more acres of qualifying acres as defined in M.G.L. c. 40A §3, and farming on plots under two (2) acres that generates one thousand ($1,000) dollars or more in gross sales annually.
5. The utilization of a greenhouse for commercial farm use exempt, and commercial farm use nonexempt.

E. **Special Permit Uses.** Uses which may be permitted by a Special Permit to be issued by the Planning Board in accordance with §215-13 ~~D~~ E and the provision of M.G.L. c. 40A:

1. Boarding houses.
2. Bed & breakfasts.
3. Multi-family dwellings.
4. Medium-Scale Solar photovoltaic installations (see §215-11).
5. Trailers or mobile homes as temporary dwellings, not pertaining to M.G.L. c. 40A §3. See §215-2 B and §215-12 A.
6. Wireless Telecommunication Facilities (see §215-9).

F. **Prohibited Uses**.

1. Any use that is not expressly permitted by these bylaws is prohibited.
2. All Marijuana establishments defined in M.G.L. c. 94G are prohibited as a result of approval of Article 16 at the Annual Town Meeting of May 1, 2018 and Annual Town Election of May 8, 2018.
3. Large-Scale Solar photovoltaic installations (see §215-11).
4. Mobile homes, except as permitted in §215-4 C (5), §215-12 A and M.G.L. c. 40A §3.

Commented [PB4]: Added to allow farm stands, as uses permitted by-right.

Commented [PB5]: Added to allow construction of accessory apartments within a principal residential structure.

Commented [PB6]: Allows permitted activities to be reviewed through a Site Plan Review. Provides abutters or interested parties an opportunity to participate in Planning Board open meeting.

Commented [PB7]: Child care homes added.

Commented [PB8]: Municipal uses added.

Commented [PB9]: Added to allow reasonable regulation of potential new commercial agriculture.

Commented [PB10]: Added per recommendation from the Berkshire Regional Planning Commission.

5. Junk Yard.
6. Aviation Field.
7. ~~Manufacturing or industrial enterprise~~Industrial Manufacturing.
8. For commercial farm uses nonexempt, ~~as per~~ pursuant to M.G.L. c. 40A §3, the following are prohibited: commercial slaughterhouses, commercial saw mills, retail greenhouses and all uses detrimental to the water supply and environment, and any use that interferes with a neighbor's right to enjoy his or her property without excessive or objectionable noise, odor, fumes, dust, electrical interference and traffic.
9. Commercial riding stables on parcels under five (5) acres.
10. The keeping and raising of any animal or poultry, confined in a cruel manner, as defined in MA Acts (2016), Chapter 333.
11. Any use of land, buildings or structures that could create excessive and objectionable noise, fumes, odor, dust, electrical interference, nuisance, pollution, or traffic.

Commented [PB11]: Added to preserve the character of the Town, protect one's right to enjoy his or her property, and to ensure the humane treatment of animals.

G. **Nonconforming Uses, Lots, and Structures.**

1. **Applicability.** This Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or Special Permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A §5 at which this bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure takes place unless authorized hereunder.
2. **Nonconforming Uses.** The Planning Board may award a Special Permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
    a. **Eligible Changes.** The following types of changes to nonconforming uses may be considered by the Planning Board.
        1) Change or substantial extension of the use.
        2) Change from one nonconforming use to another, shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
3. **Nonconforming Lots.**
    a. Nonconforming undeveloped, residential building lots of record and lots shown on a plan endorsed by the Planning Board under the Subdivision Control Law are exempt from the frontage and acreage provisions of this bylaw for a period of one hundred (100) years from the original date of approval of this chapter on August 16, 1989.
    b. When placing a single- or two-family structure on an undeveloped, building lot which does not meet the acreage requirements as stated in §215-5 A of this bylaw, the structure shall be subject to the following setback requirements: front setback of fifty (50) feet, side and rear setback of twenty-five (25) feet. These structures shall be considered nonconforming structures and shall require

Commented [PB12]: Added original date from 1989 bylaw.

a Building Permit and shall comply with all other requirements for nonconforming structures as provided in this bylaw.

4. **Nonconforming Structures.** The following types of changes to preexisting nonconforming structures may be considered for a Special Permit from the Planning Board, only if it determines that such changes shall not be more detrimental than the existing nonconforming structure to the neighborhood.
    a. **Eligible Changes.** The following types of changes to preexisting nonconforming structures may be considered for a Special Permit.
        1) Alteration, reconstruction, extension or structural changes (see Section 7, below for demolition regulations);
        2) Alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.
5. **Nonconforming Single- and Two-Family Residential Structures.** Preexisting nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed, reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure, provided that these following conditions are met:
    a. **Permissible Changes.** The following circumstances shall not be deemed to increase the nonconforming nature of said structure, and a Building Permit may be issued:
        1) Alteration to a preexisting nonconforming single- or two-family residential structure on a lot with insufficient area and/or frontage that complies with all current setback and height regulations.
        2) Alteration to a preexisting nonconforming single- or two-family structure which encroaches upon one or more required setback areas, where the alteration will comply with all current setback requirements or not extend further than five (5) feet into the current side and rear setback requirements (see §215-5 A) and meet all current height requirements.
        3) An uncovered porch or a covered porch required for access with open or screened sides may project up to eight (8) feet, which includes steps, into a required front setback after being reviewed by the Planning Board.
        ~~3)~~4) A dormer projecting vertically from a sloping roof which does not exceed the current height requirements.
    b. **Changes Requiring a Special Permit.** If the Building Inspector determines that the proposed construction, reconstruction, extension, alteration or change exceeds one or more of the criteria set forth above, the Planning Board may, by Special Permit, allow such construction, reconstruction, extension, alteration, or change, where it determines that such construction, reconstruction, extension, alteration or change will not be substantially more detrimental than the existing

Commented [PB13]: No change to less restrictive setbacks (from 1970's bylaws) for undeveloped building lots that do not meet the minimum acreage requirements.

Commented [PB14]: Adds detail to the eligible changes to nonconforming structures.

Commented [PB15]: Added to allow flexibility for extending into a setback.

Commented [PB16]: Previously, a Special Permit was required. Now, only a Building Permit is required.

Commented [PB17]: Added to allow a front porch with Planning Board Review, not a Special Permit.

nonconforming structure to the neighborhood. For the purposes of this subsection only, the term "reconstruction" shall not include the voluntary demolition of such structure and its rebuilding. (see Section 7 below).

1) Expansion into the side or rear yard, provided said expansion is no closer to the front property line than the existing structure; is a minimum of fifty (50) feet from the front property line, does not extend further than five (5) feet into the current side or rear setback requirements (see §215-5) and does not increase the gross floor area by more than one hundred (100) percent.

6. **Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of three (3) years, shall lose its protected status and be subject to all of the provisions of this bylaw; provided, however, that by Special Permit the Planning Board may reestablish a nonconforming use or structure otherwise abandoned or not used.

7. **Reconstruction after Catastrophe or Demolition.** Any preexisting nonconforming structure may be reconstructed after a catastrophe or voluntary demolition.

   a. A Demolition Permit from the Building Inspector shall be required prior to demolishing the structure~~, except when the nonconforming structure was built one hundred (100) years ago or earlier from the date of the demolition permit application. The Planning Board may waive the requirement for a Special Permit for any structure not considered historically significant by the Historical Society~~.

   b. Reconstruction of said premises shall commence within three (3) years and during that time, any new construction shall comply with the following regulations:

      1) Changes Permissible with a Building Permit.

         i. Reconstruction of single- or two-family structure on the same footprint as the original structure that complies with all current height requirements.

         ii. Reconstruction of a preexisting nonconforming structure on a location other than on the original footprint that complies with all current setback and height requirements.

         iii. Reconstruction of a nonconforming accessory structure on the same footprint and with the same gross floor area as the original structure.

      2) Changes Requiring a Special Permit.

         i. Reconstruction of a preexisting accessory structure on the same footprint with an increase in gross floor area.

         ii. Reconstruction of a preexisting nonconforming structure on a location other than the original footprint that increases or creates a new nonconformity, as determined by §215-5 of this bylaw, may be allowed by Special Permit when the Planning Board determines that such reconstruction will not be more detrimental to the neighborhood.

Commented [PB18]: Language updated to comply with state guidelines and enable demolition of a non-conforming structure with only a building permit, except for structures older than 100 years.

Commented [PB19]: Adds latitude (5') into a setback with a Special Permit.

Commented [PB20]: Adds parameters on the size of an addition to a non-conforming structure.

Commented [PB21]: Extends abandonment or non-use period from 2 to 3 years.

Commented [PB22]: Clarification of existing bylaw.

Commented [PB23]: Requires a Special Permit when the reconstructed structure increases or adds a new nonconformity.

8. **Variance Required.** Except as provided in Section 5 and Section 7 above, the construction, reconstruction, extension or structural change of a preexisting nonconforming structure, in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance.
9. **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use or eliminated, revert to a nonconforming use.
10. **Substandard Lots.** A prior lawful nonconforming undeveloped building lot or lawful nonconforming developed lot, which does not meet current dimensional requirements, shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

Commented [PB24]: Requires that nonconforming uses that have been changed or eliminated on a particular property may not be re-established on that property.

