

TOWN OF NORTHFIELD
COMMONWEALTH OF MASSACHUSETTS

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PROTECTIVE REGULATIONS BY-LAW  
For the  
TOWN OF NORTHFIELD, MASSACHUSETTS

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Article I. Title, Authority, and Purpose

1.01 Title

This By-Law shall be known and may be cited as Protective Regulations By-Law for the Town of Northfield, Mass., hereinafter referred to as “this” By-Law.

1.02 Authority

This By-Law is adopted pursuant to the Authority granted by the Home Rule Amendment, Article 89 of the Amendments to the Massachusetts Constitution, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the “Zoning Act”. Where the Zoning Act is amended from time to time after the effective date of this By-Law and where such amendments are mandatory, such amendments shall supersede any regulations of this By-Law which have been set forth on the basis of the Zoning Act in existence at the effective date of this By-Law.

1.03 Purpose [Amended at Annual Town Mtg. 5/3/88, and Spec. Town Mtg. 2/1/90]

The purpose of this By-Law shall be to promote the welfare of the inhabitants of the Town of Northfield; to conserve the value of land and buildings; to encourage the appropriate use of land throughout the town; to prevent the overcrowding of land; to avoid undue concentration of population; to secure safety from fire, panic, and other dangers; to promote safe and efficient transportation; to facilitate the adequate provision of transportation, drainage, schools, parks, open space and other requirements; to regulate land uses that have an impact on the Town’s natural, physical and fiscal capabilities; to encourage housing for persons of all income levels; to maintain and encourage agricultural and other resource-based activities; to protect the quality and quantity of the surface and ground water supplies of Northfield for present and future generations; and to preserve and increase the amenities of the Town for the use and enjoyment of its inhabitants.

Article II. Administration and Enforcement

2.01 Enforcement

This By-Law shall be enforced by the Selectmen or a Building Inspector appointed by them. Any person violating any of the provisions of the By-Law may be fined not more than twenty dollars for each offense. Each day after seven days that such violation continues shall constitute a separate offense. Prior to the imposition of any fines, written notice of the nature of the violation shall be given to the person or persons against whom the fine is to be imposed. Said notice shall state the first date upon which a fine shall be imposed for a violation of this By-law, which date shall not be less than seven days from the receipt of said notice. Said notice shall contain reference to the specific section of the By-law which is being violated together with a statement of the penalty for said violation.

2.02 Board of Appeals

There is hereby established a Board of Appeals of five (5) members and up to three (3) associate members, to be appointed by the Selectmen, which Board of Appeals shall act on

all matters within its jurisdiction under this By-Law and Chapter 40A of the General Laws in the manner prescribed by the said Law and this By-Law.

- 2.03 Hearings [Deleted & replaced with following by vote of Special Town Mtg. 2/1/90]
In matters pertaining to this By-Law, the Selectmen, Building Inspector, Board of Appeals, or Special Permit Granting Authority may request interested parties to appear before them; and also may require the applicant to submit for their consideration appropriate drawings, plans, specifications, land surveys, location maps, certified statements, and/or additional relevant information as they feel to be necessary to arrive at sound decisions or to safeguard the public interest.
- 2.04 Building and Construction Permits [Amended by vote of Special Town Mtg. 2/1/90]
No building shall be built, located, or externally altered in size or shape nor changed in use without a permit from the Building Inspector and the Building Inspector shall withhold such permit unless such construction, alteration, or proposed use is in conformity with all of the provisions of this By-Law. No building permit may be issued without first having obtained site plan approval, where required. Where a special permit or exception by the Board of Appeals or Special Permit Granting Authority is required (pursuant to the provisions of this By-Law), or where an appeal or petition involving a variance is pending, all hearings required shall be conducted in accordance with provisions of MGL, Chapter 40A, as amended; in particular, Sections 9 and 11, providing for notice to abutters; a public hearing and a written decision by the Board of Appeals or Special Permit Granting Authority. Upon issuance of a building permit or special permit, construction or initiation of a special permit use shall commence within two years or shall lapse except for good cause. Such time frame may be extended to pursue or await the determination of an appeal in accordance with MGL, Chapter 40A Sec. 17.
- 2.05
This By-Law may be amended from time to time at an annual or special town meeting in accord with the provisions of MGL, Chapter 40A, Section 5, as amended.
- 2.06 Validity
The invalidity of any section or provisions of this By-Law shall not invalidate any other section or provision thereof.

Article III. Definitions

- 3.01 General
For the purpose of this By-Law and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular. The word “shall” is always mandatory and not merely directory.
- 3.02 Definitions

Accessory Buildings [Amended at Annual Town Mtg. 5/3/88]

Detached structures incidental to the primary use and occupancy of a lot.

Access Drive

A way or means of approach to provide physical entrance to a property.

Agriculture

The planting, production, cultivation, propagating, harvesting, storing, or processing of plants or animals produced for use or sale as food, feed, fiber, draft, or for ornamentation purposes, including but not limited to the following:

Dairy farming	Poultry farming
Horse farming	Forest management
Vegetable farming	Greenhouse production of plant materials
Hydroponic Plant Production	Fruit production
Livestock farming	Fish farming
Nursery stock production re: fruit trees, ornamental shrubs, & trees	Bulb & seed farming
Sod farming	Grain production
Kennels	Bee keeping

Aquifer

A geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable groundwater.

Bed and Breakfast

An accessory use to a dwelling unit consisting of overnight lodging with breakfast. No meals other than a breakfast shall be served.

Boarding or Lodging House

A building used for lodging, with or without meals, for compensation, for between five and thirty-five individuals provided adequate off street parking is provided in accordance with these zoning bylaws.

Building Height

The vertical distance from the mean finish grade on the street side of a building to the highest point of the roof for flat or shed roofs, the deck line on mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. Not included are spires, cupolas, chimneys, antennas, or other parts of structures which do not enclose potentially habitable floor space.

Camper

A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses, but not for permanent residence. Includes equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, tent trailers, and motor homes, but not mobile homes.

Commercial Use

Activity carried out for pecuniary gain.

Cul-de-sac

The turnaround at the end of a dead-end street.

Dwelling

Any structure, including mobile homes, containing one or more dwelling units.

Dwelling, Two-Family

A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced common wall extending from exterior wall to exterior wall, except for a common stairwell exterior to both units. [Note: this definition includes the duplex dwelling.]

Dwelling Unit

A building, structure, or portion thereof intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink), and sanitary and sleeping facilities independent of any other unit.

Family

Any number of individuals related by blood or marriage, or not more than five (5) persons not legally related, living together in a single housekeeping unit. More than five (5) individuals not legally related shall constitute more than a single family.

Flood Plain District

The Flood Plain District is composed of all special flood hazard areas as defined in Section 4.02.

Home Occupation/Business

An accessory use of a dwelling carried on entirely within the dwelling or an accessory building and conducted by residents thereof with not more than one (1) full-time or equivalent part-time employees which can meet the requirements of Section 6.03.02.

Impervious Surface

The impermeable or non-porous surface of roads, buildings, and other structures or materials on or above the ground that do not allow precipitation to be absorbed into the underlying soil.

Industrial Use

Those fields of manufacturing, transportation, economic activity including but not limited to mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services, and wholesale trade.

Junkyard/Dump

Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap of discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Leachable Waste

Waste materials, including but not limited to solid wastes, septic and other sludge, and pesticide, herbicide, and fertilizer residues and wastes, capable of releasing water-borne or soluble contaminants into the environment by leaching.

Lot

A continuous parcel of land, in single ownership, with legally definable boundaries.

Lot Frontage

That portion of a lot boundary that coincides with the boundary of a public way as defined in Article 23 of the Northfield Town Meeting of May 6, 1986, and subsequent additions or deletions, or a way established by an approved definitive plan under the Subdivision Control Law, measured continuously along one side of a single street, or along two intersecting streets if their angle of intersection is greater than 135 o. In the case of corner lots, lot frontage shall be measured between one side lot line and the mid-point of the corner radius. Access to the lot must be provided across lot frontage except as provided by Section 7.03.02.

Lot Line

A line or record bounding a lot which divides one lot from another lot or from a public or private street of any other public space.

Major Thoroughfare

Includes numbered Federal and State highways (Routes 10, 63 and 142), Warwick Road, Maple Street, Gulf Road and Gill Center Road, as defined by Article 23 of Northfield Town Meeting, May 6, 1986.

Mobile Home

A dwelling built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Multi-Family Dwelling

Any dwelling or structure containing three or more dwelling units.

