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PART I

GENERAL BYLAWS

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Penalties

§ 1-1. General penalty.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Penalties
[Adopted 9-28-1970 STM]

§ 1-1. General penalty.¹

Wherever not otherwise provided, the penalty for violation of the General Bylaws, and such similar bylaws as are in effect or may hereafter be added, shall be not less than \$2 nor more than \$300, as provided by MGL c. 40, § 21, as amended.

1. Editor's Note: Amendment pending.

Chapter 7

AGRICULTURE

**ARTICLE I
Right to Farm**

- § 7-1. Legislative purpose and intent.**
- § 7-2. Definitions.**

- § 7-3. Right to farm declaration.**
- § 7-4. Disclosure notification.**
- § 7-5. Resolution of disputes.**
- § 7-6. Severability.**

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Right to Farm

[Adopted 5-2-2005 ATM by Art. 23]

§ 7-1. Legislative purpose and intent.

- A. The purpose and intent of this bylaw is to explain the existing right to farm accorded to all citizens of the commonwealth under Article 97 of the Constitution and all state statutes and regulations thereunder, including but not limited to MGL c. 40A, § 3, Paragraph 1, MGL c. 90, § 9, MGL c. 111, § 125A, and MGL c. 128, § 1A. We the citizens of Northfield restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").
- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Northfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§ 7-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FARM — Includes any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

FARMING or AGRICULTURE —

- A. The words "farming" and "agriculture" or their derivatives shall include but not be limited to the following:
 - (1) Farming in all its branches and the cultivation and tillage of the soil;
 - (2) Dairying;

- (3) Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- (4) Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- (5) Raising of livestock, including horses;
- (6) Keeping of horses as a commercial enterprise; and
- (7) Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

B. Farming shall encompass activities, including, but not limited to, the following:

- (1) Operation and transportation of slow-moving farm equipment over roads within the Town;
- (2) Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- (3) Application of manure, fertilizers and pesticides;
- (4) Conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- (5) Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
- (6) Maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager, used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- (7) On-farm relocation of earth and the clearing of ground for farming operations.

§ 7-3. Right to farm declaration.

The right to farm is hereby recognized to exist within the Town of Northfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

§ 7-4. Disclosure notification.

- A. Within 30 days after this bylaw becomes effective, the Selectboard shall prominently post in the Town Hall and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within Town may be impacted by commercial agricultural operations."

- B. In addition to the above, a copy of this disclosure notification as a part of a brochure to be developed by the Agricultural Commission shall be provided by the Town to residents each fiscal year by mail.

§ 7-5. Resolution of disputes.

- A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Selectboard, the Building Inspector, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Building Inspector or Selectboard shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendations to the referring Town authority within an agreed-upon time frame.¹
- B. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties, and report its recommendations to the Board of Health within an agreed upon time frame.

§ 7-6. Severability.

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Northfield hereby declares the provisions of this bylaw to be severable.

1. Editor's Note: Amendment pending.

Chapter 11
ALARM SYSTEMS

ARTICLE I
False Alarms

§ 11-2. Violations and penalties.

§ 11-1. Schedule of charges.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
False Alarms
[Adopted 5-2-2005 ATM by Art. 24]

§ 11-1. Schedule of charges.

- A. When the Chief of Police determines that the Police Department has responded to a false alarm, he shall impose a charge on the responsible alarm users according to the following schedule: for the fourth and subsequent such alarms, \$300 per false alarm within the twelve-month period, payable to the Town of Northfield. The twelve-month period shall begin January 1 and extend for 12 months thereafter.¹
- B. The charge shall be payable within 20 days from the date of notice. This will operate as a final disposition of the matter with no resulting criminal record.

§ 11-2. Violations and penalties.²

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$300. Enforcing persons: police officers.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amendment pending.

Chapter 14

ALCOHOLIC BEVERAGES

**ARTICLE I
Public Consumption**

§ 14-1. Consumption on public ways.

§ 14-2. Consumption in public buildings, private ways or parking areas.

§ 14-3. Exceptions.

§ 14-4. Enforcement.

§ 14-5. Violations and penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Public Consumption¹**

§ 14-1. Consumption on public ways.²

Whoever shall, within the Town, whether that public way be a Town way, county highway, state highway or a private way open to the public, or in any other place where the public shall have access, consume intoxicating beverages shall be punished as provided in § 14-5. This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person standing, sitting, walking, running, or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.

§ 14-2. Consumption in public buildings, private ways or parking areas.³

Whoever shall consume any intoxicating beverages in any public building, or in any private way or parking area, including parks, cemeteries, schoolhouses, and school grounds, public squares, or in any private way or parking area regulated under the provisions of MGL c. 90, § 18, shall be punished as provided in § 14-5.

§ 14-3. Exceptions.

The foregoing §§ 14-1 and 14-2 shall not apply to any activity duly licensed by the Selectboard under the applicable provisions of the General Laws. A violation of this bylaw shall be deemed a breach of peace.

1. Editor's Note: The original adoption date of this bylaw is unknown.

2. Editor's Note: Amendment pending.

3. Editor's Note: Amendment pending.

§ 14-4. Enforcement.

It shall be the duty of any police officer of the Town to arrest any person who violates the provisions of §§ 14-1 and 14-2 and to cause such person to be detained until he can be taken before court having jurisdiction of the offense.

§ 14-5. Violations and penalties.⁴

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$300. Enforcing persons: police officers.

4. Editor's Note: Amendment pending.

Chapter 19

ANIMALS

- | | |
|---|---|
| § 19-1. Administration. | § 19-7. Humane treatment. |
| § 19-2. Dog licensing. | § 19-8. Impoundment and kenneling. |
| § 19-3. Kennel licensing. | § 19-9. Rabies control. |
| § 19-4. Dogs running at large. | § 19-10. Cats. |
| § 19-5. Removal of waste. | § 19-11. Livestock. |
| § 19-6. Complaint of nuisance and dangerous dogs. | § 19-12. Fees; enforcement; violations and penalties. |

[HISTORY: Adopted by the Town Meeting of the Town of Northfield (adoption pending). Amendments noted where applicable.]

§ 19-1. Administration.

- A. Severability. If any provision of this bylaw should be found invalid, the remainder of this bylaw shall remain in force.
- B. Definitions for this bylaw shall be adopted and defined by MGL c. 140, § 136A.

§ 19-2. Dog licensing.