§215-5. Dimensional Requirements. Any building used for dwelling purposes and any building or structure housing a permitted principal use, including any use authorized by a Special Permit, shall be so constructed and located on a building lot as to meet the minimum requirements as set forth below, unless otherwise specified within this Zoning Bylaw.

A. **Table of Dimensional Requirements – Primary Structure.**

Principal Structure(s)	
Requirements	**R-1 Zone District**
Minimum Lot Area	3 acres
Minimum Lot Frontage	200'
Minimum Front Yard Setback	100'
Minimum Side Yard Setback	35'
Minimum Rear Yard Setback	50'
Maximum Building Height	3 stories, but shall not exceed 35'
Max Lot Coverage	none

B. **Table of Dimensional Requirements – Accessory Structures.**

Accessory Structures	
Requirements	***R-1 Zone District***
Maximum number of accessory structures per lot	None
Maximum square footage of any accessory structure	800**

Commented [PB25]: Increases allowable square footage from 600 to 800.

Minimum Front Yard Setback	100', or not closer to road than the front wall line of existing principal building
Minimum Side Yard Setback	25'
Minimum Rear Yard Setback	25'
Maximum Building Height	26'
	**see §215-5 (C) (3) and (7)

C. **General Dimensional Requirements.**

1. Only one (1) one-family dwelling is permitted per building lot.
2. Two (2) and three (3) family dwelling units shall require a minimum of five (5) and seven (7) acres, respectively.
3. Accessory structures larger than eight hundred (800) square feet may be permitted upon issuance of a Special Permit from the Planning Board.

~~4. No building or structure shall be constructed on a building lot where the building or structure is to be situated on a grade which is greater than fifteen percent (15%) before any alteration or work. (See in definitions, §215-2 Grade)~~

~~5.~~4. Proposed structures or additions to preexisting structures must comply with the Massachusetts Rivers Protection Act, the Wetlands Act, the Mount Washington Conservation Commission Regulations and the Mount Washington Zoning Bylaws. ~~Proposed buildings or structures must comply with the Rivers Protection Act and the Wetlands Protection Act as follows:~~

a. No new building shall be constructed within two hundred (200) feet of any headwater~~,~~ perennial ~~or intermittent~~ river or stream per the Rivers Protection Act, or (150) feet of any lake, pond, or bordering vegetated wetland per ~~the Wetlands Protection Act~~ Mount Washington Zoning Bylaw. Any exception, other than as provided in §215-5 C (~~5~~4), shall require a ~~Variance from the Zoning Board of Appeals~~ Special Permit from the Planning Board.

b. Any preexisting primary or accessory structure located within two hundred (200) feet of any headwater, perennial ~~or intermittent~~ river or stream per the Rivers Protection Act, or within one hundred and fifty (150) feet of any lake, pond or bordering vegetated wetland per ~~the Wetlands Protection Act.~~ Mount Washington Zoning Bylaw may be expanded, extended or altered including the addition of any new accessory structure, ~~provided the said addition or new structure is no closer to any body of water than the preexisting primary structure~~ with a Building Permit, when the Planning Board, in consultation with the Conservation Commission, determines that the change will have no significant impact on any body of water. In the case when said addition or new structure is closer than the primary structure to any body of water, a Special Permit will be required.

c. Six (6) copies of a site plan, including the location, size and height of proposed buildings, site improvements, location of bodies of water and/or wetlands, shall

be submitted to ~~the Conservation Commission and~~ the Planning Board and the Conservation Commission (the Conservation Commission may request other documents). ~~After reviewing the proposed project with the Conservation Commission, the Planning Board shall determine whether a Building Permit or a Special Permit or other action shall be required. Proposed buildings and structures shall abide by the regulations as set forth in the Rivers Protection Act, the Wetlands Protection Act, the Mount Washington Conservation Commission Regulations, and the Mount Washington Bylaws.~~

~~6.~~5. Accessory structures used as sheds, for example; tool sheds, storage sheds, playhouses, treehouses and similar structures (not including garages), when measuring less than two hundred (200) square feet, shall not exceed fourteen (14) feet in height, as measured from the bottom of the floor to the top of the roof peak. Such structures shall follow the setbacks for accessory structures set forth in §215-5 B, except those measuring less than two hundred (200) square feet, which may use lesser setbacks after applying for a Site Plan Review from the Planning Board, see Appendix C.

~~7.~~6. Accessory structures less than two hundred (200) square feet in gross floor area shall not require a building permit but shall still abide by the Table of Dimensional Requirements as per §215-5 B, §215-5 C (~~6~~5), and the rivers and wetland restrictions §215-5 C (~~5~~4).

~~8.~~7. No septic or leaching field shall be placed within two hundred (200) feet of any perennial ~~or intermittent~~ river or stream or lake, pond, bordering vegetated wetland or any other body of water subject to protection under M.G.L. c. 131 §40.

Commented [PB26]: Distinguishes setback requirements between the state's Wetlands Protection Act and the state's Rivers Protection Act.

§215-6. Signage. All signs applied to or affixed to a building or structure or which are visible at any time of the year from a public way or any neighboring premises must conform to these sign regulations.

A. **General Regulations.**

1. One (1) permanent sign is permitted per parcel.
2. Any sign, whether affixed to a wall or freestanding, shall not exceed four (4) square feet in sign area.
3. Freestanding signs shall be set back at least ten (10) feet from the front property line.
4. Freestanding signs shall not exceed eight (8) feet above grade.
5. No sign shall use moving parts, noise-making devices or blinking, rotating, flashing, red or neon lights, or lights changing in intensity, and no sign shall be placed on the roof of any building or structure or extend above the parapet or eave line.
6. No illuminated sign or lighting device shall be so placed or directed upon a public way or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or a nuisance.
7. No sign shall be located off the premises to which it applies, except as per §215-6 B (1).
8. Supporting posts, columns or bases shall not contain any text, pictures, symbols or lighting, and shall be of neutral colors intended to blend in with the surrounding environment.
9. Signs shall not be placed within a road right-of-way.

Commented [PB27]: Clarification of current regulations.

Commented [PB28]: Added for consistency with §215-1 A. 2.

10. Historical Site Plaques approved by the Mount Washington Historical Society do not need a Special Permit but must be in compliance with all other requirements of this chapter.
11. The Planning Board may waive any requirement in this Section when, in the opinion of the Board, no substantial detriment would result.

Commented [PB29]: Added for clarity of Historical Site Plaques.

Commented [PB30]: Allows Planning Board flexibility.

B. **Signs Requiring a Special Permit from the Planning Board.**

1. Off-premise directional signs provided that they serve the public convenience and are not detrimental to the neighborhood with respect to size, location or design.

§215-7. Off-Street Parking. No building or structure, except for one-family residential buildings and their related accessory structures, shall be erected or enlarged unless the off-street parking requirements are met as specified in this section. For the purpose of this section, an enlargement or addition of any building shall require the provision of off-street parking for the existing building as if it were newly constructed.

A. **Parking Requirements.**

1. The number of parking spaces shall be determined by the Planning Board as part of a Site Plan Review.
2. Required off-street parking facilities shall be provided on the same lot as the principal use they are designed to serve.
3. Parking lots shall be set back at least ten (10) feet from any lot line.
4. The Planning Board may grant a special permit to waive any requirement in this Section when, in the opinion of the Board, no substantial detriment would result.

Commented [PB31]: Added in tandem with new uses in §215-4 Use Regulations. Establishes parking requirements for structures that are not single-family homes.

§215-8. Driveways.

A. Permitting.

1. No driveway or road abutting or intersecting any public way shall be constructed hereafter unless approval therefore is granted by the Select Board and the Highway Department and reviewed by the Building Inspector and the Conservation Commission. Application for a permit for such construction shall be made in writing to the Board of Selectmen before such construction begins.
2. The Board of Selectmen may grant a permit for such construction upon such conditions as the Board deems proper. The Board may require the installation of culverts and such grading and surfacing as may be required. The construction work shall be done under the supervision of the Board of Selectmen and to its satisfaction. The entire expense of such construction shall be paid by the person to whom the permit was given.
3. The Board of Selectmen may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to public ways and facilities

Commented [PB32]: Clarification of procedure.

caused by or resulting from the work authorized by the permit. The amount of such bond shall be determined by the Selectmen and shall not exceed the estimated cost of the work and possible damage.

4. Reconstruction of a driveway requires review by the Select Board and the Conservation Commission.

Commented [PB33]: Clarification of procedure for reconstruction of existing driveways.

B. **Driveway Requirements.**

1. No driveway shall exceed fifteen percent (15%) in grade, as measured from the original natural grade, for any portion of its length.

§215-9. Wireless Communication Facilities (WCF).

A. Purpose. The purpose of this section is to:

1. Preserve the character and appearance of the Town while simultaneously allowing WCF to be developed.
2. Protect the scenic, historic, environmental and natural resources of the community.
3. Provide standards and requirements for planning, regulation, placement, construction, monitoring, design, modification and removal of WCF.
4. Preserve property values.
5. Minimize the total number and height of WCF throughout the community.
6. Locate WCF so as to minimize negative impacts such as, but not limited to, nuisance, noise and falling objects; and to promote the general safety, welfare and quality of life of the community.
7. Require owners of such WCF to configure them so as to minimize and mitigate the adverse visual impact of said facilities where possible.
8. Require sharing and the clustering of WCF where possible.