Non-Conforming Use or Building

A lawfully pre-existing use or building which does not conform to the regulations for the district in which such use or building exists.

Open Space

Lot area not covered by any structure, and not used for drives, parking or storage.

Parking Space

Space adequate to park an automobile, not less than 10 x 18 feet, plus means of access. Where spaces are not marked, each space shall be assumed to require 180 square feet.

Principal Building

The structure on any lot in which the primary use of the lot occurs.

Public Utility

Electrical, gas, steam, water, communication or transportation systems and their appurtenances.

Public Way

Refers to State, County, or Town highways as listed and defined by Town Meeting, Article 23, on May 6, 1986, and any additions or deletions of subsequent Town Meetings.

Sign

Any device to inform or attract the attention of persons not on the premises on which the sign is located, including window signs and any building surfaces which are internally illuminated; provided however, that the following shall not be included in the application of the regulations of this By-Law:

- (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (c) Legal notices; identification, information or directional signs erected or required by governmental bodies.
- (d) Integral decorative or architectural features or buildings, except letters, trademarks, moving parts, or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Story

That portion of a building between the top of any floor and the top of the floor or roof next above, counting as a half story such portion if more than half its exterior wall area is below grade or if directly under a sloping roof in which more than half the exterior wall perimeter

has less than three feet floor-rafters interior dimension, and excluding cellar or attic spaces used solely for utilities and storage.

Street

Either a Public Way as defined by these Zoning Bylaws or a way shown on a plan theretofore approved in accordance with the Subdivision Control Law.

Street Line

The right-of-way line of a street, assumed to be 20 feet from the center of the traveled roadway where no such right-of-way has been established or can be readily determined.

Tenement House or Apartment

Buildings containing five or more dwelling units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, condominium, or by any other name.

Article IV. Establishment of Districts

4.01 Districts

For the purposes of this By-Law, the town of Northfield is hereby divided into two districts:

Residential-Agricultural-Forested (RAF), and
Residential-Agricultural (RA),

as shown on a map on file in the office of the Town Clerk entitled "Zoning Map, Town of Northfield." In addition, there shall be two overlay districts, the Floodplain Overlay District and the Groundwater Protection District as defined below. Zoning district boundary lines may only be changed by adoption of an amendment to this By-Law.

Where the boundary lines of districts are shown up on the map within the lines of public or private ways, the center lines of the ways shall be the boundary lines. Boundary lines located outside the lines of ways and shown approximately parallel thereto shall be regarded as parallel thereto, and dimensions shown in figures placed upon the map between district boundary lines and lines of ways are the distances in feet from the boundary lines of ways, such distances being measured at right angles to the lines of ways unless otherwise indicated.

In all cases which are not covered by other provisions of this article, the location of boundary lines shall be determined by the distance in feet, if given, from other lines or points on the map, by the use of identification as shown on the map, or by the scale of the map.

When boundary lines of a district divide a lot, the dwelling on such lot shall conform to the area, frontage, setbacks and building requirements of the district where the dwelling is

located, and where the dwelling itself straddles a district line as above defined, the entire lot shall conform to the area, frontage, setbacks and building requirements of the strictest applicable district.

4.02 Floodplain Overlay District

4.02.01 Purpose

The Floodplain District is established as an overlay district to all other districts. The purposes of the Floodplain District are to ensure public safety through reducing the threats to life or personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; minimize costs associated with the response and cleanup of flooding conditions; and reduce damage to public and private property resulting from flooding waters.

4.02.02 Definitions

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

District means floodplain overlay district.

Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Boundary and Floodway Map means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM).

Flood Hazard Boundary Map (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations.

New Construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. New Construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

One Hundred Year Flood means Base Flood.

Regulatory Floodway means Floodway.

Special Flood Hazard Area means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, or VE.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground and affixed to a permanent site. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

Zone A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

Zone A1 – A30 and Zone AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

Zone AH and Zone AO means the 100-year floodplain with flood depths of 1 to 3 feet.

Zone A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

Zones B, C, and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

4.02.03 Flood Plain District Boundaries and Base Flood Elevation and Floodway Data

(a) Section A Flood Plain District Boundaries

The District includes all special flood hazard areas designated on the Northfield Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated 930-80 as Zone A, AE, AH, AO, A1-30 and the FEMA Flood Boundary & Floodway Map dated 6-19-79, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM

and further defined by the Flood Insurance Study booklet dated March, 1980. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Board of Assessors.

(b) Section B Base Flood Elevation and Floodway Data

1. Floodway Data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Base Flood Elevation Data. Within unnumbered A Zones, applicants seeking to develop subdivisions or other developments greater than either fifty lots or five acres shall submit base flood elevation data as specified in 4.02.03, Sect. (b)1.

4.03 Water Supply Protection District

4.03.01 Purpose

The Water Supply Protection District is hereby established as an overlay district and shall be superimposed on other existing districts. For the purposes of this district, there are hereby established within the Town, certain water supply protection zones, consisting of water supply reservoirs, present and potential public well fields, and their recharge areas.

The purpose of the Water Supply Protection District is to promote the health, safety, and welfare of the community by preserving and maintaining the existing and potential groundwater and surface water supply resources for private and public water wells and reservoirs within the Town of Northfield. The By-Law's provisions are intended to protect these resources and their recharge areas from any use of land or structures which reduced the quality or quantity of those water supplies.

4.03.02 District Boundaries

The Water Supply Protection District is defined as all these areas delineated as Water Supply Protection Zones on the overlay map entitled "Northfield Water Supply Protection District Map", dated 1987, at a scale of one inch to one thousand (1,000) feet, on file with the Town Clerk. The boundaries indicated on the map reflect the best hydrogeologic information available as of the date of this map. The District shall include the following zones:

Zone 1: All land within four hundred (400) horizontal feet of the Strowbridge Well.

Zone 2: All land greater than four hundred (400) horizontal feet but less than 2,640 horizontal feet of the Strowbridge Well, per State Div. of Water Supply, June,

1992.

Zone 3: Within the Wait Brook Watershed, all land upgradient of the Wait Brook Well, and all land within a four hundred (400) foot radius of the well.

Zone 4: Within the Louisiana Brook Watershed, all land upgradient of the East Northfield Water Company Reservoir which recharges the Reservoir.

Zone 5: Within the Minot and Warwick Brooks Watershed, all land area upgradient of the Strowbridge Well not already included in Zone 2, and all land upgradient of the Northfield Reservoir.

Zone 6: Within the Millers Brook Watershed, all land upgradient and east of Capt. Beers Plain Road and north of New Plain Road.

Zone 7: All land within an area bounded by School Street to the north, a line parallel to the five hundred (500) feet east of East Street on the west, Maple Street on the south, and Zones 5 and 6 on the east.

Where the bounds of the Water Supply Protection Overlay District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where those bounds should be properly located. The Planning Board may inspect the site for evidence of direction of surface flow. The Planning Board shall make a final determination of a boundary dispute. If the results of further investigation by the Planning Board reveal that the bounds delineated on the Map are incorrect, the Board shall propose that the Map be amended accordingly.

4.04 Solar Overlay District

4.04.01 Purpose

The Solar Overlay District is hereby established as an overlay district and shall be superimposed on other existing districts. The purpose of the district is to identify those areas in Northfield for which As-of-Right Siting is available for certain Large-Scale Ground-Mounted Solar Photovoltaic Installations (see Section 11.08).

4.04.02 District Boundaries

The Solar Overlay District is defined as all those areas delineated as Solar Overlay Zone on the overlay map entitled “Northfield Solar Overlay Zone Map”, dated 2011 and on file with the Town Clerk.

The district shall include the following zones:

Zone 1: The eastern end of town parcel 25-A-1, the western boundary being defined by the following three straight line segments: beginning at point (42° 42.332 N, 72° 29.069 W), then proceeding to point (42° 42.076 N, 72° 29.127 W), then proceeding to point (42° 42.030 N, 72° 29.301 W), and then proceeding to point (42° 41.933 N, 72° 29.285 W).

Zone 2: Entire town parcel 29-E-1, approximately 80 acres, bordered roughly by the Connecticut River on the east, the railroad on the north, and Bennett Brook Road on the west.

Article V. Application

5.01 Except as herein provided, the provisions of this By-Law shall apply to the erection, construction, reconstruction, alteration, or use of buildings, structures or use of land. Except as herein provided, any existing conforming use, structure or lot shall not by any action become non-conforming, and any existing non-conforming use, structure, or lot shall not become further non-conforming.