- A. In accordance with MGL c. 140, § 137, the owner or keeper of a dog over the age of six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
- B. Annual dog licenses must be obtained by March 31 for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1 through March 31 of each year.
- C. In accordance with MGL c. 140, § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
- D. In accordance with MGL c. 140, § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is six months old or over or will be six months old before the expiration of 30 days shall, on or before the expiration of 30 days following the arrival of such dog within the commonwealth, license the dog with the Town Clerk.
- E. No license fee shall be charged for a license issued under MGL c. 140, § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272, § 98a.

Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.

- F. No license fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from Town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
- G. Any person 70 years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year. The owner of a kennel license, age 70 years of age or older, shall be excluded from this exemption.
- H. Any residence attempting to license five or more dogs shall be required to secure a kennel license as defined in § 19-3, Kennel licensing.
- I. All license fees collected shall deposited as defined in MGL c. 140, § 147.
- J. Violations of this section are subject to the fine schedule as set forth in MGL c. 140, § 141.

§ 19-3. Kennel licensing.

- A. Annual kennel licenses must be obtained by March 31 for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1 through March 31 of each year.
- B. A kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
- C. The fee for kennel licensure shall be set by the Selectboard and may be adjusted at its discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
- D. Issuance. Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31 of the following calendar year.
- E. Renewals. A kennel license shall be renewed by March 31 annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the license holder has not been in violation of this bylaw or Massachusetts General laws pertaining to dogs in the past 12 months as determined by the animal control officer or hearing authority.
- F. Inspections. In accordance with MGL c. 140, § 137C, an animal control officer or police officer may at any time inspect or cause to be inspected any licensed kennel. If, in the judgment of the animal control officer or police officer, the kennel is not being maintained in a sanitary or humane manner, or if records are not being properly kept as required by law, the inspecting authority shall, by order, revoke or suspend the license for the kennel.
- G. In accordance with MGL c. 140, § 137A, an owner or keeper of fewer than five dogs, three months old or older, who does not maintain a kennel may elect to secure a kennel

license in lieu of licensing the dogs under MGL c. 140, § 137, and shall be subject to this section, MGL c. 140, §§ 137B and 137C, and so much of MGL c. 140, § 141, as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.

- H. All license fees collected shall deposited as defined in MGL c. 140, § 147.
- I. Violations of this section are subject to the fine schedule as set forth in MGL c. 140, § 137A.

§ 19-4. Dogs running at large.

- A. No owner or keeper of any dog within the Town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained with a chain or leash.
 - (1) Exception. This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140, § 139.
- B. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
- C. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
- D. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the animal control officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167. Any dog that is deposited in a dog pound or similar facility shall be assessed a \$15 pickup fee that shall be paid prior to release of the dog.
- E. This bylaw shall remain in force year-round.
- F. Violations of this section are subject to the fine schedule as set forth in MGL c. 140, § 173A.

§ 19-5. Removal of waste.

- A. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or

keeper, within the Town of Northfield, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.

- B. This section shall not apply to a dog licensed under MGL c. 140, § 139, and/or accompanying a person who is handicapped as defined in MGL c. 272, § 98A, if by reason of their handicap they are physically unable to comply with the requirements of this section.

§ 19-6. Complaint of nuisance and dangerous dogs.

- A. Any person may make a written complaint to the animal control officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
- B. The provisions of MGL c. 140, §§ 161 and 161A, shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
- C. The animal control officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in the Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Selectboard concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
- D. The animal control officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Selectboard to issue its order following receipt of the report of the animal control officer. If the Selectboard fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
- E. The Selectboard, after credible evidence and testimony is presented at the public hearing, shall:
- (1) Dismiss the complaint;
 - (2) Deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or
 - (3) Deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Selectboard shall not order the banishment and tethering.
- F. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

§ 19-7. Humane treatment.

- A. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
- B. Any person owning, possessing or controlling a dog in the Town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140, § 174E. Violations of this section are subject to the fine schedule as set forth in MGL c. 140, § 174E.
- C. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold. Violations of this section are subject to the fine schedule as set forth in MGL c. 140, § 174F.
- D. No owner or keeper shall abandon any animal. For the purpose of this section, "abandonment" shall be defined as the willful desertion of an animal, which shall include but not be limited to the failure to claim an impounded animal upon receipt of notice that said animal was impounded.

§ 19-8. Impoundment and kenneling.

- A. Impoundment.
 - (1) The animal control officer or police officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
 - (2) If the animal is not licensed or the owner or keeper is not known by the animal control officer or police officer, no notice shall be necessary.
 - (3) The animal shall be secured in the Town kennel or other such approved holding facility.
- B. Kenneling.
 - (1) The kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility. Required documentation shall be considered proof of ownership, valid rabies certificate, valid Town license.
 - (2) The Town shall contract with the Franklin County Regional Dog Shelter to provide care and kenneling services to dogs impounded by the animal control officer, police officer, or turned in by a citizen. All associated fees and costs related to the kenneling of a dog shall be set and collected by the Franklin County Regional Dog Shelter.
 - (3) In the event that the kennel facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at

an approved boarding facility. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.

C. Disposition of animals.

- (1) Animal surrenders shall be done at the discretion of the animal control officer.
- (2) Unclaimed animals. In accordance with MGL c. 140 § 151A, any dog unclaimed after seven days from pickup/confinement shall become property of the Town and shall be handled at the discretion of the animal control officer.
 - (a) In the case of dogs: Dogs shall become property of the Regional Dog Shelter.
 - (b) This bylaw shall be extended to cover all animals taken into custody by the animal control officer, with the exception of livestock, which shall be handled on a case-by-case basis.

§ 19-9. Rabies control.

- A. All dogs, cats and ferrets owned by a resident of the Town shall be properly vaccinated against rabies in accordance with MGL c. 140, § 145B.
- B. The Town shall annually nominate a minimum of one animal inspector as defined in MGL c. 129, § 15.
- C. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the animal inspector and the animal control officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

§ 19-10. Cats.

- A. Stray cats. Any rescue group, humane society or other person or organization picking up stray cats shall notify the animal control officer with all relevant information of each cat and the location found.
- B. Feral cats. Any person or organization that traps and releases feral cats shall report such activity to the animal control officer, including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take full responsibility for the duration of the cat's life. All feral cats shall be ear-tipped. All feral cats shall be spayed or neutered.

§ 19-11. Livestock.

- A. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming

a nuisance by way of trespass upon public ways, public lands, and the lands of another person.