B. **Location**. WCFs shall be located in the Wireless Communications Facilities Overlay District (WCFOD), as illustrated on Appendix A, Town of Mount Washington Zoning Map.

1. The Wireless Communications Facilities Overlay District is intended to protect the environmental, scenic, recreational, cultural, historic, archaeologic, and other natural and manmade resources of the Town of Mount Washington, while allowing adequate Wireless Telecommunications services to be provided to the Town.
2. As shown on the Town's Zoning Map, Appendix A, the Wireless Communications Facilities Overlay District is located on Mt. Darby on East St., on the Assessor's Map 1, Parcels 2 and 3.
3. The WCFOD is an overlay zoning district mapped over other zoning districts. It modifies and where there is inconsistency, supersedes the articles, sections, and regulations of other zoning districts. Except as so modified or superseded, the articles, sections and regulations of the underlying zoning districts remain in effect.
4. Any use of properties within the WCFOD for purposes of placement, design, construction, installation, operation, modification or removal of WTS Facilities,

Structures/Towers or Repeaters shall be subject to the requirements of the Zoning Bylaws of the Town of Mount Washington.

C. **Consistence with Federal and State law; Severability**

1. This section is intended to be consistent with the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012 and M.G.L. c. 40A.
2. If any part of this section is held by a court of competent jurisdiction to be invalid, it shall not invalidate any other part of the Zoning Bylaw.

D. **Definitions.** The following terms shall have the meanings indicated, as they relate to this section:

1. WIRELESS COMMUNICATION FACILITY (WCF): Any tower or other support structure, including antennae, that will extend twenty (20) or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives or carries Wireless Communication Services.
2. WIRELESS COMMUNICATION SERVICE (WCS): Any mobile service, wireless service, wireless exchange service, cellular service, personal communication service, mobile radio service, paging service, wireless data service, or public or private radio dispatch service and the like, including personal wireless services.
3. WIRELESS COMMUNICATION SERVICE PROVIDER (WCSP): Any person or entity providing Wireless Communication Services.
4. PERSONAL WIRELESS SERVICES (PWS): Mobile services, wireless services, and wireless exchange services and the like, including, but not limited to cellular services, personal communications services, mobile radio services, and paging services.

E. **Permit Required; Exemptions.**

1. Unless otherwise exempt or required by state or federal law, WCF are only permitted by Special Permit from the Planning Board. No installation or construction of, or addition or modification to, any WCF shall commence until said special permit has been issued by the Planning Board finding that such WCF complies with this section and all other laws, rules and regulations. Any modification to an existing facility that does not "substantially change" the physical dimensions of the tower or base station, as defined in the FCC Report and Order FCC 14-153 issued October 21, 2014, shall not require a Special Permit, but shall require that the owner or lessee of the tower provide written notification of such modification to the Planning Board.
2. This section shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communication signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight (8) square feet, and if the antennae and the mast to which they are attached do not extend more than twelve (12) feet above the roof of that portion of the building to which they are attached.
3. The Planning Board may waive any and all requirements hereunder for WCF needed of a public or emergency nature.

Commented [PB34]: Updated per clarification by Attorney General on June 12, 2013.

F. **Permit Application Requirements.** In addition to the site plan submittal requirements listed in §215-13 ~~D~~ E (3), applicants shall include the following supplemental information:

1. The names and addresses of all abutters and those within 500' of the WCF and its access. Abutters shall be determined without regard to any public right-of-way.
2. A vicinity map showing the entire vicinity within a 1,000-foot radius of the WCF, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed WCF site parcel and all easements or rights of way needed for access from a public way.
3. The location of the WCF on a USGS Topographic Map or a GIS-generated map compatible with Massachusetts Office of Geographic Information (Mass GIS) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
4. Elevation drawings of the proposed WCF illustrating all facades and indicating all exterior materials and colors of towers, buildings and equipment, drawn at a minimum scale of 1 inch = 50 feet.
5. In the case of a site that is forested, the approximate average elevation of the existing vegetation within fifty (50) feet of any tower base.
6. Construction sequence and time schedule for completion of each phase of the entire project.
7. A report from a qualified engineer that:
    a. Describes the WCF design and dimensions.
    b. Documents the elevation above grade for all proposed mounting positions for antennas and the distances between antennas.
    c. Describes the WCF capacity, including the number, elevation and types of antennas that said facility is proposed to accommodate.
    d. Describes the output frequency, number of channels and the power output per channel for each antenna and aggregate antenna outputs. A coverage map shall be provided.
    e. Indicates that the proposed WCF will comply with all state and federal regulations, including but not limited to, radio frequency radiation.
8. The applicant shall provide a written, irrevocable commitment, valid for the duration of the existence of the WCF, to rent or lease available space for co-location on the tower or structure at fair-market prices and terms, without discrimination to other WCSPs.
9. In the case of an application for additional antennas or other equipment to be installed on an existing WCF, a copy of the executed contract with the owner of the existing structure.
10. Any additional information specified by the Planning Board as being required to evaluate each particular application.

G. **Independent Consultants.**

1. Upon submission of an application for a WCF permit, the Planning Board may retain independent consultants whose services shall be paid for by the applicant pursuant to M.G.L. c. 44 §53G. These consultants shall be determined by the Planning Board, including qualified professionals in telecommunications, engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Planning Board. The consultant(s) shall work at the Planning Board's direction and shall provide the Planning Board such reports and assistance, as the Planning Board deems necessary to review an application.
2. Annual Radiation Survey.
    a. The Planning Board may retain, at its sole discretion and at the WCF owner's cost, an independent telecommunications consultant each year to conduct a radiation survey at a sample of locations within the Town for the purpose of confirming that the WCF is operating within radiation standards established by the FCC and other public safety agencies.
    b. The purpose of this survey is to verify the WCF ongoing compliance with public safety regulations, specifically those of the Massachusetts Department of Public Health, including as set forth in 105 CMR, Department of Public Health: 105 CMR 122.000: Non-ionizing radiation limits for the general public from nonoccupational exposure to electromagnetic fields, employees from occupational exposure to electromagnetic fields and exposure from microwave ovens, or any revisions thereof, as the Department of Public Health may, by written notice, create.
    c. The first Annual Radiation Survey shall be conducted prior to the commencement of WCF operations to establish a radiation baseline map against which subsequent Annual surveys can be compared. Subsequent annual radiation surveys will be scheduled by the Planning Board and conducted without notice in order to ensure that the WCF's are operating normally at the survey time.

H. **Balloon Test.**

1. The Planning Board may require the applicant, at its expense, to fly a four-foot diameter brightly colored balloon to show the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at 7 and 14 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the Planning Board, in writing, of the date, time and location of the test, at least 15 days in advance of the test. The balloon shall be flown for at least eight consecutive daylight hours on seven days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Planning Board. The Planning Board shall have the right to require an adjustment to the date of balloon test commencement.

I. **Criteria for Approval and Conditions.** An application for a WCF permit shall be approved after a hearing when the Planning Board finds all the following criteria have been met and the application does not derogate from the intent and purpose of this section and the Zoning Bylaw:

1. The WCF will not be built on speculation. If the applicant is not a WCSP, the Planning Board may require the applicant to provide a copy of a contract showing that a WCSP is legally entitled to locate a WCF on lands owned or leased by the applicant.
2. The WCF will not project more than twenty (20) feet above the average elevation of the tree line measured within fifty (50) feet of the highest vertical element of the WCF, unless the proposed elevation is necessary, as determined by a qualified telecommunications engineer of the Planning Board's choice, to provide adequate WCS capacity or coverage or to facilitate co-location of WCF's.
3. The minimum distance from the base of any tower to any property line is not less than one hundred percent (100%) the total elevation of the tower, including antenna or equipment.
4. Towers shall not be closer than five hundred (500) feet from any existing dwelling.
5. The WCF will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law.
6. The applicant demonstrates that the WCF will be in compliance with all state, federal, and local laws and regulations, standards and requirements.
7. The applicant will maintain adequate insurance on the WCF. Applicant shall provide the Town annually with written evidence of insurance.
8. The WCF will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Planning Board may condition a permit on the provision of appropriate fencing.
9. The WCF, in the judgment of the Planning Board, will not interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
10. No new WCF's shall be allowed if adequate coverage can be obtained with existing WCF's, if allowed.
11. The WCF will not have an undue adverse aesthetic impact. In determining whether a WCF has an undue adverse aesthetic impact, the Planning Board shall consider the following factors:
    a. The results of the balloon test, if conducted.
    b. The extent to which the proposed WCF has been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
    c. The extent to which access roads have been designed to minimize effects on the landscape.
    d. The duration and frequency with which the WCF will be viewed from a public highway or from public property.
    e. The degree to which the WCF will be screened by existing vegetation, topography, or existing structures.

f. Background features in the line of sight to the Facility that obscure or make the WCF more conspicuous.
g. The distance of the Facility from the point of view and the proportion of the WCF that is above the skyline.
h. The sensitivity or unique value of a particular view affected by the WCF.
i. Any significant disruption of a view shed that provides context to an important historic or scenic resource.