5.02 The provisions of this By-Law are not retroactive and do not apply to any lawful use of buildings or land to the extent that they existed before the adoption of this By-Law. No nonconforming use will be permitted after the lapse of five (5) years from the end of a pre-existing non-conforming use.

Article VI. Use Regulations

6.01 Prohibited Uses – All Districts

Open air storage of junk, including inoperable automobiles, trash, debris, scrap materials, and all other uses which are injurious to their neighborhood or to property in the vicinity are expressly prohibited.

6.02 Use Regulations Schedule

No building or structure shall be constructed, and no building, structure, or land, or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permissible. Symbols employed in the following use regulations schedule shall have the following meaning:

- Y – Yes, the use is permitted “by right” in that Zoning District
- N – No, the use is not permitted in that Zoning District
- SP – The use may be permitted if a Special Permit is granted by the Zoning Board of Appeals
- SPP – The use may be permitted if a Special Permit is granted by the Planning Board

	Residential – Agricultural	Residential – Agricultural –Forested
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Town of Northfield
Protective Regulations By-Law
Reviewed April 15, 2015

Residential Uses		
Single-Family Dwelling	Y	Y
Two-Family Dwelling	Y	Y
Converted Single-family Dwelling to Two to Four-Family dwelling	SP	SP
Multi-Family (see Section 9.01)	SPP	SPP
Temporary Mobile Home (see Section 6.03.03)	SP	SP
Mobile Home/ Mobile Home Park	N	N
Bed and Breakfast, up to 6 rooms	SP	SP
Apartments or Tenement Houses	N	N
Open Space Residential Use (see section 9.02)	SPP	SPP
Cultural & Recreational Uses		
Agriculture or Forestry	Y	Y
Golf Courses or Driving Ranges SP SP	SP	SP
Commercial Outdoor Recreation SP SP	SP	SP
Wildlife Preserve or Other Conservation	Y	Y
Community Services		
Public Utility Facility	SP	SP
Wireless Communication Facilities (see section 11.06)	SPP	SPP
Educational Uses exempted from zoning regulation by M.G.L. Ch. 40A, Section 3	Y	Y
Other Educational Uses not exempted from zoning regulation by M.G.L. Ch. 40A, Section 3	SP	SP
Church, other Religious Use	Y	Y
Municipal Uses not covered elsewhere	SP	SP
Day Care Facility for 6 or less children or adults	Y	Y
Day Care Facility for more than six children or adults	SP	SP
Business or Commercial Uses		
Business, Professional Offices	SP	SP
Banks	SP	SP
Restaurant, drive in	SP	SP
Restaurant, other	SP	SP
Gift Shops	SP	SP
Motor Vehicle Sales	SP	SP
Laundry, Laundromat	SP	SP

Theaters	SP	SP
Boarding or Lodging Housing	SP	SP
Home Occupation	Y	Y
Retail establishments or developments where all sales, display and storage of merchandise is within building(s)	SP	SP
Industrial Uses		
Conversion of existing structures for Industrial Use	SP	SP
Junkyards and dumps	N	N
Landfills	SP	SP
Manufacturing, Processing & Laboratories	SP	SP
Freight or Transportation Facilities	SP	SP
Gasoline Station, Repair Garages	SP	SP
Quarrying, Gravel Mining	SP	SP
Sawmill	SP	SP
Bulk Storage, Warehousing	SP	SP

6.03 Accessory Uses

6.03.01 General. The following accessory uses are permitted:

Any accessory use customarily incidental to a permitted primary use of the lot.

Home occupations, such as the use of the premises or building by a resident for the conduct of a trade or recognized profession, provided that they can meet the requirements of section 6.03.02

Storage or parking of campers owned by residents which are not occupied for more than 60 days in any calendar year and are not located closer than 100 feet to a public way or 25 feet to other lot lines.

Parking and use of campers operated by guests of residents for periods not to exceed 60 days in any calendar year if located not less than 100 feet from a public way or 25 feet from a lot line.

6.03.02

Home occupations. A business or profession is allowed as an accessory use of a dwelling, provided that:

(a) Such use is clearly secondary to the residential use and the home occupation shall be carried on within the principal building or an accessory building. No more than 40% of the

gross floor area of the residence or six hundred square feet, whichever is less, shall be used for the purposes of the home occupation.

(b) The home occupation shall be carried on by a resident of the principal dwelling and not more than one (1) full time employee or equivalent part-time employees shall be regularly employed on the premises.

(c) No external change is made which alters the residential appearance of the building on the lot.

(d) Except for a permitted sign of not more than three (3) square feet, there shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or other variation from the residential character of the premises.

(e) Traffic shall not exceed volumes normally expected in a residential neighborhood. For purposes of this bylaw, this shall be defined as 15 trips per day per dwelling unit which is approximately 150% of the average weekday trip rate for a single family home from the Institute for Traffic Engineers Trip Generation Manual.

(f) Adequate off-street parking shall be provided. Parking areas shall not be within 25 feet of a street line or within any side or rear yard and shall be adequately screened from neighboring residential uses. Parking areas shall not have more than four spaces per dwelling unit.

(g) A home occupation shall not include such uses as beauty parlors, barber shops, convalescent or nursing homes, tourist homes, or other business offering services to the general public.

(h) No retail sales shall be allowed except for products produced on the premises.

(i) Noise levels shall not exceed those normally generated by residential uses.

6.03.03

The owner of a residence under construction can apply for a Special Permit to locate and inhabit a camper or mobile home on a lot where construction is taking place, for a period not to exceed nine (9) months, provided the camper or trailer is connected to a permanent sanitary disposal system and approved water supply, and provided further that such camper or trailer shall not be so located until a building permit for a permanent residence has been issued. In the event a building permit has been issued, a performance bond equal to 10% of the value of the camper or mobile home or \$2,000 whichever is more, shall be filed with the Town Clerk. This Bond shall be forfeited upon failure of the owner to permanently remove the trailer or mobile home within nine months from the date of installation.

6.03.04

The owner or occupier of a residence which has been destroyed by fire or other natural holocaust can apply for a permit from the Building Inspector and a permit from the Board of Health to place a mobile home on the site of such residence and may reside in such mobile home for a period not to exceed twelve months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

6.04 Flood Plain Overlay District Regulations

6.04.01

Within Zone A, where the base flood elevation is not provided on the FIRM, the building permit applicant shall provide base flood elevation data and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building code.

6.04.02

Applicant shall notify the following agencies and communities at their current address of any proposed alteration or relocation of a riverine watercourse: adjacent communities, bordering States, NFIP State Coordinator at the Massachusetts Office of Water Resources; NFIP Program Specialist at the Federal Emergency Management Agency (FEMA) Region 1.

6.04.03

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Mass. Gen. Laws (Wetlands Protection Act) and with the following:

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (Currently 310 CMR 10.00);

Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR2102.0, "Flood Resistant Construction");

Inland Wetlands Restriction, DEP (currently CMR 6.00); and

Minimum requirements for the subsurface disposal of sanitary sewage, DEP (currently 310 CMR 15, Title 5);

6.04.04

Within Zones AH and AO on the FIRM, adequate drainage paths shall be provided around structures on slopes in order to guide floodwaters around and away from proposed structures.

6.04.05

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Northfield FIRM or Flood Boundary and Floodway Map, encroachments are prohibited

in the Regulatory Floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.04.06

All subdivision proposals located in the Floodplain District will be reviewed by the Planning Board to assure that: such proposals minimize flood damage; all public utilities and facilities are located and constructed to minimize or eliminate flood damage; adequate drainage is provided to reduce exposure to flood hazards; and existing contour intervals of the site and elevations of existing structures are included on plan proposal.

6.04.07

The following uses are encouraged, provided they are permitted in the underlying district to minimize flood damage and obstructions to flood flows:

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

6.04.08

In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

- a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
- b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

6.05 Water Supply Protection Overlay District Regulations

All uses and other provisions of Northfield's Zoning By-laws applying to existing districts shall remain in force and effect, except that where this District imposes greater or additional restrictions and requirements, those restrictions and requirements shall prevail. Potential pollution sources such as on-site wastewater disposal system, and any activities or uses not

permitted within the District, shall to the degree feasible, occur on that portion of the lot that is outside the District, and at a distance of at least 100 feet from its boundary. Existing by right, permitted, and non-conforming uses can continue.