- B. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the Town.
- C. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.
- D. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission. For the purpose of this bylaw section, the term "notification" shall include: in writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; in person; by phone conversation with the owner or person having care of the animals; by phone with a voice mail left at the last known number for the owner or person having care of the animals; by other means not defined here that a reasonable person would find acceptable.
- E. If said animals remain at large 12 hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.
- F. Each twelve-hour period that the animals remain at large shall constitute another offense. An offense shall be limited to a period of 12 months.
- G. In the event of multiple occurrences within a period of time in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls trespass upon any public way or lands in the Town or the premises of another person without the permission, the owner or person having care of said animals shall be deemed in violation of Subsection A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.
- H. If the owner or person having care of the animals is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation may forgo issuing a monetary fine; however, the occurrence shall still count as a first offense.
- I. Nothing in this section shall preclude prosecution under MGL c. 266, § 118.

§ 19-12. Fees; enforcement; violations and penalties.

- A. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of noncriminal enforcement, a duly appointed animal control officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
- B. A violation of any provision of this chapter may be dealt with as a noncriminal offense in accordance with the provision of MGL c. 40, § 21D, and shall be subject to the specific fine or penalty listed in each provision.

- C. Violation of dog control laws shall utilize the following schedule of fines as defined in MGL c. 140, § 173A.
- (1) First offense: \$50.
 - (2) Second offense: \$100.
 - (3) Third offense: \$300.
 - (4) Fourth/subsequent offense: \$500. The Town may require a dog to be spayed/neutered if applicable.
- D. Chaining/tethering; housing shall utilize the following schedule of fines as defined in MGL c. 140, § 174E.
- (1) First offense: \$50.
 - (2) Second offense: \$200.
 - (3) Third/subsequent offense: \$500.
- E. Confinement in a motor vehicle shall utilize the following schedule of fines as defined in MGL c. 140, § 174F.
- (1) First offense: \$150.
 - (2) Second offense: \$300.
 - (3) Third/subsequent offense: \$500.
- F. Livestock: failure to recover animals at large. Violations of the livestock provision will utilize the following schedule of fines.
- (1) First offense: \$20.
 - (2) Second offense: \$40.
 - (3) Third/subsequent offense: \$50.
- G. Other violations. If no specific fine is listed for a specific provision, the following fine schedule shall apply:
- (1) First offense: verbal warning.
 - (2) Second offense: \$25.
 - (3) Third offense: \$50.
 - (4) Fourth offense/subsequent: \$100.
- H. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
- I. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.

- J. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

Chapter 24

BOARDS, COMMISSIONS AND COMMITTEES

**ARTICLE I
Appointments**

§ 24-1. Qualifications.

§ 24-4. Recommendations.

§ 24-5. Set-aside recommendations.

**§ 24-6. Annual revenues; open space,
historic resources and
community housing.**

**ARTICLE II
Community Preservation Committee**

§ 24-7. Quorum; cost estimates.

§ 24-8. Amendments.

§ 24-2. Establishment.

§ 24-9. Severability.

§ 24-3. Duties.

§ 24-10. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Appointments**

[Adopted 5-5-2014 ATM by Art. 20]

§ 24-1. Qualifications.

Any person appointed by an authorized appointing authority for the Town of Northfield to a Town board, commission, committee or council to represent the Town of Northfield on a board, commission, committee or council must be a registered voter in the Town of Northfield. Further, following appointment, if such person changes his/her residence from the Town of Northfield, he/she can no longer serve the Town in that capacity.

**ARTICLE II
Community Preservation Committee
[Adopted 5-4-2009 ATM by Art. 15]**

§ 24-2. Establishment.

- A. The Town of Northfield hereby establishes a Community Preservation Committee (CPC) consisting of nine voting members, pursuant to MGL c. 44B, § 5. The composition of the Committee, the appointing authority, and the term of office for the Committee members shall be as follows:
 - (1) One member of the Conservation Commission as designated by the Commission.
 - (2) One member of the Historical Commission as designated by the Commission.
 - (3) One member of the Planning Board as designated by the Board.

- (4) One member of the Recreation Commission as designated by the Commission.
 - (5) One member of the Open Space Committee as designated by the Committee.
 - (6) One member of the Finance Committee as designated by the Committee.
 - (7) One member to act in the capacity of, or perform like duties of, a member of a Housing Authority; this member is to be appointed by the Selectboard.
 - (8) Two community-at-large members to be appointed by the Selectboard.
- B. The term for appointed and designated CPC members shall begin on July 1, 2009, or the effective date of this bylaw, whichever is later, and shall end on June 30, 2010. Thereafter, each member of the CPC shall serve for a term of one year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.
- C. Should any of the commissions, boards, or committees which have appointing authority under this bylaw be no longer in existence for whatever reason, the appointing authority for that commission, board, or committee shall become the responsibility of the Selectboard.

§ 24-3. Duties.

The CPC shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards and committees, including those having representatives on the CPC, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings each calendar year on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

§ 24-4. Recommendations.

In accordance with MGL c. 44B, § 5, the CPC shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation, and restoration of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section. With respect to community housing, the CPC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. The terms of this section are correspondingly adjusted to the terms of any successor to MGL c. 44B, § 5.

§ 24-5. Set-aside recommendations.

The CPC may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community

preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

§ 24-6. Annual revenues; open space, historic resources and community housing.

In every fiscal year, the CPC must recommend either that the Town Meeting spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

§ 24-7. Quorum; cost estimates.

The CPC shall not meet or conduct business without the presence of a quorum. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

§ 24-8. Amendments.

- A. The CPC shall, from time to time, review the administration of this bylaw, making recommendations, as needed, for changes in the bylaw and in administrative practice to improve the operations of the CPC. The first review shall be completed no later than January 1, 2012, and subsequent reviews shall be completed in no more than five-year intervals.
- B. This bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of MGL c. 44B.

§ 24-9. Severability.

In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

§ 24-10. When effective.

This bylaw shall take effect upon approval by the Attorney General of the commonwealth¹ and after all requirements of MGL c. 40, § 32, have been met. Each appointing authority shall have 30 days after the effective date to make its appointments.

1. Editor's Note: This bylaw was approved by the Attorney General 6-11-2009.

Chapter 28
BUILDING CONSTRUCTION

ARTICLE I
Stretch Energy Code

§ 28-2. Purpose.

§ 28-1. Adoption.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Stretch Energy Code
[Adopted 5-7-2012 ATM by Art. 39]

§ 28-1. Adoption.¹

The Town of Northfield has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00 and 34.00.

§ 28-2. Purpose.

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy-efficient alternative to the base energy code otherwise set forth under the State Building Code.

1. Editor's Note: Amendment pending.

Chapter 49

FINANCE

ARTICLE I Revolving Funds

§ 49-1. Authority.

§ 49-2. Fringe benefits.

§ 49-3. Liability.

§ 49-4. Fiscal year spending.