J. **Continuing Obligations for Wireless Communication Facilities.**

1. The owner of a WCF shall, at such times as requested by the Planning Board, file a certificate showing that it is in compliance with all laws, standards and requirements regarding radio frequency radiation and that adequate insurance has been obtained for the WCF. Failure to file a certificate within the timeframe requested by the Planning Board, shall place the permit in violation and, at its sole discretion, may initiate procedures for permit revocation and WCF removal.
2. The Special Permit shall lapse after three (3) years if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. In such case, the holder of such lapsed permit shall be required to apply for a new permit.

Commented [PB35]: Lapse period extended from 2 to 3 years for consistency with generic Special Permit section.

K. **Permit Revocation for Non-Performance.**

1. The Planning Board may, at its discretion, revoke the applicant's permit in the event of one or more of the following conditions of non-performance arising:
   a. Failure to pay for the annual radiation survey within 90 days of invoice date.
   b. Failure to file with the Town annual evidence of insurance before expiration of the then current policy.
   c. Violation of any of the conditions under which the permit was issued.
2. Notice of non-performance shall be sent by certified mail after the Planning Board has documented the non-performance condition and has agreed that the condition is sufficient to require notice. The notice will contain instructions and time limits for corrective action. Notice shall be given to the address on the original application for Special Permit, unless the Planning Board has written notice of some other address. Notice shall be deemed given three days from mailing.
3. Failure by the permit holder to correct the non-performance will result in revocation of the permit and an order to discontinue operations. Subsequent to permit revocation, the permit holder must apply for a new permit if resumption of operation is desired.
4. Permit revocation shall constitute sufficient evidence of WCF abandonment by the permit holder.

L. **Removal of Abandoned Facilities.**

1. A WCF shall be deemed abandoned when it has not been in operation for a period of ninety (90) days.

2. After ninety (90) days of non-operation, the Building Inspector shall provide written notification to the owner/operator that such WCF is presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the WCF has been in operation during the relevant ninety (90) day period.
3. If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the WCF has been in operation for the relevant ninety (90) day period, then said facility shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.
4. The owner/operator of the WCF shall remove said facility and restore the site within one-hundred eighty (180) days of the date of the written notification of abandonment. If the owner/operator fails to remove the large-scale solar photovoltaic installation within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the WCF and restore the site at the sole expense of the owner/operator.

Commented [PB36]: Added for consistency with §215-1 A 3.

§215-10. Camps – Religious or Non-Profit Educational.

A. **Purpose**. The purpose of this subsection is to provide Site Plan Review of religious or nonprofit educational camps without unreasonably impeding the religious, educational and nonprofit use.

B. **Applicability**. Religious or Nonprofit Educational Camp uses exempt pursuant to M.G.L. c. 40A §3, shall be subject to Site Plan Review for the limited purpose of imposing reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open spaces, parking and building coverage requirements, as set forth herein.

C. **Definition**. "Camps" shall apply to any religious or nonprofit educational camp defined by and subject to regulation under 105 CMR 430.00 et seq. and the Mount Washington Board of Health Camp Regulation 100.00. A recreational camp for children "operates for any period of time between June 1 and September 30 of any year or not more than fourteen (14) consecutive days during any other time of year" (105 CMR 430.000).

D. **General Requirements.**
   1. Any religious or nonprofit educational camp shall comply with all state and local regulations, including, but not limited to, the State Building Code, the State Sanitary Code, the State and Town Health Code, the Mount Washington Bylaws, and the Mount Washington Board of Health Camp Regulations.
   2. Any religious or nonprofit educational camp cannot be operated by any nonreligious or for-profit educational groups or used for any nonexempt purpose.
   3. A setback of two-hundred fifty (250) feet shall be maintained extending from the abutting property lines to all camp structures and designated communal areas, such as

playing fields, picnic grounds and campfire areas. All setbacks shall be kept undeveloped and natural except for entrance and exit roadways.

4. Vegetated screening is required within fifteen (15) feet of the entire front property line, except for entrance and exit driveways.
5. Suitable off-street parking shall be provided for all facilities.
    a. Parking space dimensions shall abide by the requirements listed in §215-7 A.
    b. There shall be at least one (1) space for each sleeping room, one (1) space for each three (3) persons employed, one (1) space for each vehicle used in the operation of the camp, one (1) space for each regularly scheduled visitor's vehicle.
    c. Handicap parking shall be provided in accordance with the Americans with Disabilities Act.
6. Parking areas for five (5) or more cars must be screened from public roads and from abutting properties, through the use of vegetated screening. Required plants for screening purposes shall include both trees and shrubs and may include ones existing on the site but in any case, shall be sufficient to screen the camp from public view.
7. There shall be adequate refuse disposal facilities.
8. Any religious or nonprofit educational camp shall have a minimum of one hundred (100) contiguous acres.
9. Any religious or nonprofit camp shall have a maximum building coverage of four percent (4%) of land area.
10. Site Plan Review approval shall lapse after three (3) years if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Commented [PB37]: Lapse period extended from 2 to 3 years for consistency with generic Special Permit section.

E. **Procedures.**

1. Each application for a religious or nonprofit educational camp shall be submitted as per the requirements listed in §215-13 ~~D~~ E (3).
2. Site Plan approval may include specific conditions.
3. Upon submission of an application for a religious or nonprofit educational camp, the Planning Board may require the applicant to provide sufficient funds pursuant to M.G.L. c. 44 §53G to cover the Board's cost of hiring independent consultants. The consultant(s) shall work at the Planning Board's direction and shall provide the Planning Board such reports and assistance, as the Planning Board deems necessary to review the application.

F. **Site Plan Requirements.** In addition to the filing requirements listed in §215-13 ~~D~~ E (3), the site plan submittal shall include the following:

1. Up-to-date documentation of religious or nonprofit educational status.
2. A copy of a valid deed(s) of the property being considered for a camp.
3. A list of all proposed uses including location on the site, proposed times of yearly and daily operation, and the number of individuals allowed to participate.

4. The location of recreation areas, including setback distances to property lines.
5. An application fee, as listed in the Mount Washington Fee Schedule.

§215-11. Solar Photovoltaic Installations.

A. Purpose. The purpose of this section is to provide a permitting process for solar photovoltaic installations so that they may be integrated into the Town of Mount Washington in a manner that minimizes their impact on the character of neighborhoods, on the scenic, historic and environmental resources of the Town and, at the same time, protects health and safety while allowing solar photovoltaic technologies to be utilized.

B. Applicability. This section applies to solar photovoltaic installations proposed to be constructed after the effective date of this Bylaw. This section also applies to material modifications that alter the type, configuration, and size of existing solar photovoltaic installations after the effective date of this Bylaw.

C. Definitions. The following definitions shall apply to this section:

1. Large-Scale Solar Photovoltaic Installation: Any roof-mounted, building-mounted, pole-mounted or ground-mounted solar photovoltaic installation with a total rated nameplate capacity exceeding 100kW.
2. Medium-Scale Solar Photovoltaic Installation: Any roof-mounted, building-mounted, pole-mounted or ground-mounted solar photovoltaic installation that has a total rated nameplate capacity greater than 15kW and less than 100kW.
3. Rated Nameplate Capacity: The maximum output of electrical power production of the photovoltaic system in alternating current.
4. Small-Scale Solar Photovoltaic Installation: Any roof-mounted, building-mounted, pole-mounted or ground-mounted solar photovoltaic installation that has a total rated nameplate capacity of 15kW or less.

D. Compliance with Laws and Regulations. All Solar Photovoltaic Installations must comply with all local, state and federal regulations.

E. Small-Scale Solar Photovoltaic Installations.

1. Structure-mounted:
    a. A structure-mounted solar photovoltaic installation with a total nameplate capacity of 15kW or less may be constructed or materially modified by-right after the issuance of a Building Permit from the Building Inspector.
    b. A structure-mounted photovoltaic installation when combined with a ground/pole mounted solar photovoltaic installation, may not exceed a total nameplate capacity of 15kW.
    c. A structure-mounted solar photovoltaic installation may be installed on a primary building and on any accessory structures.

d. A structure-mounted solar photovoltaic installation, proposed to be mounted on a building or roof top, may protrude no greater than five (5) feet from the highest point of the roof.