6.05.01 Within the Water Supply Protection District, the following uses are prohibited:

a) Zone 1: All uses are prohibited with the exception of conservation of soil, water, plants, and wildlife; proper operation and maintenance of water control, supply, and conservation devices; maintenance and repair of any existing structure provided there is no increase in impermeable area; non-intensive agricultural uses (pasture, light grazing, hay), provided that pesticides are not applied; where the application of fertilizers is made, the groundwater quality resulting from such application shall not fall below the standards established by the Drinking Water Standards of Massachusetts, 310 CMR 22.

b) Zones 2 through 7:

- (1) Manufacture or disposal of toxic or hazardous materials. Use, storage or transport of toxic or hazardous materials except for household or agricultural uses;
- (2) Sanitary landfill, junkyard, salvage yard, road salt stockpile;
- (3) Trucking or bus terminals, gasoline stations, car washes, auto repair shops (including auto repair shops considered to be a home occupation);
- (4) Business and industrial uses, not agricultural, which involve on-site disposal of process wastes;
- (5) Underground or above ground storage of fuel oil, gasoline or hazardous materials;
- (6) Commercial mining of land;
- (7) Disposal of liquid or leachable wastes other than sanitary domestic wastes or land application of manure for agricultural use;
- (8) Outdoor storage of any hazardous substances, including pesticides, except in product-tight containers which are protected from the elements, leakage, accidental damage, and vandalism;
- (9) Coverage of lots with impervious or semi-pervious materials, including driveways, paving, buildings, and structures to a degree greater than 25% of total lot area.

6.05.02

Site Plan Review, as required under Article X, shall be a prerequisite to all Special Permits issued pursuant in the Water Supply Protection District. Uses requiring a Special Permit from the Board of Appeals in Zones 2 through 7 are:

- a) Replacement of an underground fuel storage system, with evidence of compliance with the provisions of 527 CMR 9.00 (Mass. Fire Regulations).
- b) Business and industrial activities other than agricultural.

- c) Uses which generate sewage flow as defined in 310 CMR 15.02, which exceed 1,500 gallons per day.
- d) Installation of a septic tank, or construction of a septic tank leach field or other individual waste installation within a horizontal distance of one hundred (100) feet on each side of the center line of each and every stream.
- e) Construction of any building or structure intended for human residence within a horizontal distance of one hundred (100) feet on each side of the center line of each and every stream.
- f) Grading or construction on slopes in excess of 25%, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation.

Article VII. Dimensional and Density Regulations

7.01 Lot frontage, area, intensity, depth and width

	Minimum Lot Area (sq. ft.)	Minimum Frontage (feet)	Minimum Depth (feet)	Front, Rear, and Side Yards (feet) for Principal Buildings or Accessory Structures greater than 200 sq. ft.	Front, Rear and Side Yards (feet) for Accessory Structures less than 200 sq. ft.	Maximum Height (feet)
Residential – Agricultural	50,000	150	200	25	10	35
Residential Agriculture -Forestry	100,000	250	300	25	10	35
Lots Served by Municipal Sewer	35,000	150	200	25	10	35

No lot shall at any point between a principal building and the lot frontage have less width than 75% of the required lot frontage for the district in which the frontage is located.

7.02 Setback Requirements

All principal buildings and accessory buildings and structures shall be setback in accordance with section 7.01. Any stand-alone (i.e., not on a building) alternative energy structure (e.g., wind generator, solar panel, outdoor wood boiler) shall be set back, at a minimum, a distance equal to the overall height of the structure.

7.03 Access Regulations

7.03.01

All access drives to dwellings shall intersect as nearly as possible at right angles to the public way. In no case shall the intersect angle be less than 60 degrees. In addition, all access drives greater than 200 feet in length, shall conform to the following standards:

Loam or other yielding natural material shall be removed to non-yielding substrata. Existing material or backfill of stable material shall be used to bring subgrade to the grade of the surrounding area and shall be thoroughly compacted.

Washed gravel or crushed stone shall be placed on the subgrade at not less than six inches in depth and thoroughly compacted. Subgrade and finished traveled surface shall be not less than twelve (12) feet wide.

The grade of the drive shall not exceed nine (9%) percent for the first forty (40) feet off of road. From that point on the grade of the driveway shall not exceed twelve (12%) percent at any point. All driveway curves shall have a centerline radius of not less than fifty (50) feet.

A cul-de-sac, "T", or "L" turn around sufficient for fire apparatus shall be provided not more than 100 feet from the dwelling served by the drive.

All trees and rocks standing more than six (6) inches above grade shall be removed to a distance of four (4) feet from the traveled driveway surface. All branches over the drive shall be removed to a height of twelve (12) feet.

All permitted driveways shall be maintained at the above standards.

7.03.02

All access to lots shall be through the lot frontage, except that other access may be accomplished by special permit issued by the Planning Board through the procedures outlined in Article VIII of this By-Law. In addition, an exemption may be granted by the Building Inspector for corner lots upon written request by the owner of a corner lot to the Building Inspector. The Building Inspector may grant approval for access across the side lot line having road frontage if, in the opinion of the Building Inspector, it provides adequate access for emergency vehicles and safe access for other vehicles entering and exiting the corner lot.

7.03.03 Common Access to Lots [Amended at Annual Town Mtg. 5/3/88]

A common drive may serve two or more lots that comply with the lot requirements of Section 7.01. In addition, the drive shall conform to Section 7.03.01 except that the subgrade and traveled surface width shall be not less than sixteen (16) feet on any portion of a common drive.

Article VIII. Special Permit Guidelines

8.01

Upon receipt of an application for a special permit, the Board of Appeals or Special Permit Granting Authority shall within 65 days hold a public hearing for which notifications shall be given by publication or printing according to MGL, Chapter 40A, Section 11, as amended.

The Board of Appeals or Special Permit Granting Authority shall act within 90 days of the date of the close of said hearing. Failure to act shall be deemed to be a grant of the permit applied for.

8.02

Special permits shall lapse within two (2) years from the date granted and including such time required to pursue or await the determination of an appeal under MGL, Chapter 40A, Section 17, as amended, 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.

8.03 Special Use Permits

A special permit for uses listed in Section 6.02 of this By-Law may be issued by the Board of Appeals, provided the premises in question are reasonably adaptable to such use, and provided further that the proposed use:

1. Will not be injurious or dangerous to the public health, or hazardous because of traffic congestion, danger of fire, or constitute or create a public or common nuisance;
2. Will not have a material adverse effect on the value of the land and buildings in the neighborhood;
3. Will not produce noise, vibration, smoke, dust, odors, heat or glare observable at the lot line in amounts clearly detrimental to the normal use of adjacent property;
4. Will impose no excess demand on any public services;
5. Will create no detrimental sewage disposal problem;
6. Will have adequate off-street parking facilities; and
7. Will not create a threat of surface or groundwater pollution, surface drainage detrimental to abutting properties, or deleterious effects to the natural environment in the area where the use is located.

Article IX. Flexible Development by Special Permit

The Planning Board may issue a special permit for the following alternative residential modes after written determination that the proposal will not have adverse effects which

overbalance its beneficial effects on either the neighborhood or the Town. The determination shall indicate consideration of each of the following:

1. Community and regional housing needs which are served by the proposal.
2. Traffic flow and safety.
3. Adequacy of utilities.
4. Neighborhood character.
5. Protection of the natural environment.
6. Potential fiscal impact on the Town.

9.01 Multi-family Dwellings

The Planning Board may issue a special permit for the construction and occupancy of multifamily dwelling(s) providing the following requirements are met:

9.01.01 Location

A multi-family dwelling shall be on a lot with direct access to a street laid out not less than sixty (60) feet wide, which lot is at least 1,000 feet from another lot used for a multi-family dwelling, and must be connected to the municipal sewer system.

9.01.02 Area required

There shall be not less than 12,000 square feet of lot area for each dwelling unit.

9.01.03 Structure Requirements

Multi-family dwellings shall not exceed thirty-five (35) feet in height; nor more than 2 stories. Not more than four (4) dwelling units shall be in a single structure and no structure shall be closer to another than its building height.

9.01.04 Design Characteristics

At least three (3) of the following characteristics of the proposed dwellings must exist on one or more structures in the vicinity; roof type, roof pitch, predominant exterior wall color, predominant exterior wall material.

9.01.05 Parking Facilities

Multi-family dwellings shall have not less than two (2) parking spaces per dwelling unit. Parking areas shall be minimally visible from the street through building placement, topography, or vegetative screening.

9.01.06 Site Plan

A site plan shall be submitted according to procedure and standards as listed in Section X of this By-Law and must be approved by the Planning Board as a prerequisite to issuance of a special permit for a multi-family residential use.