§ 49-5. Interest.

§ 49-6. Authorized revolving funds.

§ 49-7. Procedures and reports.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Revolving Funds [Adopted 5-7-2018 ATM by Art. 13]

§ 49-1. Authority.

There are hereby established in the Town of Northfield, pursuant to the provisions of MGL c. 44, § 53E 1/2, the following revolving funds from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this bylaw.

§ 49-2. Fringe benefits.

Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

§ 49-3. Liability.

No liability shall be incurred in excess of the available balance of the fund.

§ 49-4. Fiscal year spending.

The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Selectboard and Finance Committee in accordance with MGL c. 44, § 53E 1/2.

§ 49-5. Interest.

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.

§ 49-6. Authorized revolving funds. [Amended 6-29-2020 ATM by Art. 8¹]

Revolving Fund	Authorized to Expend	Use of Funds	Revenue Source
Summer Playground Program	Recreation Commission	Activities	Fees received
Council on Aging Breakfast and Lunch Program	Council on Aging Director	Senior meals	Fees received
Recycling Fund	Board of Health	Recycling costs	Fees received
Gas Inspection	Gas Inspector	Salaries and expenses	Inspection fees
Plumbing Inspection	Plumbing Inspector	Salaries and expenses	Inspection fees
Wiring Inspection	Wiring Inspector	Salaries and expenses	Inspection fees
Tax Title Revolving Fund	Town Treasurer/Collector	Tax title expenses	Tax title fees

§ 49-7. Procedures and reports.

Except as provided in MGL c. 44, § 53E 1/2, and this bylaw, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of Town funds shall apply to the use of revolving funds established and authorized by this bylaw.

1. Editor's Note: Amendment pending.

Chapter 82

LICENSES AND PERMITS

ARTICLE I

Denial, Revocation or Suspension for Nonpayment of Taxes or Charges

§ 82-1. Authority.

§ 82-2. Duty of Tax Collector.

§ 82-3. Procedure.

§ 82-4. Payment agreements.

§ 82-5. Waiver.

§ 82-6. Exceptions.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Denial, Revocation or Suspension for Nonpayment of Taxes or Charges [Adopted 12-5-2016 STM by Art. 12]

§ 82-1. Authority.¹

The Town may, as authorized under the provisions of MGL c. 40, § 57, and this bylaw, deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

§ 82-2. Duty of Tax Collector.²

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

1. Editor's Note: Amendment pending.

2. Editor's Note: Amendment pending.

§ 82-3. Procedure.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and to the Tax Collector, as required by the applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this article shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, or other municipal charges payable to the municipality as of the date of the issuance of said certificate.

§ 82-4. Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license or permit shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 82-5. Waiver.

The Selectboard may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 82-6. Exceptions.³

This bylaw shall not apply to the following licenses: open burning (MGL c. 48, § 13); sales of articles for charitable purposes (MGL c. 101, § 33); children's work permits (MGL c. 149, § 69); clubs, associations dispensing food or beverage licenses (MGL c. 140, § 21E); dog licenses (MGL c. 140, § 137); fishing, hunting, or trapping (MGL c. 131, § 12); marriage licenses (MGL c. 207, § 28); and theatrical events, public exhibitions (MGL c. 140, § 181).

3. Editor's Note: Amendment pending.

Chapter 86
LITTERING

§ 86-1. Prohibited acts.

§ 86-2. Violations and penalties.

[HISTORY: Adopted by the Special Town Meeting of the Town of Northfield 9-28-1970. Amendments noted where applicable.]

§ 86-1. Prohibited acts.

It shall be unlawful to dispose of or permit to fall from any vehicle refuse or offal on any public street or public land of the Town excepting in a lawfully established garbage or refuse dump and in the manner provided by the rules and regulations of the Board of Health.

§ 86-2. Violations and penalties.¹

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers.

1. Editor's Note: Amendment pending.

Chapter 100

NOISE

ARTICLE I Motor Vehicle Noise

- § 100-1. Prohibited acts.
- § 100-2. Violations and penalties.

ARTICLE II Excessive Noise

- § 100-3. Loud, excessive or unusual noise prohibited during certain hours.
- § 100-4. Enforcement.
- § 100-5. Violations and penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Motor Vehicle Noise [Adopted 9-28-1970 STM]

§ 100-1. Prohibited acts.

No person shall, by sounding a horn, blowing a whistle, or by undue or extreme acceleration of a motor vehicle, including a snowmobile, or by skidding or spinning the wheels of such vehicle on the pavement or road surface, or by other means, make or cause to be made any harsh or unnecessary noise or disturbance.

§ 100-2. Violations and penalties.¹

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$50 for a first offense, \$100 for a second offense and \$200 for a third offense. Enforcing persons: police officers.

ARTICLE II Excessive Noise²

§ 100-3. Loud, excessive or unusual noise prohibited during certain hours.

It shall be unlawful for any person or persons between the hours of 11:00 p.m. and 7:00 a.m., occupying, having the charge of, or being present in or about any building, structure, premises, shelter, vehicle, boat, or conveyance or any part thereof, in the Town of Northfield (other than that section of any establishment licensed under MGL c. 138) at any time to

1. Editor's Note: Amendment pending.
2. Editor's Note: The original adoption date of this bylaw is unknown.

cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing device or instrument, or in the playing of any band, orchestra, musician, or group of musicians, or in the use of any device to amplify the aforesaid, or making of loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of 150 feet from the building, structure, premises, shelter, vehicle, boat, or conveyance in which or from which it is produced. The fact that the noise is plainly audible at said distance of 150 feet shall constitute prima facie evidence of a violation of this bylaw. Any person shall be deemed in violation of this bylaw who shall make, or aid and abet, or cause or suffer, or countenance, or assist in the making of such noise.

§ 100-4. Enforcement.

Whoever violates any of the provisions or requirements of this bylaw may be punished as provided in § 100-5. All prosecutions of any violation shall begin within six months from the date of the offense. Prosecutions may be entered by any citizen, and it shall be the duty of the Selectboard, police officers and constables employed by the Town to prosecute violations of such bylaw which come to their attention.

§ 100-5. Violations and penalties.³

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$50 for a first offense, \$100 for a second offense and \$200 for a third offense. Enforcing persons: police officers.

3. Editor's Note: Amendment pending.

Chapter 106
OFFICERS AND EMPLOYEES

ARTICLE I
Town Administrator

§ 106-1. Responsibilities and duties.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Administrator
[Adopted 12-9-2013 STM by Art. 5]

§ 106-1. Responsibilities and duties.