2. Ground-mounted or Pole-mounted:
    a. A ground/pole-mounted solar photovoltaic installation with a total nameplate capacity of 15kW or less may be constructed or materially modified by-right after the issuance of a Building Permit from the Building Inspector.
    b. A ground/pole-mounted solar photovoltaic installation when combined with a structure mounted solar photovoltaic installation may not exceed a total nameplate capacity of 15kW.
    c. Any ground/pole-mounted solar photovoltaic installation must adhere to the Town's setback requirements for accessory structures as per §215-5 B.
    d. Any ground/pole-mounted solar photovoltaic installation must have a buffer of vegetation between the solar array and all neighboring properties, including houses opposite a street. The intent is to provide year-round visual screening from existing residences to the array, and as such the location of the buffer can be modified to provide a more effective screen. This buffer shall be of undisturbed natural vegetation, or if existing vegetation is inadequate as determined by the Planning Board, then new landscaping shall be installed to provide screening. If the applicant provides information showing that the buffer would have a detrimental impact on the ability to generate power, the Planning Board may grant a waiver to reduce the size of the buffer but shall not eliminate it.
    e. A ground/pole-mounted solar photovoltaic installation may not exceed a height of fifteen (15) feet.
    f. No lighting for any ground/pole mounted solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating/repair personnel are on site.
    g. A ground/pole-mounted solar photovoltaic installation may only be used as an accessory structure to a primary building. If the applicant provides information showing that this regulation would have a detrimental impact on the ability to generate solar power, the Planning Board may grant a Special Permit.

F. Medium-Scale Solar Photovoltaic Installations

1. Structure-mounted
    a. A structure-mounted solar photovoltaic installation with a total nameplate capacity greater than 15kW and less than 100 kW may be constructed or materially modified after the issuance of a Special Permit from the Planning Board.
    b. A structure-mounted solar photovoltaic installation with a total nameplate capacity greater than 15kW and less than 100kW when combined with a ground/pole mounted solar photovoltaic installation with a nameplate capacity

greater than 15kW and less than 100kW, may not exceed a total nameplate capacity of 100kW or greater.

c. A structure-mounted solar photovoltaic installation may be installed on a primary building and on any accessory structures.

d. A structure-mounted solar photovoltaic installation, proposed to be mounted on a building or rooftop, may protrude no greater than five (5) feet from the highest point of the roof.

2. Ground-mounted or Pole-mounted

a. A ground/pole-mounted solar photovoltaic installation with a total nameplate capacity greater than 15kW and less than 100kW may be constructed or materially modified after the issuance of a Special Permit from the Planning Board.

b. A ground/pole-mounted solar photovoltaic installation with a total nameplate capacity greater than 15kW and less than 100kW when combined with a structure mounted solar photovoltaic installation with a nameplate capacity greater than 15kW and less than 100kW may not exceed a total nameplate capacity of 100kW or greater.

c. Any ground/pole-mounted solar photovoltaic installation must adhere to the Town's setback requirements for accessory structures as per §215-5 B.

d. Any ground/pole-mounted solar photovoltaic installation must have a buffer of vegetation between the solar array and all neighboring properties, including houses across the street. The intent is to provide year-round visual screening from existing residences to the array, and as such the location of the buffer can be modified to provide a more effective screen. This buffer shall be of undisturbed natural vegetation, or if existing vegetation is inadequate as determined by the Planning Board, then new landscaping shall be installed to provide screening. If the applicant provides information showing that the buffer would have a detrimental impact on the ability to generate power, the Planning Board may grant a waiver to reduce the size of the buffer but shall not eliminate it.

e. A ground/pole-mounted solar photovoltaic installation may not exceed a height of fifteen (15) feet.

f. No lighting for any ground/pole mounted solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating/repair personnel are on site.

g. A ground/pole-mounted solar photovoltaic installation may only be used as an accessory structure to a primary building. If the applicant provides information showing that this regulation would have a detrimental impact on the ability to generate solar power, the Planning Board may waive this requirement as part of the Special Permit process.

G. Large-Scale Solar Photovoltaic Installations. Large-Scale Solar Photovoltaic Installations with a total rated nameplate capacity exceeding 100kW are not permitted.

H. Site Plans. In addition to the site plan submittal requirements in §215-13 ~~D~~ E (3) for Site Plan Review, the following shall accompany a site plan review application for a solar photovoltaic installation:

1. Detailed layout of the proposed solar photovoltaic installation, including, but not limited to, panel mounts, pole mounts, foundations, appurtenant equipment, potential shading from nearby structures and any areas of potential reflection that may have a detrimental impact on the road or neighboring properties, prepared and signed by an electrician or professional engineer licensed to practice in the Commonwealth of Massachusetts.
2. An electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices.
3. Documentation of the major system components to be used, including PV panels, mounting system and inverter.

I. Technical Review for Medium-Scale Solar Photovoltaic Installations. Upon receipt of a Special Permit application for a Medium-Scale Solar Photovoltaic Installation, the Planning Board may engage professional and technical consultants at the applicant's expense pursuant to M.G.L. c. 44 §53G. The Planning Board may direct the applicant to deposit funds with the Town of Mount Washington for such review at the time the application is accepted and to add additional funds as needed upon notice to the applicant. Failure to comply with this notice shall be grounds for denying the application.

J. Financial Surety for Medium-Scale Solar Photovoltaic Installations. The Planning Board may require the applicant for a Medium-Scale Solar Photovoltaic Installation to provide a form of surety, either through an escrow account, bond or otherwise to cover the cost of removing the facility in the event it may be required.

K. Lapse of Approval. Any Special Permit approval shall lapse if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Commented [PB38]: Revised for consistency with State Building Code.

§215-12. General Regulations

A. Mobile Homes, Trailers and Recreational Vehicles

1. Mobile homes may be permitted to be used as dwellings on any building lot for a period not to exceed twelve (12) months, in conjunction with an active building permit to construct a single-family residence, upon the issuance of a permit from the Building Inspector. A one-time extension of an additional twelve (12) months may be granted via a Special Permit from the Planning Board.

2. Mobile homes may be permitted to be used as temporary living quarters (twelve months) by-right on any building lot in the event that the primary dwelling is destroyed by fire or other natural holocaust, as per §215-4 C (5) and M.G.L. c. 40A §3.
3. Outside storage of mobile homes, trailers, and recreational vehicles, except as permitted in subsections §215-12 A (1 – 2), shall not be placed any closer to the front property line than the principal structure.
4. Mobile homes shall not be occupied in any instance other than those listed in subsections A (1) and A (2) above.

Commented [PB39]: Establishes allowable storage of mobile homes, trailers, and recreational vehicles.

B. Farm Uses.

1. **Statement of Purpose.** The Town of Mount Washington encourages regenerative, organic farming practices which restore the environment, promote the humane treatment of livestock, provide fresh food, protect open spaces and allow residents to enjoy their property without excessive or objectionable noise, odor, fumes, dust, or traffic. The town encourages people to consult with their neighbors before introducing livestock and poultry onto their property, as a courtesy, and as a way to avoid misunderstandings and conflict.

2. **Regulations.**
   a. Gardening, the utilization of a greenhouse, the keeping of livestock and the growing of crops for the property occupant's personal use, which generates less than one thousand ($1,000) dollars of gross annual revenue is by-right and does not require a Site Plan Review.
   b. All commercial farming activities are subject to a Site Plan Review. Commercial farming shall include those defined as commercial under M.G.L. c. 40A §3 and those farming activities which generate at least one thousand dollars ($1,000) in gross sales annually.
   c. All grounds used for pasturing or other purposes involving unrestrained animals must be properly fenced.
   d. Structures for livestock or poultry must abide by the accessory structure setback regulations as per §215-5 B.
   e. All livestock, farm animals and poultry must be registered with the Board of Health and be kept in adherence with the State and the Mount Washington Board of Health regulations.

Commented [PB40]: Added for clarification of M.G.L. c. 40A §3.

Commented [PB41]: Added to clarify state and town regulations.

C. Farm Stands.

1. Shall be operated by a resident or authorized person of the premises.
2. A major portion of the natural products for sale shall be produced by the owner or lessee of the land on which the facility is located.
3. The stand shall be set back at least ten (10) feet from any right-of-way line.
4. Shall have no illumination of any kind at or for such display or stand after dark.

5. The products for sale shall be confined to the applicable growing and harvesting seasons.
6. The stand shall be no larger than two hundred twenty (220) square feet.

Commented [PB42]: Added to allow farm stands with reasonable regulations.

D. Fences and Walls.

1. Fences and walls shall not be placed within the road right-of-way.
2. All fences shall be located no closer to a property line than three (3) feet.
3. Chain-link fencing shall not be located any closer to the front property line than the primary structure.
4. Solid, privacy fences shall not exceed seven (7) feet without a building permit, ~~as per~~ pursuant to CMR R105.2 (2).
5. Nonsolid fences, such as tennis court and garden fences, do not require a building permit.

Commented [PB43]: Added for clarification and to comply with state building code.

E. Accessory Apartments in a Principal Residential Structure

1. **Statement of Purpose.** For the purpose of (a) providing small additional dwelling units without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options, and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, an accessory apartment in a principal residential structure shall be allowed by-right with a Building Permit from the Building Inspector, provided that each of the following conditions is met:
2. **Conditions.**
   a. A plot plan of the existing principal residential structure and proposed accessory apartment shall be submitted to the Building Inspector, showing the location of the principal residential structure on the lot, the proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey may be used to meet this requirement.
   b. An affidavit shall be provided stating that one of the two dwelling units in the principal residential structure shall be occupied by the owner of the primary residence, except for bona fide temporary absence.
   c. Not more than one accessory apartment may be established in the principal residential structure. The accessory apartment shall not exceed eight hundred (800) square feet in gross floor space.
   d. Sufficient space for at least one (1) additional parking space shall be constructed to serve the accessory apartment.
   e. No permit shall be granted unless the accessory apartment conforms to all provisions of this Bylaw, the State Building Code, the State Sanitary Code and the Board of Health Regulations.