9.02 Open Space Residential Use

For the purpose of promoting the more efficient use of land in harmony with its natural features, an owner or owners of a tract of land of ten (10) acres or more situated within the Town, or a duly authorized agent of such owner or owners, may make application to the Planning Board for a Special Permit exempting such land from the lot area, frontage, setback, common access, and access-not-through frontage requirements of Article VII of this By-Law. Such application shall be accompanied by a site plan as defined in Section X of this By-Law.

9.02.01 [Amended at Annual Town Meeting, 5/3/86]

After notice and public hearing and consideration of recommendations of the Conservation Commission and the Board of Health, the Planning Board may grant a special permit if the following conditions are met:

1. At least thirty five percent (35%) of the land area of the tract shall be open space. The open space set aside may not include wetlands, water bodies, floodplains, slopes greater than twenty-five (25%), roadways, or land prohibited from development by legally enforceable restrictions, easements or covenants, or other constraints dictated by the Northfield Protective By-Law, Title 5, the Inland Wetlands Protection Act, and any other relevant law.
2. [Deleted by vote of spec. Town Mtg. 9/27/88]
3. The total number of lots shall not exceed the maximum allowable under Section 7.01 of this By-Law, except that for each additional ten percent (10%) of land which is set aside as open space in the tract, in excess of the thirty-five percent (35%) open space required, one (1) additional dwelling lot may be allowed. In no circumstances shall the total number of lots exceed 150% of the number possible if the land were developed under the standards of Section 7.01 of this By-Law.
4. No lot shall have less than 75 feet of frontage on a public way or approved subdivision road.
5. No lot shall have less than 150 feet of depth.
6. No lot shall have less than 1/3 acre in area.
7. No building shall be located less than ten (10) feet from a lot line or less than 25 feet from a public way or approved subdivision road.
8. Each lot shall have suitable soils and site for a private septic system and water supply, or access to a municipal sewer system, or access to a common septic system approved by the Board of Health.
9. Only single family dwellings shall be constructed unless there is a municipal sewer connection.
10. A common drive may serve two or more lots that comply with the lot requirements of Section 9.02. In addition, the drive shall conform to Section 7.03.01 except that the subgrade and traveled surface width shall be not less than sixteen (16) feet on any portion of the common drive.
11. Lots may have access-not-through frontage, so long as such access-not through frontage provides adequate access for emergency vehicles and safe access for other vehicles entering and exiting the lot, and is in keeping with the considerations of Article IX.

12. The Planning Board finds the proposal to be in harmony with the purpose and intent of this By-Law.

9.02.02 Open land in a flexible development shall be maintained as follows: [Added at Annual Town Mtg. of 5/3/88]

1. In general, all land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.
2. Further subdivision of common open land, except for easements for underground utilities, and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.
3. Such common open land shall be either:
 - a) conveyed to a corporation or trust owned or to be owned by the owners of lots within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity;
 - b) conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
 - c) conveyed to the Town of Northfield, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.
4. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking or roadways or any other use. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.
5. If the common land is to be conveyed to the lot owners within the development, ownership and maintenance of such land shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other land agreement through which each lot owner in the development is automatically a member and each lot is subject to a charge for a share of the maintenance expenses or through a comparable arrangement satisfactory to the Planning Board. Such land agreement documents shall be submitted with the development plan and shall be subject to approval by the Planning Board and Town Counsel.
6. Such covenants shall specify that each lot owner shall have an equal say in determining the affairs of the organization, that costs shall be assessed equally to each lot, and that the organization shall remain under the control of the developer until a majority of the lots are conveyed to permanent owners.
7. Such covenants shall provide that in the event that the organization established to own and maintain the common open land or any successor organization fails to maintain the common open land in reasonable order and condition in accordance with the site analysis/development plan, the Town may, after notice to the

organization and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefor.

Article X. Special Requirements for Specified Uses

10.01 Site Plan Review by the Planning Board is required for: all industrial and commercial uses involving structure(s) with 10,000 square feet or more of enclosed floor area; a lot containing 10 acres or more; *Large-Scale Ground-Mounted Solar Photovoltaic Installations with a total solar photovoltaic array area of more than 1,500 square feet (see Section 10.01.05)*; or as required by other sections of this By-law. In addition, the Zoning Board of Appeals may require Site Plan Review for any commercial or industrial use requiring a special permit.

10.01.01 Site Plan Contents [Amended, Spec.Town Mtg. 10/21/93]

Where specified in this By-Law, a site plan shall be prepared by a registered architect, professional engineer, or a registered landscape architect. The site plan shall show, at a minimum, at an appropriate scale, present and proposed topography, existing and proposed buildings, existing and proposed drives and parking facilities, proposed service areas, lighting, signs, refuse and other waste disposal facilities, existing and proposed surface water drainage; proposed landscaping features (vegetative and structural) and existing buildings within 50 feet of the development site, 3-dimensional drawings from all four sides of new structures or changes and/or additions for the proposed project. If proposed structure will be above existing roof or natural tree lines, additional 3-dimensional drawings will be required from a distance of ¼ mile or from a designated scenic viewing point as determined by the Planning Board. For any proposed structure which will be above existing roof or natural tree lines, applicant shall float a balloon, large enough to be viewed from a distance of ¼ mile, at the maximum height of the proposed structure for the entire Planning Board's Site Plan Review period.

The Planning Board shall have the authority to request additional information or revisions, as deemed necessary, (not to exceed two (2) additional requests) to thoroughly evaluate the site plan application.

Further, the site plan shall contain the name and address of the applicant, owner of record, location of the parcel involved, names of all abutters (as determined by most

recent tax list), boundaries, north point, scale, date of preparation or submission and the name of the person or firm that prepared the plan.

10.01.02 Site Plan submission

Site plans may be submitted prior to or coincidentally with an application for a special permit. Approval of the site plan must precede the issuance of a special permit by any special permit granting authority. Applicants shall submit a site plan to the Planning Board at a regularly scheduled meeting, furnish the Board with the original of the plan and four (4) copies, submit one copy to the Board of Health and give notice to the Town Clerk by delivery or registered mail of the date of submission as well as the applicant's name and address and the location and identify of the land affected.

10.01.03 Site Plan Review (Amended at Annual Town Meeting 5/1/00)

Within 65 days of the date of submission of a site plan, the Planning Board shall notify the applicant and the Town Clerk of approval, approval with modification, or disapproval of the plan. In the case of disapproval, the Board shall state in detail the reasons therefor. The action of the Board shall be on two copies of the plan, referenced and attached to conditions. One copy shall be returned to the applicant and the other retained by the Board. After approval, site plans may be modified with the approval of the Planning Board, such approval of modifications to be in writing to the applicant and the action recorded in the minutes of a regular or special meeting of the Board.

The Board of Health shall submit written recommendations or comments within 30 days of submission. Failure to do so shall constitute approval of the plan by that Board.

Failure of the Planning Board to act within the specified time shall constitute approval of the plan as submitted.

10.01.04 Basis for Decision

In approving or disapproving a site plan, the Planning Board shall, as a minimum, take into considerations these factors:

1. Preservation of landscape. The plan shall minimize tree or vegetation removal, grade changes, and intrusion into vistas from nearby public ways.
2. Open Space. Building location on the site plan shall avoid farmland, hilltops, steep slopes, and wetland areas to the extent possible.
3. Circulation. Vehicular and pedestrian traffic within the site and at access points to a public way shall be safe and convenient and shall not detract from the use and enjoyment of neighboring properties.

4. Surface water drainage. Any change in surface drainage shall not adversely affect neighboring properties and will not result in erosion or sedimentation.
5. Compliance with other By-Laws. All other standards of this By-Law shall be complied with.

10.01.05 Site Plan Review Requirements for Solar Facilities

Section 11.08 describes the provisions for Site Plan Review of Large-Scale Ground-Mounted Solar Photovoltaic Installations with a total solar photovoltaic array area of more than 1,500 square feet. Additional requirements for the Site Plan Review process in these cases is described in section 11.08.03.04.

Article XI. General Regulations

11.01 Removal of Natural Materials

The removal of loam, earth, sand, mineral aggregate, stone or rock from a parcel of land shall require a special permit issued by the Zoning Board of Appeals in the manner described in Article VIII of the By-law, with the following exception: where such removal is incidental to the construction of an approved building or construction of roads within an approved subdivision, up to 50 cubic yards may be removed without a special permit. Nothing in this bylaw shall restrict those activities exempted under Chapter 40A Section 3 of Massachusetts General Laws.