- A. The Town Administrator shall be the chief administrative officer of the Town and shall function under the policy guidance of the Selectboard.
- B. The Town Administrator is responsible for the daily supervision of all Town employees hired by the Selectboard and shall coordinate with all other departments and employees of the Town.
- C. The Town Administrator shall annually confer with all appropriate authorities, including the Town Accountant, Treasurer, Collector of Taxes and others as necessary, to produce an estimate of revenues available for the ensuing fiscal year and shall make the estimate available to the Selectboard and Finance Committee.
- D. The Town Administrator shall annually call for all department budgets and shall prepare a draft budget, balanced with available revenue, for submission to the Selectboard and Finance Committee for their review and approval or recommendation.
- E. The Town Administrator shall review all departmental budgets during the course of the fiscal year to ensure actual spending is consistent with budgeted sums and shall keep the Selectboard and Finance Committee advised of any pending concerns.
- F. The Town Administrator shall be the chief procurement officer of the Town and shall ensure that all purchasing and contract award is made in a manner consistent with Massachusetts statute and local bylaw.
- G. The Town Administrator shall serve as the personnel officer of the Town and shall be available to assist all appointing authorities with training, recruitment, discipline and termination of all employees. He/she shall further ensure that a system of annual employee evaluation is in place, as approved by the Selectboard, and that all employees of the Town receive an annual work performance evaluation.

- H. The Town Administrator shall administer the Town's insurance program, including workmen's compensation, employee group health/life insurance and property/liability insurance.
- I. The Town Administrator shall serve as the liaison between the Town and other local, state and federal officials, as well as Town Counsel and other advisors to the Town.
- J. The Town Administrator shall attend all meetings of the Selectboard and Town Meetings, unless excused by the Selectboard.
- K. The Town Administrator shall perform all other duties as he/she may be assigned from time to time by the Selectboard.

Chapter 113

PEACE AND GOOD ORDER

ARTICLE I
Disturbing the Peace

- § 113-1. **Prohibited acts.**
- § 113-2. **Violations and penalties.**

ARTICLE II
Conduct on Public Way or Other Public Property

- § 113-3. **Obstruction of free passage prohibited.**
- § 113-4. **Violations and penalties.**

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Disturbing the Peace
[Adopted 9-28-1970 STM]

§ 113-1. Prohibited acts.

No person shall disturb the peace by unduly loud, disorderly or offensive speech or act in a public way or place open to the public, or block or interfere with the rightful passage of another, or accost or address in profane or obscene language another person, including a police officer or other public official engaged in the performance of his/her duty.

§ 113-2. Violations and penalties.¹

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers.

ARTICLE II
Conduct on Public Way or Other Public Property²

§ 113-3. Obstruction of free passage prohibited.

No person shall, in violation of MGL c. 272, § 59, or any amendments thereto, linger, continue to sit, stand or occupy any part of the public street, public place, public building, or any property not his own or under his control so as to obstruct or impede the free passage of any other person, after being instructed or directed by a police officer to move on. Any person refusing to comply with this section, after he shall be requested to do so by a police officer, shall be subject to arrest. If the identity of such person is unknown to the police

1. Editor's Note: Amendment pending.
2. Editor's Note: The original adoption date of this bylaw is unknown.

officer, such person may be arrested without a warrant and detained until his identity is ascertained, unless a warrant has been issued against him, or he may be further detained until he can be taken before a court having jurisdiction of the offense.

§ 113-4. Violations and penalties.³

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers.

3. Editor's Note: Amendment pending.

Chapter 140

STREETS AND SIDEWALKS

**ARTICLE I
Street Numbers**

**ARTICLE II
Snow and Ice**

§ 140-1. Numbers to be attached; visibility.

§ 140-4. Unlawful deposits.

§ 140-2. Responsibility of property owners.

§ 140-5. Removal required from sidewalks on certain streets.

§ 140-3. Violations and penalties.

§ 140-6. Violations and penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Street Numbers¹**

§ 140-1. Numbers to be attached; visibility.

Street numbers shall be attached to each dwelling, business, industry, and other buildings which are not accessory in nature, in the Town of Northfield.

- A. The numbers shall be made of permanent, weatherproof materials, shall be at least three inches in height in a contrasting color, and shall be clearly visible from the public way upon which the structure fronts.
- B. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- C. The numbers posted shall be those assigned to each structure as filed in the office of the Selectboard; they shall advise the owners of the number, in writing, at the property's tax address.

§ 140-2. Responsibility of property owners.

It shall be the responsibility of each property owner in the Town to obtain, display and maintain the assigned street number within 90 days after July 1, 1993.

1. Editor's Note: The original adoption date of this bylaw is unknown.

§ 140-3. Violations and penalties.²

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$25. Enforcing persons: police officers. Each day shall be a separate offense.

ARTICLE II

Snow and Ice

[Adopted 6-25-1997 STM]

§ 140-4. Unlawful deposits.³

No person shall throw, or cause to be thrown, or put, any snow or ice from any privately owned property onto any street, lane, alley, or other person's property in the Town.

§ 140-5. Removal required from sidewalks on certain streets.⁴

Snow and ice shall be removed from sidewalks within the boundaries of the Town of Northfield on the streets named as follows by the owner of land abutting upon said named streets within 48 hours following the cessation of a snow/ice storm, by mechanical or other means: Main Street, Holton Street, Parker Avenue, Highland Avenue, and Mt. Hermon Station Road, from West Northfield Road north to the Vermont line.

§ 140-6. Violations and penalties.⁵

Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers.

2. Editor's Note: Amendment pending.
3. Editor's Note: Amendment pending.
4. Editor's Note: Amendment pending.
5. Editor's Note: Amendment pending.

Chapter 152
TOWN MEETING

§ 152-1. Votes requiring two-thirds majority.

[HISTORY: Adopted by the Town Meeting of the Town of Northfield (date unknown). Amendments noted where applicable.]

§ 152-1. Votes requiring two-thirds majority.

The Moderator may take all votes requiring a two-thirds majority in the same manner in which he conducts the taking of a vote when a majority vote is required.

Chapter 165
VEHICLES AND TRAFFIC

ARTICLE I
Heavy Commercial Vehicles

**§ 165-1. Use and operation restricted
on certain streets.**

[HISTORY: Adopted by the Town Meeting of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Heavy Commercial Vehicles
[Adopted 5-6-2019 ATM by Art. 32]

§ 165-1. Use and operation restricted on certain streets.

The use and operation of heavy commercial vehicles having a carrying capacity of more than 2 1/2 tons is hereby prohibited through the residential sections of the following streets and portions thereof. This restriction shall not apply to heavy commercial vehicles going to or coming from places upon sections of such streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of such streets or public utilities therein; or to federal, state, municipal or public service corporation vehicles.