Commented [PB44]: Added to allow construction of an accessory apartment in a principal residential structure.

F. Short-Term Rental.

1. A Short-Term Rental shall be the rental of a room or unit, in property occupied by an owner as a primary residence, through the use of advanced reservations for a period of time not more than thirty-one (31) consecutive calendar days in a twelve (12) month period.
2. Operators of Short-Term Rentals shall register with the Mount Washington Board of Health and comply with all regulations promulgated by the Mount Washington Board of Health, the Mount Washington Zoning Bylaws, the State Building Code and the Commonwealth of Massachusetts.

Commented [PB45]: Added to comply with state building code and establish governance over structures used for short-term rentals.

§215-13. Administration and Enforcement.

A. Administration – Building Inspector/Zoning Enforcement Officer. This chapter shall be enforced by the Building Inspector/Zoning Enforcement Officer appointed by the Select Board as provided in the State Building Code.

1. No permit shall be issued by the Building Inspector unless the application for a permit indicates compliance with this chapter and any other applicable Town Bylaws and regulations, the State Sanitary Code and the Board of Health Regulations, the Planning Board's Subdivision Control Regulations, Wetlands Protection Act, Rivers Protection Act, and the Scenic Mountain Act if applicable.

B. Construction and use as provided in permits.

1. Except as otherwise noted in this Bylaw, no building or structure shall be erected, altered, demolished or moved in Mount Washington without a written permit issued by the Building Inspector. Such permits shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of this Bylaw, except as may have been specifically permitted otherwise by action of the Planning Board, Board of Appeals, or the Select Board, provided a written copy of the decision governing any such permission be attached to the application and to the resulting building permit issued. All Plot Plans and Site Plans shall adhere to state and local requirements and be adequate to make a complete evaluation of the proposal. One copy of each such permit as issued, including any conditions or restrictions attached thereto, shall be kept on file in the office of the Building Inspector.
2. The Building Inspector shall, within ten (10) days after receipt of an application to build or demolish transmit a copy thereof for review and comment to the Board of Health, the Select Board, the Planning Board and the Conservation Commission and any other town official deemed necessary. Failure of any board to make recommendations within thirty (30) days of its receipt of the application shall be deemed lack of opposition thereto. The Building Inspector must issue or deny permit applications within thirty (30) days.
3. Special Permits or Building Permits issued on the basis of plans and applications approved by the Select Board, Board of Health, Planning Board or the Zoning Board of Appeals authorize only the use, arrangement and construction as set forth in such approved plans and applications. Use, arrangement or construction at variance with that

Commented [PB46]: Specifies that structure demolition, in addition to structure erection or alteration, requires a building permit.

authorized shall be deemed a violation of this chapter and punishable as provided herein.

4. Construction or operation under a Building Permit or Special Permit shall conform to any subsequent amendment of this chapter unless the permit is issued before the date of the Town Meeting at which such amendment is adopted, and the use or construction is commenced within a period of not more than twelve (12) months after the issuance of the permit, and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

C. Fees. Reasonable administrative fees and technical review fees may be adopted for applications for special permits, site plan reviews, variances, appeals, or petitions. Upon the receipt of an application, the Planning Board, Special Permit Granting Authority, or Zoning Board of Appeals, may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. c. 44 §53G to assist with the review of application materials. The applicant may be directed to deposit funds with the Town of Mount Washington for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant. Such fees shall be listed in the Mount Washington Fee schedule.

~~C.~~D.Violations and Penalties.

1. The Building Inspector, upon being informed in writing of a possible violation of the Zoning Bylaw or on his/her own initiative shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Inspector, on evidence of any violation, after investigation and inspection, shall give written notice of such violation to the owner and to the occupant of such premises. The Building Inspector shall demand in such notice that such violation be remedied within a reasonable time, designated therein by the Building Inspector. Such notice and demand may be given by mail addressed to the owner at the address appearing on the most recent real estate tax records of the Town and to the occupant at the address of the premises of such seeming violation.
2. If, after such notice and demand, such violation has not been remedied within the time specified, the Building Inspector shall notify the Select Board of the Town who shall take such action or initiate such proceedings in the name of the Town as it shall deem appropriate and necessary to prevent, correct, restrain, or abate any violation of this Bylaw.
3. Whoever shall violate any provision of this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to fines ~~as per~~ pursuant to M.G.L. c. 40 §21 and the Mount Washington Fee Schedule. Each day such violation continues after the date of notice of such violation from the Town's enforcement agent shall constitute a separate offense. Nothing herein contained shall prevent the Town

Commented [PB47]: Clarification of procedure.

from taking such other lawful action as it deems necessary to prevent or remedy any violation.

4. If the Building Inspector is requested in writing to enforce this chapter against any person allegedly in violation of it and the Building Inspector declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request, ~~as per~~ pursuant to M.G.L. c. 40A §7.

~~D.~~E. Planning Board

1. **Membership and Authority.**
   a. The Planning Board shall consist of five (5) members, elected for terms of five (5) years, and so arranged that the term of at least one (1) member will expire each year. The Board of Selectmen and the Planning Board by a roll call vote of each board, acting pursuant to M.G.L. c. 41 §81A, may appoint one (1) associate member for a three (3) year term ~~as per~~ pursuant to M.G.L. c. 40A §9. The Chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit or site plan review application, or any other matter for which a quorum is required, in case of absence, inability to act or conflict of interest on the part of any member of the Board, or in the event of a vacancy on the Board.
   b. Unless specifically designated otherwise, the Planning Board shall act as the Special Permit Granting Authority (SPGA).
   c. Rules and Regulations. The Planning Board may adopt rules and regulations for the administration of this section. An application for a Special Permit shall be filed in accordance with such Rules and Regulations.

Commented [PB48]: Adopted January 10, 2019. Defines the process by which an associate Planning Board member is selected (vote of the combined Select Board and Planning Board).

2. **Special Permits.**
   a. **Criteria.** Special Permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:
      i. Social, economic, or community needs that are served by the proposal.
      ii. Traffic flow and safety, including parking and loading.
      iii. Adequacy of utilities and other public services.
      iv. Impacts on the scenic, historic, environmental, and natural resources of the Town.

Commented [PB49]: Specifies that Special Permits may not be granted if the proposed activity is deemed detrimental to the Town.

   b. **Conditions, Safeguards and Limitations.** Special Permits may be issued subject to such conditions, safeguards, or limitations as the SPGA may impose for the protection of neighboring uses or otherwise serving the purposes of this chapter. Any conditions, safeguards or limitations shall be imposed in writing

and shall be made a part of the Special Permit. Such conditions, safeguards or limitations may include, but not be limited to, the following:

i. Front, side, and rear yards greater than the minimum required by this chapter; screening buffers or planting strips, fences or walls as specified by the SPGA.

ii. Limitations upon the size, number of occupants, method and time of operation, time duration of the permit or extent of facilities.

iii. Regulations of number and location of driveways or other traffic features; and off-street parking or other special features beyond the minimum required by this chapter.

c. **Filing Requirements.** Any application for a Special Permit (see Appendix B) shall be accompanied by a Site Plan prepared by a Registered Engineer, Registered Land Surveyor, or registered Professional Architect, or a detailed Plot Plan (see definition in §215-2), as appropriate. In some cases, a Mortgage Inspection Survey may be used to meet this requirement – check with the Planning Board. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All major construction proposals shall require a Site Plan Review (see §215-13 ~~D~~ E (3)). The Planning Board may waive any of the submittal requirements or ask for other documentation. The Planning Board shall conduct a site visit whenever necessary pursuant to M.G.L. c. 41 §81B.

d. **Required Public Hearing.** The SPGA shall hold a hearing on any application transmitted to it by the Town Clerk within sixty-five (65) days from the date of transmittal after having published, posted and sent a notice of such hearing to parties in interest as provided in M.G.L. c. 40A §11, and after having notified the Planning Boards of adjacent cities and towns which may forward recommendations with respect to said matter for consideration of the SPGA as provided in M.G.L. c. 40A §11.

e. **Review by Other Boards and Agencies.** The SPGA shall, within ten (10) days after receipt of an application for Special Permit, transmit a copy to the Board of Health, the Zoning Board of Appeals, the Board of Selectmen, the Building Inspector, the Zoning Enforcement Officer, and the Conservation Commission.

f. **Fees.** The SPGA may adopt reasonable administrative fees and technical review fees for applications for Special Permits pursuant to M.G.L. c. 44 §53G. Refer to §215-13 C. ~~Upon the receipt of an application for a Special Permit, the SPGA may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. c. 44 §53G to assist the SPGA with its review of application materials. The SPGA may direct the applicant to deposit funds with the Town of Mount Washington for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be~~

Commented [PB50]: Requires site plans to be submitted with applications for a Special Permit (see Appendix C).