All special permits issued under this Article shall expire at the end of three (3) years. They shall be renewed for an additional three (3) years after notice and hearing according to Article VIII of this By-law if the permit holders are found to be in conformance with the conditions of the original special permit. The Zoning Board of Appeals may refuse a renewal if they find substantive non-conformance with conditions required in the permit. Subsequent renewals shall be made in the same manner.

11.01.01 Plan Required

All plans for excavation greater than two (2) acres shall be prepared by a registered surveyor or registered engineer. The application shall provide a proposed schedule for excavation and restoration and the plan submitted should illustrate the proposed phasing of the excavation. An application for a special permit under this section shall be accompanied by a plan at an appropriate scale containing the following information:

1. Legal name and address of the applicant.
2. Boundaries of the lot from which the material is to be removed.
3. Boundaries of the actual excavation area.
4. All buildings within 500 feet of the proposed excavation boundaries.
5. All present and planned roads from the public way to the excavation.

6. Present contour lines for the entire lot at five foot intervals.
7. Proposed contour lines for the lot at completion of excavation and proposed phasing of different areas for excavation and restoration.
8. All waterways, brooks, swamps, and surface drainage patterns as existing and as to exist after excavation.
9. The height of the water table at its highest springtime elevation.
10. Name and address of the plan preparer.

11.01.02. Special Permit Conditions

The Zoning Board of Appeals shall condition special permits under this section with the following requirements and may further condition the permit, including posting of bonds not to exceed \$10,000 per acre for the restoration of the site to the condition specified in the special permit.

1. Drainage to abutting properties shall not be changed due to the excavation of natural materials.
2. Unless otherwise provided, all topsoil and subsoil shall be stored on site to be re-spread over the area at completion of operations.
3. All cleared trees, brush and stumps shall be chipped or removed from the site. Wood chips may be spread on finish grade after restoration of the site.
4. Exposed ledge shall be recovered to at least six (6) inches with soil at the end of the excavation.
5. Boulders shall be removed from the site or covered with at least four feet of fill and subsoil.
6. At termination of the excavation, all structures, vehicles, machinery and building materials not part of the approved plan shall be removed.
7. After topsoil is spread on the finished grade, approved vegetative cover shall be established according to plan.
8. No excavation shall take place less than 100 feet from the boundary of a public way or from any waterway.
9. No finish grade slopes shall exceed a grade of 2:1.
10. Not over five (5) acres may be actively operated at any time on any single parcel of land. As excavation progresses, depleted areas shall be restored according to the approved plan to contain all operations within this limit.

11.02 Unregistered Motor Vehicles

The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted unless said motor vehicle is stored within an enclosed building or stored so as to be out of sight during all seasons of the year of both abutters and street.

A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, may be granted by the Board of Appeals, if it finds that such

keeping (1) is in harmony with the general purpose and intent of this By-Law; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

This Article shall not apply to motor vehicles which are designed and/or used for farming purposes.

11.03 Curb Cut

No curb cut shall be made or private drive connected to any town or county public way without the signed approval of the Superintendent of Streets. All such layout and construction shall be located to provide adequate sight distances and safe ingress and egress. Existing road drainage shall not be altered and no additional surface drainage onto the public way shall be created.

11.04 Erosion Control Regulations

On all construction sites, sufficient erosion control measures as necessary to prevent erosion of sand, soil, or other sediment from moving onto abutting property shall be constructed or arranged. No construction shall result in a change in the natural surface drainage onto abutting property.

11.05 Sign Regulation

No sign, as defined in this By-Law, shall hereafter be displayed or located except as provided in this section.

11.05.01 Permitted Signs

- a) In all districts, one sign indicating the name of the residents or a home occupation may be displayed on one lot. Such sign shall be not greater than three (3) square feet in area.
- b) In all districts, signs up to nine (9) square feet in area advertising rental or sale of the premises may be located temporarily on a lot, and must be promptly removed after sale or rental.
- c) Paper or cardboard signs inside display windows are allowed if illuminated only by building illumination.
- d) Temporary signs not greater than twelve (12) square feet in area identifying the contractor(s) at a construction site may be displayed during construction, but must be promptly removed at completion of the project.
- e) Commercial or industrial activities conducted under a Special Permit granted pursuant to the requirements of this By-Law may display one free-standing sign on

the lot where the business is conducted and additional on-premise and off-premise signs directing and guiding traffic and parking. All commercial and industrial signs shall be specified as to number, location, size, and content in the Special Permit allowing the business and shall conform to the standards specified in Sec. 11.05.02 of this By-Law.

f) Commercial or industrial activities conducted under the provisions of this By-Law may display signs on buildings where they are located if in conformity with standards of Sec. 11.05.02 of this By-Law. Such signs shall be specified as to location, size, content, and number in the special permit.

g) Temporary signs advertising social events, private tag sales and other clearly intermittent activities or events not related to a business. All such signs shall be removed not more than three (3) days after the activity advertised has taken place.

11.05.02 Sign Standards

a) Lighting. Signs shall be illuminated in a manner than no glare is visible from any way or residential lot. No sign shall flash or have any sort of animations. Neon lighting is prohibited.

b) Size. Free-standing on-premise commercial or industrial signs shall be not greater than 24 square feet in area. Off-premise commercial or industrial signs shall be not greater than six (6) square feet in area and shall contain no advertising other than a business identification name or logo and traffic direction. No free-standing sign shall at any point extend more than 10 feet above the adjacent average grade.

Free-standing signs with equal and parallel faces providing identical information on both sides shall be measured on one side only in determining square footage.

Signs affixed to any planar or curved surface of a structure shall be limited in area to 10% of the area of that surface, devoted to the attendant use. Signs affixed to structures shall not extend more than eighteen (18) inches beyond the vertical mean building surface, nor more than three (3) feet above the eaves.

11.06 Telecommunications

11.06.01 Purpose, Applicability and Use

The purpose of this By-Law is to establish appropriate siting criteria and standards for communications towers and facilities including but not limited to radio, television, and cellular communications in order to minimize adverse visual impacts and maintain the residential character of the town, and preserve scenic views to and from the towns' roadways and waterways. This By-Law is intended to discuss reasonable regulations while allowing adequate service to residents, the traveling public and others within the town and to accommodate the need for the minimum possible number of such facilities within the Town of Northfield. The requirements of this By-Law shall apply to all communications

towers and wireless communication facilities that require a special permit under the Protective Regulations By-Law, excluding in-kind or smaller replacement of existing equipment. Special Permits for communication towers and wireless communication facilities shall be administered by the Planning Board.

11.06.02 Required Performance and Location Standards

- a) Any tower shall be set back from property lines a distance of at least equal to 150% of the height of the tower.
- b) Any tower shall be at least 500 feet from any residential building.
- c) Accessory structures housing support equipment for towers shall not exceed 400 square feet in size and 15 feet in height and shall be designed to be harmonious and architecturally compatible with surrounding area. Screened fencing with no barbed or razor wire and a minimum height of 6 feet shall be installed around structures and towers and shall be compatible with scenic character of town.
- d) Minimum clearing of natural vegetation should be limited to that which is necessary for the construction, operation, and maintenance of the tower.
- e) Night lighting shall be prohibited unless required by Federal authorities and shall be the minimum necessary.
- f) Tower shall be no higher than necessary and maximum height shall be no more than 120 feet from natural ground level. The Planning Board may waive or amend the height restriction for co-location development if the Planning Board finds that allowing the additional height will result in the addition of other carriers to the proposed facility, will diminish the need for additional towers, and will not have an adverse visual impact.
- g) Shared use of towers and co-location of communication devices is encouraged. All towers constructed by applicant shall be designed to accommodate the maximum number of communication facilities aesthetically appropriate for that location.
- h) Wherever feasible, telecommunication facilities shall be located on existing towers or other non-residential structures, minimizing construction of new towers. Use of municipal properties is to be strongly encouraged if possible.
- i) Wireless communication facilities placed on existing building shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building.
- j) Towers shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.
- k) There shall be no signs, except for announcement signs, no-trespassing signs and a required minimum 2' x 2' sign on the screening fence giving a phone number where the owner can be reached on a twenty-four (24) hour basis, and other signs required by FCC. All signs shall conform with the Sign By-Law of the Northfield Protective Regulations By-Law.
- l) Discontinuance: Prior to the issuance of a building permit, the applicant is required to post with the Town Treasurer, a bond or other form of financial security acceptable to said Treasurer in an amount set by the Building

Commissioner or his/her designee. The amount shall be sufficient to cover the demolition of the facility in the event the Building Commissioner condemns the facility or deems it has ceased to be used for its intended purpose for more than one year. The Building Commissioner shall give the applicant 45 days notice in advance of any demolition action. In the event the posted amount does not cover the cost of demolition, the Building Commissioner may place a lien on the property covering the difference in cost.

m) Annual certification by an independent consultant selected by the Town of Northfield, demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit holder. Cost of annual certification to be paid by the tower owner.

n) The Special Permit granted shall lapse in two years if construction has not commenced by such date, except for good cause shown. And, provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any addition of antenna cells shall require an amendment of the Special Permit.

o) The Board shall also impose, in addition to any applicable conditions specified in the By-Law, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise service the purposes of this By-Law, including, but not limited to: screening, buffering, lighting, fences, modification of the exterior appearance of the structures, limitation upon the size, method of access or other traffic features, parking, removal or cessation of use, or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the Board.

p) The following information must be prepared by a professional engineer:

1) A description of the facility and the technical, economic and other reasons for the proposed location, height, and design.