- A. Gulf Road, entire length.

PART II

ZONING BYLAW

Chapter 200

ZONING

ARTICLE 1 General Provisions

- § 200-1.1. Title.
- § 200-1.2. Purposes.
- § 200-1.3. Authority.
- § 200-1.4. Applicability.
- § 200-1.5. Amendment.
- § 200-1.6. Severability.

ARTICLE 2 Definitions

- § 200-2.1. Word usage and definitions.

ARTICLE 3 Administration

- § 200-3.1. Enforcement; violations and penalties.
- § 200-3.2. Zoning Board of Appeals.
- § 200-3.3. Planning Board.
- § 200-3.4. Special permits.
- § 200-3.5. Site plan review.

ARTICLE 4 Zoning Districts

- § 200-4.1. Establishment of districts.
- § 200-4.2. Zoning Map.
- § 200-4.3. Boundaries of districts.

ARTICLE 5 Use Regulations

- § 200-5.1. General provisions.
- § 200-5.2. Prohibited uses.
- § 200-5.3. Permitted in all districts.

- § 200-5.4. Schedule of Uses.

ARTICLE 6 Nonconforming Uses and Structures

- § 200-6.1. Applicability.
- § 200-6.2. Nonconforming uses.
- § 200-6.3. Nonconforming structures.

ARTICLE 7 Dimensional Regulations

- § 200-7.1. Schedule of Dimensional and Density Regulations.
- § 200-7.2. General provisions.

ARTICLE 8 Site Development Standards; Signs

- § 200-8.1. Principles of rural design.
- § 200-8.2. Off-street parking and loading.
- § 200-8.3. Outdoor lighting.
- § 200-8.4. Signs.

ARTICLE 9 Special Regulations

- § 200-9.1. Accessory dwelling unit.
- § 200-9.2. Home occupation.
- § 200-9.3. Open space residential development.
- § 200-9.4. Campus planned development master plan special permit.
- § 200-9.5. Agricultural tourism and farm businesses.
- § 200-9.6. Recreational tourism businesses.

§ 200-1.1

NORTHFIELD CODE

§ 200-1.4

§ 200-9.7. **Wireless communications facilities.**

§ 200-9.8. **Adult use recreational marijuana establishments.**

§ 200-10.3. **Solar Overlay District.**

Official Zoning Map

Village Center District

Planned Development District

Recreational Tourism District (Area 1)

Recreational Tourism District (Area 2)

ARTICLE 10

Special District Regulations

§ 200-10.1. **Floodplain Overlay District.**

§ 200-10.2. **Water Supply Protection District.**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Northfield 5-1-2017 by Art. 16. Amendments noted where applicable.]

ARTICLE 1

General Provisions

§ 200-1.1. **Title.¹**

The full title of this bylaw shall be the "Zoning Bylaw of the Town of Northfield, Massachusetts." This bylaw shall be referred to herein as "this Zoning Bylaw," or "this bylaw."

§ 200-1.2. **Purposes.**

This Zoning Bylaw is enacted in order to promote the general welfare of the Town of Northfield, to protect the health and safety of its inhabitants, to support the most appropriate use of land throughout the Town, and to further the goals and policies of the Northfield Master Plan, and to preserve and increase the amenities of the Town, consistent with but not limited by the provisions of the Zoning Act, MGL c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

§ 200-1.3. **Authority.**

This Zoning Bylaw is enacted in accordance with the provisions of MGL c. 40A, any and all amendments thereto, and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

§ 200-1.4. **Applicability.²**

All buildings or structures hereinafter erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, shall be in conformity with the provisions

1. Editor's Note: Amendment pending.

2. Editor's Note: Amendment pending.

of this bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which such building, structure, or land is located. Where the application of this Zoning Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Zoning Bylaw shall control.

§ 200-1.5. Amendment.

This Zoning Bylaw may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided for in MGL c. 40A, § 5.

§ 200-1.6. Severability.

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

ARTICLE 2

Definitions

§ 200-2.1. Word usage and definitions.

In this Zoning Bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. Terms and words not defined herein but defined in the State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this Zoning Bylaw. In addition, other sections of this Zoning Bylaw contain definitions particular to the subject matter for which they have been established.

ACCESSORY BUILDING OR USE — A building or use customarily incidental to and located on the same lot with a principal building or use or on an adjoining lot under the same ownership.

ACCESSORY DWELLING — A separate and complete housekeeping unit contained within, or being an extension of, a single-family dwelling to accommodate additional family members of a resident of the primary dwelling.

ADULT DAY-CARE FACILITY — A professionally staffed nonresidential facility that provides health, nutritional, and social support services to meet the daily living needs of adults in a group setting. Services may include transitional care and short-term rehabilitation following hospital discharge.

AFFORDABLE HOUSING — A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B, Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity.

These units shall have the same construction methods and physical characteristics as and be intermingled with other units in the subdivision or development.

AFFORDABLE HOUSING RESTRICTION — A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of MGL c. 184, §§ 31 to 33, or other equivalent state law.

AGRICULTURAL TOURISM (or AGRITOURISM) — The practice of visiting a farm business, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, a companion animal or livestock show, for the purpose of purchase, recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

AGRICULTURALLY RELATED PRODUCTS — Items sold at a farm market or farm store to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products; animal feed; cottage foods such as baked goods, ice cream and ice cream-based desserts and beverages, jams, or honey; gift items, foodstuffs, clothing and other items promoting the farm and agriculture in Massachusetts, and value-added agricultural products and on-site production. However, items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts, and knickknacks imported from other states or countries, shall not be deemed agriculturally related products.

AGRICULTURALLY RELATED USES — Activities conducted on a farm and predominantly using agricultural products, buildings or equipment, such as pony rides, petting zoos, corn mazes, pumpkin rolling, barn dances, sleighrides/hay rides, and educational events, such as farming and food preserving classes. However, activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, or fields, such as amusement rides or concerts, or farm-affiliated businesses, shall not be deemed agriculturally related uses.

AGRICULTURE, EXEMPT — As defined in MGL c. 40A, § 3 and c. 128, § 1A.

AGRICULTURE, NONEXEMPT — A commercial agricultural use of land that does not qualify as a farm for purposes of this bylaw. (See definition of "farm.")

ALTERATION — As defined in the State Building Code.

ALTERNATIVE ENERGY — Energy derived from combined heat and power; and electric- and hydrogen-powered vehicles and associated technologies, including advanced batteries and recharging stations.