Commented [PB51]: Current bylaws require surveyed site plan. Proposed bylaws allow the Planning Board to waive requirements.

Commented [PB52]: Allows the Planning Board to perform site visits as part of the site plan review.

~~refunded to the applicant. Such fees shall be listed in the Mount Washington Fee schedule.~~

g. **Decisions and Vote Requirements.** The SPGA shall act within ninety (90) days following the date of 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. Special Permits issued by the SPGA shall require a vote of at least four (4) members of the five-member board.

h. **Performance Guarantees.** A performance bond or a deposit of moneys or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the conditions specified in the Special Permit may be required of the applicant; as an alternative, a covenant may be filed, executed and duly recorded by the owner of record running with the land, whereby such conditions as specified in the Special Permit shall be completed before the Special Permit is utilized. All conditions shall have been certified as satisfactorily completed by the Planning Board before the final release of the performance guarantee or covenant.

i. **Lapse of Special Permit.** Unless otherwise specified herein, a Special Permit shall lapse within three (3) years if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Commented [PB53]: Increases the effective period of a Special Permit from 1 to 3 years.

3. **Site Plan Review.** For the purpose of assuring proper drainage, safety, administering provisions of this Bylaw in regard to parking areas, signs, screening and to assure adequate consideration for abutting landowners, a site plan shall be submitted to the Planning Board for all new uses, construction, or reconstruction as per §215-4 D and §215-4 E, except as otherwise noted within this Bylaw. The Site Plan Review shall be conducted by the Planning Board. The Planning Board may waive any of the submittal requirements, ask for other documentation or conduct a site plan visit whenever necessary. See Appendix C for uses listed under §215-4 D (1 – 3) and Appendix D for farming uses listed under §215-4 D (4 and 5).

a. **Filing Requirements.** A signed Site Plan Application Form or Special Permit Application Form and all required documents shall be sent electronically, if feasible, to the Chairperson of the Planning Board for preliminary review. Once all required documentations are received, the applicant shall request to be put on the Agenda of the next regularly scheduled meeting of the Planning Board. At this meeting, the following documents shall be presented:

i. the original signed Site Plan or Special Permit Application Form, six (6) copies of all required documents and a check for the fee.

ii. the required documents shall include a stamped surveyed site plan or plot plan drawn to scale, indicating the location of all structures and the setbacks of those structures from the property lines, the size, height and gross floor area of the proposed building(s) with stamped architectural drawings, location of bodies of water and/or wetlands and containing such other information as may be required by the Planning Board.

b. **Supplemental Filing Requirements.** For all major reconstruction (other than for a single-family home) or construction developments, the following additional documents shall be required:
    i. The proposed use and description of all structures whether temporary or permanent.
    ii. The location of permanent and temporary sanitary provisions, including garbage disposal.
    iii. The location of existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
    iv. Site improvements, such as grading and landscaping.
    v. Delineation of all wetland resources and associated buffer areas, in accordance with the Massachusetts Environmental Policy Act (MEPA) and the Massachusetts Rivers Protection Act.
    vi. Locations of rare, threatened or endangered species existing on the site, in accordance with the Natural Heritage Endangered Species Program (NHESP) guidelines and regulations.
    vii. Native vegetation to be removed or altered or any additional landscaping proposed.
    viii. The location of all external lighting.

Commented [PB54]: Considers public health, safety, and environmental concerns.

c. **Review by Other Boards and Agencies.** The Planning Board shall, within ten (10) days after receipt of an application for site plan review, transmit a copy thereof for review to the Board of Health, the Zoning Board of Appeals, the Board of Selectmen, the Building Inspector, the Zoning Enforcement Officer and the Conservation Commission. Any other municipal board or any other agent, at the discretion of the Planning Board, may be consulted. Any board or agency to which such applications are referred for review shall make such recommendations as they deem appropriate, in writing, to the Planning Board. However, the failure to make recommendations within fifteen (15) days of receipt of the application by such board or agency of the matter for review shall be deemed lack of opposition thereto.

d. **Planning Board Review.** The Planning Board shall review and act upon the Site Plan with all deliberate speed, within thirty (30) days of its receipt, and notify the applicant of approval on the earliest date possible. The decision on a Site Plan Review shall be made by a simple majority of the Planning Board at a regularly scheduled meeting. A decision on a Special Permit shall require a super majority of the Planning Board after a Public Hearing. No building permit shall be issued by the Building Inspector without the written approval of the Site Plan by the Planning Board, or unless 30 days lapse from the date of the submittal of the site plan without action by the Planning Board.

e. **Lapse.** Site plan approval shall lapse after three (3) years if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Commented [PB55]: Effective period of site plan approval extended from 1 to 3 years.

f. **Fees.** The Board may adopt reasonable administrative fees and technical review fees for Site Plan Review pursuant to M.G.L. c. 44 §53G. Refer to §215-13 C.

g. **Appeal.** Any decision of the Board pursuant to this Section shall be appealed in accordance with M.G.L. c. 40A §17 to a court of competent jurisdiction.

Commented [PB56]: Clarifies that decisions of the Planning Board may be appealed per state law.

~~E.~~F. Zoning Board of Appeals.

1. **Membership and Authority.** There shall be a Zoning Board of Appeals consisting of five (5) members, appointed by the Board of Selectmen for terms of five (5) years, and so arranged that the term of at least one (1) member will expire each year. The Board of Selectmen shall also appoint one (1) associate member as provided in M.G.L. c. 40A §12. The Board shall act within its statutory powers as provided in M.G.L. c. 40A §14, and on matters within its jurisdiction under this chapter in a manner prescribed in M.G.L. c. 40A §15. The Zoning Board of Appeals shall serve also as the Board of Appeals under the Subdivision Control Law as provided in M.G.L. c. 41 §81Z.

Commented [PB57]: Adopted on January 10, 2019. Allows for the establishment on an associate Planning Board member.

2. **Appeals.** The Board is authorized to hear and decide an appeal, as provided in M.G.L. c. 40A §8, taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. c. 40A; by the Berkshire County Regional Planning Commission; or by any person, including an officer or board of the Town or of an abutting town, aggrieved by an order or decision of the Building Inspector or another administrative official, in violation of any provision of M.G.L. c. 40A or by this chapter. Any such appeal must be taken within thirty (30) days from the date of the order of decision which is being appealed by filing a notice of appeal with the Town Clerk, as provided in M.G.L. c. 40A §15. The cost of any studies or reports, including those of legal counsel required by the Zoning Board of Appeals is to be borne by the applicant or appellant(s) ~~as per~~pursuant to M.G.L. c. 44 §53G.
3. **Variances.** The Board may authorize upon application, petition or appeal with respect to a particular land or structure a variance from the terms of this chapter where the Board specifically finds that:
   a. **Conditions.** 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 this bylaw would involve substantial hardship, financial or otherwise, to the petitioner or applicant, 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 this bylaw, as provided in M.G.L. c. 40A §10.
   b. **Use Variances.** ~~Use variances shall not be granted by the Zoning Board of Appeals as per M.G.L. c. 40A §10~~Pursuant to the grant of authority contained in M.G.L. 40A §10, use variances are expressly prohibited.

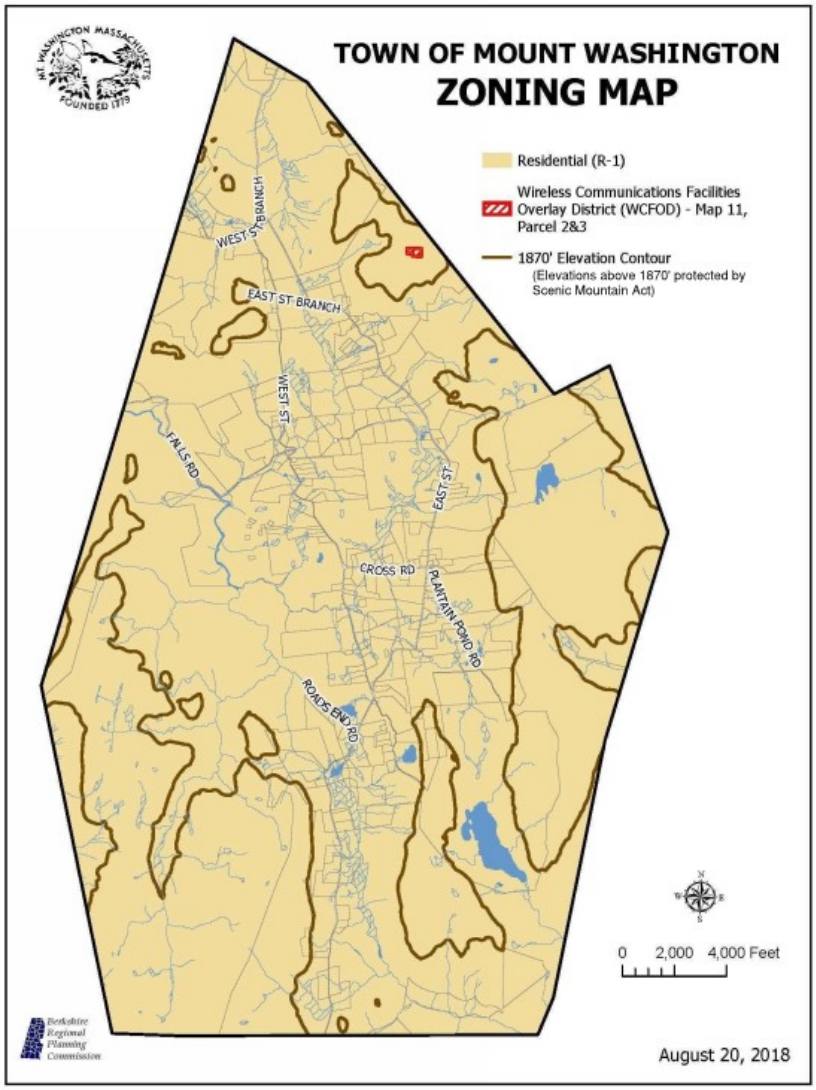
Commented [PB58]: Clarifies that the Zoning Board of Appeals may not grant use variances as per M.G.L. c. 40A §10.