2) Confirmation that the facility complies with all applicable Federal and State standards.

3) A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

4) If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), and complies with all other Federal, State or local regulatory bodies.

q) Exemptions

1) The following types of wireless communications facilities are exempt from this By-Law.

Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose.

11.06.03 Procedures

- a. Applicant shall be responsible for all required advertising costs.
- b. Applicant shall be responsible for all necessary review costs.
- c. Applicant shall be subject to provisions of Article 10 of this By-Law (Site Plan Review)

11.07 Open Space Residential Design [Passed at May 2012 Town Meeting]

For the purpose of promoting the efficient use of land in harmony with its natural features, in accordance with the *Smart Growth* guidelines of the Commonwealth, encouraging the preservation of open space and shared facilities, an alternative form of subdivision is described in this section. This form of subdivision, subject to Site Plan Review by the Planning Board, reduces required lot dimensions and provides incentives for an increased number of lots. In all other respects the definitions and terms of the Subdivision Regulations of Northfield apply. Only one single- or two-family dwelling unit per lot shall be allowed in the Open Space Residential Design.

11.07.01 Open Space Requirement

At least fifty percent (50%) of the land area of the tract shall be permanently protected open space. The open space set aside may not include wetlands, water bodies, floodplains, slopes greater than twenty-five (25%), roadways, land devoted to common facilities such as wells, sanitation facilities, and solar energy generation, or land prohibited from development by legally enforceable restrictions, easements or covenants, or other constraints dictated by the Northfield Protective By-Law, Title 5, the Inland Wetlands Protection Act, and any other relevant law. For projects that cannot reasonably meet the 50% open space set-aside requirement, the Planning Board may in its discretion lower the required amount of open space (but in no case to less than 40% of the land area), only if it determines that the proposed project would otherwise meet the general purpose and intent of this bylaw and would comply with the Board's regulations under the Subdivision Control Law.

11.07.02 Number of Lots

The total number of lots shall not exceed that determined by a yield plan calculation, except that for each additional one percent (1%) of land which is set aside as open space in the tract, in excess of the fifty percent (50%) open space required, up to one percent (1%) more (rounded down) additional dwelling lots shall be allowed. A yield plan calculation is the number of lots that can be placed on potential streets in the subdivision, in conformance with the Northfield Subdivision Regulations and Section 7.01 of this bylaw, without the

open space set aside but excluding wetlands, water bodies, floodplains, and slopes greater than twenty-five (25%).

11.07.03 Lot Dimensions

No lot shall have less than 100 feet of frontage on its access road.

No lot shall have less than 150 feet of depth.

No lot shall have less than 15,000 square feet.

No building shall be located less than ten (10) feet from a lot line or less than 25 feet from a public way, approved subdivision road, or any other right-of-way.

11.07.04 Sanitation Requirement

Each lot shall have suitable soils and site for a private septic system and water supply, or access to a municipal sewer system, or access to a common septic system approved by the Board of Health.

Only single family dwellings or duplexes shall be constructed unless there is a municipal sewer connection.

11.07.05 Solar Energy Option

A subdivision that provides, in the form of one or more shared facilities, a minimum of two kilowatts (2KW) of grid-connected photo-voltaic solar energy generation for each residential unit in the subdivision may have up to twenty percent (20%) more (rounded down) additional dwelling lots than provided under Section 11.07.02. A solar energy facility proposal will be reviewed by the Northfield Energy Committee, which will provide its recommendations to the Planning Board. On the basis of this review the Planning Board may require changes/additions to the proposed facility to meet the terms of this section. After construction the Northfield Building Commissioner will be responsible for annually inspecting the condition of any such facility.

11.07.06 Maintenance of Common Facilities

All common facilities of the subdivision, such as wells, sanitation facilities, and solar energy facilities, will be conveyed to a corporation or trust owned or to be owned by the property owners within the development; ownership thereof shall pass with property conveyance in perpetuity.

Maintenance of all common facilities shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other agreement through which each property owner in the development is automatically a member, each has an equal say in determining the affairs of the organization, and each is subject to an equal charge for a share of the maintenance expenses, or through a comparable arrangement satisfactory to the Planning Board. Such land agreement

documents shall be submitted with the development plan and shall be subject to approval by the Planning Board and Town Counsel. This organization shall remain under the control of the developer until a majority of the properties are conveyed to a majority of the permanent owners.

Any such covenants or agreements shall provide that in the event that the organization established to own and maintain the common facilities, or any successor organization, fails to maintain the common facilities in reasonable order and condition in accordance with the site analysis/development plan, the Town may, after notice to the organization and public hearing, enter upon such facilities and maintain them in order to preserve the taxable values of the properties within the development. These covenants or agreements shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefor.

11.07.07 Open Space Use

In general, all land not devoted to dwellings, accessory uses, common facilities, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.

Further development of common open land, except for easements for underground utilities and public recreation, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

11.07.08 Open Space Ownership

Such common open land shall be either:

- (a) conveyed to a corporation or trust owned or to be owned by the property owners within the development; if such a corporation or trust is utilized, ownership thereof shall pass with property conveyance in perpetuity;
- (b) conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
- (c) conveyed to the Town of Northfield, at no cost, and be accepted by it for a park or open space use; such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.

In cases (a) and (b) above, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking or roadways or any other use. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

In case (a) above, ownership and maintenance of such open land shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other land agreement through which each property owner in the development is automatically a member and each is subject to a charge for a share of the maintenance expenses or through a comparable arrangement satisfactory to the Planning Board. Such land agreement documents shall be submitted with the development plan and shall be subject to approval by the Planning Board and Town Counsel. Any such covenant or agreement shall specify that each property owner shall have an equal say in determining the affairs of the organization, that costs shall be assessed equally to each such owner, and that the organization shall remain under the control of the developer until a majority of the properties are conveyed to permanent owners.

Further in cases (a) and (b) above, such covenants or agreements shall provide that in the event that the organization established to own and maintain the common open land or any successor organization fails to maintain the common open land in reasonable order and condition in accordance with the site analysis/development plan, the Town may, after notice to the organization and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance.

These covenants or agreements shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefor.

11.08 Solar Generation Zoning Bylaw [Passed at May 2012 Town Meeting]

11.08.01 Purpose and Applicability

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

The provisions set forth in this section shall apply to the construction, operation, modification, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations with a total solar photovoltaic array area of more than 1,500 square feet proposed to be constructed after the effective date of this section. Smaller scale systems (not more than 1,500 square feet of solar photovoltaic array area) need not comply with this section, but shall require a building permit and must comply with all applicable local, state and federal requirements and other provisions of this By-law.

Large-Scale Ground-Mounted Solar Photovoltaic Installations that occupy no more than 5 acres of land on one or more adjacent parcels in common ownership (including those separated by a roadway) proposed to be constructed in the Solar Overlay District are

allowed as-of-right but are subject to Site Plan Review as set forth in Section 10.01 and Section 11.08 of this By-law and the requirements of this Section. All other proposed Large-Scale Ground-Mounted Solar Photovoltaic Installations require a Special Permit and Site Plan Review in accordance with this By-law.

11.08.02 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. Such development is subject to Site Plan Review. Projects conforming to this By-law, including this Section, cannot be prohibited, but can be reasonably regulated by the Building Commissioner.

Appurtenant Structures: All structures, the use of which is appurtenant to a Large-Scale Ground-Mounted Solar Photovoltaic Installation, including, but not limited to, equipment shelters, storage facilities, transformers, and substations.

Building Commissioner: The person designated by Section 2.01 of this By-law and charged with the enforcement of the By-law.