APPLICANT — The person or entity having the legal authority and who is seeking a permit or approval from the Town of Northfield to construct or use property subject to the provisions of this Zoning Bylaw, or the authorized agent of any such person or entity.

AQUIFER — Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

BASEMENT — That portion of a building which is partially below and partially above grade.

BED-AND-BREAKFAST — A transient lodging establishment in an owner-occupied, detached single-family dwelling, with not more than six rooms used as sleeping accommodations for paying guests, and which may include breakfast as part of the lodging charge.

BUILDING — An independent structure having a roof supported by columns or walls resting on its own foundations and designed for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.

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 decline 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.

BUILDING INSPECTOR — The Building Inspector of the Town of Northfield.

BUSINESS — Any lawful commercial endeavor to engage in the purchase, sale, lease, exchange or provision of goods and for the provision of services or instruction.

CAMP, YOUTH OR CHILDREN'S DAY OR OVERNIGHT — A camp providing facilities for groups of young people, such as YMCA camps, Boy Scout or Girl Scout camps, or a similar recreation establishment, operated by a public or private organization, with indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

CAMPGROUND — Any area that is occupied or intended or designed or improved for seasonal occupancy by transients using recreational vehicles, motor homes, tents, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. The term "campground" does not include a manufactured housing community or mobile home park.

CHILD-CARE CENTER — A facility, other than a private residence, operated on a regular basis and licensed by the Commonwealth of Massachusetts under MGL c. 15D to receive children not of common parentage under seven years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. As used in this bylaw, "child-care center" includes a facility known as "child nursery," "nursery school," "kindergarten," "child play school," "progressive school," "child development center," or "preschool."

COMMERCIAL MOTOR VEHICLE — Any vehicle licensed by the Commonwealth of Massachusetts as a commercial motor vehicle (540 CMR 4.02, Special Definitions).

COMMON DRIVEWAY — A privately owned driveway, paved or not, providing vehicular access between two or more separately owned lots and a street. A common driveway does not serve as legal frontage for a lot.

CONTRACTOR'S YARD — The premises of a building, construction, plumbing, wiring, landscaping, excavating, or other similar contracting or subcontracting business where any of the following purposes may be conducted for the contractor's business: indoor or outdoor

storage of equipment, supplies and materials; the fabrication of subassemblies; servicing of equipment; the parking of wheeled equipment; the parking of two or more motorized vehicles with six wheels or more; the parking of one or more "commercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02; wholesale or retail sales; or showrooms of finished and unfinished products or materials.

CRAFT SHOP — A business establishment that produces, on the premises, articles for sale of artistic quality or effect or handmade workmanship, e.g., candlemaking, glassblowing, weaving, pottery making, custom woodworking, sculpting, painting, and other associated activities, but not including a contractor's yard.

DRIVE-THROUGH FACILITY — A place of business, which serves customers who remain in motor vehicles, that provides goods or services to the exterior of the building by means of a service window, counter, or similar method or device.

DWELLING — A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family, and multifamily dwellings, but not including hotels, motels, boardinghouses, trailers, or structures solely for transient or overnight occupancy.

DWELLING UNIT — One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for same, and including room or rooms for living, sleeping, sanitation, and food preparation.

DWELLING, MULTIFAMILY — A building intended and designed to be occupied by three or more households living independently in separate dwelling units.

DWELLING, SINGLE-FAMILY — A dwelling intended and designed to be occupied by a single family, but not including a trailer whether detached or attached to the ground.

DWELLING, TOWNHOUSE — A residential building of two or more stories in height, containing a single dwelling that is one of a group of three or more such buildings that are attached or semiattached to one another, sharing at least one common or party or fire wall and with each building having at least one floor at ground level with a separate entrance.

DWELLING, TWO-FAMILY — A dwelling intended and designed to be occupied by two families living independently in separate dwelling units.

EAVE — The projecting lower edges of a roof overhanging the walls of a building.

EDUCATIONAL USE, NONEXEMPT — Educational facilities not exempt under MGL c. 40A, § 3, such as a commercial or for-profit educational use.

ELDERLY HOUSING; ASSISTED LIVING RESIDENCE — An assisted living residence as defined by MGL c. 19D. An assisted living residence may include a licensed adult day-care center as an accessory use.

ELDERLY HOUSING; CONGREGATE RESIDENCE — A shared living environment designed to integrate the housing and services needs of the elderly and younger individuals with disabilities. Congregate housing is neither a nursing home nor a medical care facility. Services are made available to aid residents in managing activities of daily living (ADL) but not in a custodial environment. Each resident has a private bedroom, but shares one or more of the following: kitchen facilities, dining facilities, and/or bathing facilities.

ELDERLY HOUSING; CONTINUING CARE RETIREMENT FACILITY — A facility that includes a combination of types of dwellings or a lifetime continuum of accommodations and care for elder residents, including independent living, congregate residence, assisted living, and other long-term care facilities such as skilled nursing.

ESSENTIAL SERVICES — Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith, but not including wind towers.

ESTABLISHMENT — A separate and distinct use, business, enterprise, institution, or organization occupying space within a building.

FAMILY — One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.³

FARM — A parcel of land or contiguous parcels together containing five or more acres devoted primarily to commercial agriculture (see definition of "agriculture"), aquaculture, silviculture, horticulture, floriculture or viticulture, including roadside sale of agricultural products grown on the premises and other agriculturally related products as permitted pursuant to MGL c. 40A, § 3. "Farm" may also include commercial agriculture on two or more acres if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use of the parcel annually generates at least \$1,000 per acre based on gross sales dollars.

FARM-AFFILIATED BUSINESS — A commercial business operated on a farm, as defined in this bylaw, related to or supportive of agricultural activities, such as a licensed winery or farm-to-table restaurant with not more than 50 seats, a gift shop for the sale of agriculturally related products, or the leasing of farm facilities for nonagricultural purposes, such as weddings or parties.

FRONTAGE — That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lot can be provided. Frontage is measured as the distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one street, the measurement on both streets may be used to determine if the lot meets the minimum frontage requirements of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets.

GASOLINE SERVICE STATION — A structure or lot used for the sale of gasoline and oil for servicing motor vehicles, other than a private garage.

GROSS FLOOR AREA — The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the

3. Editor's Note: Amendment pending.

common walls of attached buildings. "Gross floor area" includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

HOME OCCUPATION — An occupation or business activity conducted in whole (or in part) within a dwelling or structure accessory thereto by a person residing on the premises which results in the sale of a product or service for financial gain. A home occupation is an accessory use, incidental and subordinate to the primary residential use of the property.⁴

HOTEL — A building or buildings containing rooming units for transient overnight lodging accommodations, without individual cooking facilities, and having a common entrance or entrances and which may include accessory uses such as a conference facility or restaurant. As used in this bylaw, "hotel" shall not include a boardinghouse, lodging house or rooming house, or multifamily dwelling.