4. **Conditions, Safeguards and Limitations.** When granting a variance, the Zoning Board of Appeals may impose conditions, safeguards or limitations, both of time and use, including the continued existence of any particular structure.

5. **Appeals, Applications and Petitions.** Any appeal, application or petition to the Zoning Board of Appeals must be filed with the Town Clerk who shall forthwith transmit a copy thereof to the Zoning Board of Appeals.
    a. **Required public hearing.** The Zoning Board of Appeals shall hold a hearing on any application, petition or appeal transmitted to it by the Town Clerk within sixty-five (65) days from the date of transmittal after having published, posted and sent a notice of such hearing to parties in interest as provided in M.G.L. c. 40A §11, and after having notified the Town's Planning Board and the Planning Boards of adjacent cities and towns which may forward recommendations with respect to said matter for consideration of the Zoning Board of Appeals as provided in M.G.L. c. 40A §15.
    b. **Review by other boards and agencies.** The Zoning Board of Appeals shall, within ten (10) days after receipt of an application, petition or appeal, transmit a copy thereof for review to the Board of Health, the Planning Board, the Select Board, the Conservation Commission and any other Town agency at the discretion of the Zoning Board of Appeals. Any board or agency to which such matters are referred for review shall make such recommendations as they deem appropriate in writing to the Zoning Board of Appeals; provided, however, that failure to make recommendations within fifteen (15) days of receipt of the application by such board or agency of the matter for review shall be deemed lack of opposition thereto.
    c. **Fees.** The Zoning Board of Appeals may adopt reasonable administrative fees and technical review fees for applications, appeals, or petitions pursuant to M.G.L. c. 44 §53G. Refer to §215-13 C.
6. **Decisions.** The decision of the Zoning Board of Appeals shall be made within one hundred (100) days after the date of the filing of an application, petition or appeal with the Town Clerk. Failure by the Board to act within said one hundred (100) days shall be deemed to be the grant of the relief, application or petition sought in accordance with provisions of M.G.L. c. 40A §15.
7. **Performance Guarantees.** A performance bond or a deposit of moneys or negotiable securities in an amount determined by the Zoning Board of Appeals to be sufficient to cover the cost of all or any part of the conditions specified in the variance may be required of the applicant; as an alternative, a covenant may be filed, executed and duly recorded by the owner of record running with the land, whereby such conditions as specified in the variance shall be completed before the variance is utilized.
8. **Lapse of Variance.** If the rights authorized by a variance are not exercised within the allowable time period of one (1) year for such variance, they shall lapse and may be reestablished only after notice and a new hearing as provided in §215-13 ~~D~~ F (5) (a) herein.

APPENDIX A

Town of Mount Washington Zoning Map


TOWN OF MOUNT WASHINGTON
ZONING MAP
Residential (R-1)
Wireless Communications Facilities Overlay District (WCFOD) - Map 11, Parcel 2&3
1870' Elevation Contour
(Elevations above 1870' protected by Scenic Mountain Act)
WEST ST BRANCH
EAST ST BRANCH
WEST ST
FALLS RD
EAST ST
CROSS RD
PLANTAIN POND RD
ROAD'S END RD
0 2,000 4,000 Feet
Berkshire Regional Planning Commission
August 20, 2018

APPENDIX B

Special Permit Application

TOWN OF MOUNT WASHINGTON
2 Plantain Pond Road
Mount Washington, Massachusetts 01258
413.528.2839

Planning Board Special Permit Application

Any Application for a Special Permit shall be accompanied by a surveyed site plan or plot plan, drawn to scale, indicating the location, size and height of the proposed buildings, site improvements, location of bodies of water and/or wetlands, and containing such other information as may be required by the Planning Board (see §215-13 E (2) ~~(c)~~ of the Zoning Bylaw~~s~~ for more details).

To the Planning Board of the Town of Mount Washington:

The undersigned hereby petitions the Planning Board for a Special Permit in accordance with the requirements of the following section of the Mount Washington Zoning Bylaws:

_____

To permit the following proposed use or activities:

_____

_____

Applicant:_____

Applicant Address:_____

Telephone:_____ Fax: _____ Email: _____

Property Address: _____ Map and Parcel: _____

Deed Reference – Book: _____ Page: _____

Owner of Record: _____

Owner Address: _____

_____
(Signature of Applicant)

_____
Date Submitted to Mount Washington Town Clerk

_____
Town Clerk Signature / Stamp
Application must be stamped and dated by the Town Clerk prior to Planning Board review.

APPENDIX C

General Site Plan Review Application

TOWN OF MOUNT WASHINGTON
2 Plantain Pond Road
Mount Washington, Massachusetts 01258
413.528.2839

Planning Board General Site Plan Review Application

Any application for a Site Plan Review shall be accompanied by a surveyed site plan or plot plan, drawn to scale, indicating the location, size and height of proposed buildings, site improvements, locations of bodies of water and/or wetlands and containing such other information as may be required by the Planning Board (see §215-13 E (3) of the Zoning Bylaw for more details).

The undersigned hereby petitions the Planning Board for a Site Plan Review:

1. Name of Applicant/Principal Contact for Project _____
   Mailing Address: _____
   Email: _____
   Phone: _____
2. Property Owner: All individuals/entities listed on deed must be included.
   Name: _____
   Mailing Address: _____
   Email Address: _____
   Phone: _____
3. Property Address: _____
   Deed Reference: Book: _____Map and Parcel: _____
4. List all applicable Zoning Bylaw sections under which Site Plan Review is sought: _____
   _____
5. Summarize the proposed work for which Site Plan Review is sought: _____
   _____
   _____
   _____
   _____
   _____
6. Attach Required Documents: Please attach all documents specified in the Mount Washington Zoning Bylaw for Site Plan Review. All documents, if feasible shall be submitted in electronic form to the Chairperson of the Planning Board. Please note that failure to include all required documents, or written request for deviation from such requirements, may result in rejection of this application until the required information is filed with the Planning Board.

   I hereby certify that the information contained in this application is true and complete:

   Applicant's Signature: _____Date: __/__/__
   Owner's Signature: _____Date: __/__/__

   Applications are reviewed by the Planning Board at a regularly scheduled meeting.

APPENDIX D

Farming Site Plan Review Application

TOWN OF MOUNT WASHINGTON
2 Plantain Pond Road
Mount Washington, Massachusetts 01258
413.528.2839

Planning Board Farming Site Plan Review Application

Any application for a Site Plan Review for Farming, shall be accompanied by a surveyed site plan or plot plan, drawn to scale, indicating the location of existing and proposed buildings, the height and size of proposed buildings, the setbacks of all structures to the property lines and to wells, bodies of water and/or wetlands and containing such other information as may be required by the Planning Board. Gardens and the raising of livestock for the property occupants' personal use are exempt from this Site Plan Review. See §215-13 E (3) of the Zoning Bylaw for more details.

The undersigned hereby petitions the Planning Board for a Site Plan Review for Farming:

1. Name of Applicant _____
   Mailing Address: _____
   Email: _____Phone: _____
2. Property Owner, if different from applicant:
   Name: _____
   Mailing Address: _____
   Email Address: _____
   Phone: _____
3. Property Address: _____
   Deed Reference: Book: _____Map and Parcel: _____
   Description of activities considered farming/agriculture uses ~~as per~~ pursuant to M.G.L. c. 128 §1A.
   _____
   _____
   Approximately, how many acres are used for farming activities? On your Plot Plan mark the approximate boundaries of land used for farming activities. _____
   Is this land registered under General Laws Chapter 61? Under what category?_____
   Number and type of livestock _____
   _____
   _____
4. Conditions (determined by the Planning Board):
   _____
   _____
   _____
   Attach required and supplemental documents. All documents, if feasible, shall be submitted in electronic form to the Chairperson of the Planning Board. Please note that failure to include all required documents, or written request for deviation from such requirements, may result in rejection of this application until the required information is filed with the Planning Board. Abutters shall be notified by email of the time of a hearing. An approved Site Plan Review for Farming is valid until there are major changes proposed to the farming activities listed on this document.
   Applicant's Signature: _____Date: __/__/__