Building Permit: A construction permit issued by the Building Commissioner; the building permit evidences that the project is compliant with the state and federal building codes as well as this By-law.

Designated Location: The locations designated by the Solar Overlay District described in Section 4.04.02 of the Bylaw, where Large-Scale Ground-Mounted Solar Photovoltaic Installations may be sited as-of right. Said locations are shown on the Town's Official Zoning Map, which is on file in the Office of the Town Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not building-mounted, and has a total solar photovoltaic array area of more than 1,500 square feet.

Site Plan Review: Review by the Northfield Planning Board in accordance with Section 10.01 and Section 11.08.03.04 below.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

11.08.03 General Requirements for all Large-Scale Ground-Mounted Solar Power Generation Installations

The following requirements are common to all Large-Scale Ground-Mounted Solar Photovoltaic Installations to be sited in Designated Locations.

11.08.03.01 Compliance with Laws, Ordinances and Regulations

The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and

fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the Massachusetts State Building Code.

11.08.03.02 Building Permit

No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

11.08.03.03 Fees

The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installation must be accompanied by the application fees required for a building permit and Site Plan Review.

11.08.03.04 Site Plan Review

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Site Plan Review by the Planning Board in accordance with this Section and Section 10.01 of the By-law prior to construction, installation, or modification.

(1) General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(2) Required Documents

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i.** Property lines and physical features, including roads, for the project site;
- ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii.** Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- iv.** Locations of Floodplains or inundation areas for moderate or high hazard dams;
- v.** Locations of Priority Heritage landscapes and local or National Historic districts;
- vi.** A list of hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
- vii.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
- viii.** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical

interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

- ix. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
- x. Name, address, and contact information for proposed system installer;
- xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- xii. The name, contact information and signature of any agents representing the project proponent;

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

(c) Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

(d) Utility Notification. No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(e) Zoning District Designation. The project proponent shall submit a zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).

(f) Proof of Liability Insurance. The project proponent shall submit to the Planning Board proof of liability insurance for the project.

(g) Financial Surety. The project proponent shall submit a description of financial surety that satisfies Section 11.08.06.

The Planning Board may waive documentary requirements as it deems appropriate.

(3) Setback and Height Requirements

For Large-Scale Ground-Mounted Solar Photovoltaic Installations, including Appurtenant Structures and parking areas, setbacks shall be at least 100 feet from any property boundary; the minimum setback areas are not included in the

calculation of the 5-acre maximum specified in this Solar Generation Zoning By-law. The height of a Large-Scale Ground-Mounted Solar Photovoltaic Installation or any Appurtenant Structure, shall not exceed 20 feet.

(4) Appurtenant Structures

All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

(5) Design and Performance Standards

- (b) Lighting.** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (c) Signage.** Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with section 11.05 of the By-law. A sign consistent with the By-law shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.
- (d) Utility Connections.** Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (e) Roads.** Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources.
- (f) Control of Vegetation.** Herbicides may not be used to control vegetation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array are possible alternatives.
- (g) Hazardous Materials.** Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a

building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

(h) Noise. Sound or noise levels may not exceed 50 dBA at the boundary of the property.

(6) Safety and Environmental Standards

1.1(a) Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Northfield Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

1.1(b) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and this By-law.

11.08.04 Monitoring, Maintenance, and Reporting

11.08.04.01 Solar Photovoltaic Installation Conditions

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and any access road(s), unless accepted as a public way.

11.08.04.02 Modifications

All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

11.08.04.03 Annual Reporting

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this By-law and the approved site plan, including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of

electricity generated by the facility. The report shall be submitted to the Selectboard, Planning Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

11.08.05 Abandonment or Decommissioning

11.08.05.01 Removal Requirements

Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned as set forth in Section 11.08.05.02 below shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (1) Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installation structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

11.08.05.02 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, an installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board.

If the owner or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town retains the right, after the receipt of an appropriate court order or written consent of the owner, to enter and remove an abandoned, hazardous, or decommissioned Large-Scale Ground-Mounted Solar Photovoltaic Installation. As a condition of Site Plan approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The costs for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

11.08.06 Financial Surety

Applicants for Large-Scale Ground-Mounted Solar Photovoltaic Installations shall provide a form of surety, either through escrow account, bond, or other form of surety approved by the Planning Board, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project Applicant. Such surety will not be required for municipally- or state-owned facilities. The Applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Article XII. One-Year Growth Restriction [Passed at May 2013 Town Meeting for a one-year period; not renewed in 2014]

12.1 Purpose

The purpose of this section is to implement a reasonable and temporary one-year cap on construction of new dwelling units in town.

The Town of Northfield is faced with the possibility of sudden increased development activity at any time due to the current availability and unknown future disposition of multiple large properties of historic and cultural significance. The Town is also currently in the process of developing an updated Master Plan, outlining a community vision for the future of the Town. The purposes of this Section are: to promote orderly growth in the Town of Northfield; to phase growth so that it will not unduly strain the community's ability to provide basic education, public facilities and services; to provide the town, its boards and its agencies with information, time and capacity to incorporate community input into the updated Master Plan and the regulations of the community; and to preserve and enhance existing community character and the value of property. This Section shall remain in effect until June 30, 2014; at the Spring 2014 Town Meeting the Northfield Planning Board intends to present an updated growth bylaw proposal based on Master Plan recommendations, and possibly propose to extend this Section for one year to allow further study, or shall allow this Section to expire.

12.2 Regulations

12.2.1 Scope

No building permit for a new Dwelling shall be issued unless in accordance with the Regulations of Section 12 of this Bylaw. The provisions of this Section shall not apply to, nor limit in any way, the granting of building and occupancy permits required for enlargement, restoration, or reconstruction of existing dwellings including those dwellings lost to natural disaster or fire.

12.2.2 Application

The Regulations of this section shall apply to all new dwelling units, including but not limited to definitive subdivision plans, divisions of land not requiring subdivision approval, and Special Permits which would result in the creation of a new dwelling unit or units.

12.2.3 Issuance of Residential Building Permits

A. A town-wide total of not more than six (6) new dwelling units shall be authorized by the Town during the period that this Section is in effect.

B. General Applicants. Not more than two (2) dwelling units shall be authorized via a Building Permit(s) for any one applicant during the period that this Section is in effect.

[This Northfield Protective Regulation By-Law current as of September 2000)]

TOWN OF NORTHFIELD
ZONING MAP
1987

Description:

Easterly Boundary of the RA District:

Starting at the New Hampshire State line on Winchester Road

- (1) Southerly 1,600 feet to a point
- (2) Then southerly in a straight line to a point
- (3) On School Street, 750 feet easterly of the intersection of Strowbridge Road and School Street, then easterly on School Street to
- (4) The intersection of School Street and Warwick Road, then southerly on Warwick Road to a point on Warwick Road
- (5) Located 2,000 feet easterly of the intersection of St. Mary's Street, Strowbridge Road and Warwick Road; then southerly in a straight line to the intersection of Old Turnpike Road and Commonwealth Avenue,
- (6) Then southerly along Commonwealth Avenue to the intersection with Gulf Road
- (7) Then easterly on Gulf Road to the intersection of Alexander Hill Road and Gulf Road
- (8) Then southerly in a straight line to the intersection of Old Wendell Road and Lyman Road
- (9) Then southerly along Old Wendell Road 2,000 feet to a point
- (10) Then southerly in a straight line to a point on South Mountain Road 2,000 feet easterly of the intersection of Rte. 63 and South Mountain Road
- (11) Then 2,000 feet easterly on South Mountain Road to a point
- (12) Then southerly in a straight line to a point on Pine Meadow Brook 1,000 feet easterly of Rte. 63
- (13) Then westerly on Pine Meadow Brook 500 feet to a point easterly from Rte. 63
- (14) Then southerly parallel to and 500 feet easterly of Rte. 63 to the Erving Town line

Description:

Westerly Boundary of RA District

Starting at the Vermont State line at a point 1,000 feet westerly of Rte. 142, southerly and parallel to Rte. 142 to the Bernardston Town line.

NORTHFIELD PLANNING BOARD REGULATION
Application Review Fees – Special Municipal Account

PLANNING BOARD:

1. When reviewing an application for [permit/approval], the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

2. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.

3. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the discretion of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure to pay a review fee shall be grounds for denial of the [application/permit].

4. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose.

At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

5. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for an action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

The Planning Board Regulation on "Application Review Fees – Special Municipal Account" was adopted and approved by unanimous vote of the Board, and filed with the Town Clerk of Northfield, Mass. on the 16th day of September, 1993.