HOUSEHOLD — Any number of individuals living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, motel, or hotel.

IMPERVIOUS SURFACE — Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

INDUSTRIAL USE — Assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

INSTITUTIONAL USE — Public or public/private group use of a nonprofit nature, typically engaged in public services, e.g., house of worship, nonprofit cultural center, charitable organization, or a government-owned or operated structure or land used for public purposes.

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 or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

KENNEL — One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept on a single premises irrespective of the purposes for which they are maintained.

LONG-TERM CARE FACILITY — A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide twenty-four-hour, intensive, skilled and supportive nursing care, together with common areas and medical and treatment facilities for the care of residents.

LOT — A single area of land in one ownership defined by bounds or boundary lines in a recorded deed or shown on a recorded plan.

LOT AREA — The total area of a lot, not including the area of any street rights-of-way.

4. Editor's Note: Amendment pending.

LOT COVERAGE — That portion of the lot that is covered by buildings, including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all buildings on a lot by the total area.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE — The length of a lot line(s) measured at the street right-of-way line.

LOT LINE — A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

- A. **LOT LINE, FRONT** — A lot line separating a lot from a street right-of-way.
- B. **LOT LINE, REAR** — A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line.
- C. **LOT LINE, SIDE** — Any lot line other than a front or rear lot line.

LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135°. A lot which has legal frontage on both a public way and a proposed subdivision way and one which shall be shown on a subdivision shall be considered part of that plan.⁵

MAJOR ROAD — 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.

MANUFACTURING — The indoor manufacturing, assembly, fabrication, packaging, or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. "Manufacturing" includes but is not limited to the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

MAXIMUM AFFORDABLE PURCHASE PRICE OR RENT — A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify affordable dwelling units for inclusion on the DHCD Chapter 40B Subsidized Housing Inventory.

MEDICAL OFFICE OR CLINIC — An establishment primarily engaged in delivering medical, surgical, psychiatric, or other health-related services to individuals on an outpatient basis, including the offices of physicians, dentists and other health practitioners, and/or outpatient care facilities.

MINING — The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

MOBILE HOME OR TRAILER — The following shall be considered a mobile home or trailer:

5. **Editor's Note: Amendment pending.**

- A. **MOBILE HOME** — A manufactured home as defined in MGL c. 140, § 32Q.
- B. **PICK-UP COACH** — A structure mounted on a vehicle chassis (self-propelled or otherwise) intended for use as a dwelling for travel, recreation or vacation use.
- C. **MOTOR HOME** — A portable dwelling used for travel, recreation or vacation and constructed as an integral part of a self-propelled vehicle.

MODULAR HOME — A dwelling that is prefabricated at a factory or other off-site location and containing complete electrical, plumbing and sanitary facilities, which is designed to be installed on a permanent foundation for permanent living quarters, excluding mobile homes and trailers. A modular home shall comply with the State Building Code.

MOTEL — A building intended and designed solely for transient or overnight occupancy divided into separate rooms within the same building, each of which has a separate outside entrance leading directly to the room, without a common entrance to the rooms, and with or without public dining room facilities, but shall not include a boardinghouse, lodging house or rooming house, or multifamily dwelling.

OFFICE — A room or group of rooms lawfully used and maintained for conducting the affairs of a business, profession, service industry, or government exclusive of the receipt, retail sale or processing of merchandise.

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

PERSON — An individual, corporation, owner(s), lessee, or licensee, as well as the agent for each of them.

PREMISES — A lot together with all buildings, structures, and uses thereon.

PROFESSIONAL SERVICE — The lawful use of a building or premises by a person or persons involved in the dispensation of a service that involves some specialized skills or knowledge, a learned occupation, or special education in the liberal arts or sciences, or that requires connections to other businesses not easily or readily available to the general public, including, but not limited to, medical practitioners, lawyers, accountants, architects, financial services, insurance agents, stockbrokers, engineers, realtors or other members of a recognized profession which may or may not require licensing by the Commonwealth of Massachusetts, or certification by a private accreditation society.

PUBLIC UTILITY — A public service corporation, either private or municipal, supplying or transmitting gas, water, electricity, or communications to any or all members of the public and subject to federal, state, or Town regulations by virtue of its natural or legal monopoly.

RECORDED or OF RECORD — Recorded with the Franklin County Registry of Deeds or Registry District of the Land Court, or a record title to a parcel of land disclosed by any or all pertinent public records.

RECREATION-AFFILIATED BUSINESS — A commercial use on the premises of a public or nonprofit recreation facility, such as a hotel or inn, a licensed winery, restaurant, theater, gift shop, or the leasing of recreation facilities for non-recreation-related purposes, such as weddings or parties.

RENEWABLE ENERGY —

- A. Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal).
- B. Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable energy sources also include landfill gas, fuel cells, and advanced biofuels.

RESEARCH AND DEVELOPMENT FACILITIES — Those used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with research and development facilities.

RETAIL SALES, OUTDOORS — Retail sales establishments where the display of products occurs primarily outside of a building or structure, such as automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumberyard.

RETAIL STORE — A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Said merchandise being offered shall be stocked and displayed primarily within the building.

ROOF — The primary outside protective covering of the top of a building. This includes but is not limited to hip, gable, flat, gambrel, mansard, and shed roof types. "Roof" shall also mean the exterior protective covering affixed to the top of all other elements projecting from a building facade or its roof, including but not limited to porches, dormers, or other similar appurtenances.

SERVICES, PERSONAL — Establishments engaged primarily in providing assistance to individuals or businesses and other enterprises, including but not limited to business, social, personal, or professional services.

SERVICES, PROFESSIONAL OR BUSINESS — Service to the public which typically requires the provider of the service to obtain a license or other legal authorization. Without limiting the generality of this definition, "professional services" include services rendered by certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

SETBACK — The distance between a structure and any lot line.

SHED — A detached accessory structure not exceeding 120 square feet in gross floor area and 10 feet in height.

SIGN — See § 200-8.4, Signs.⁶

6. Editor's Note: Amendment pending.

STORY — The portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than 1/2 of its height above the average elevation of the finished grade adjoining the building. Any part of a building between the topmost floor and the roof shall be deemed a half story.

STREET —

- A. A public way or way which the Town Clerk certifies is maintained and used as a public way.
- B. A way shown on a definitive subdivision plan approved and endorsed under the Subdivision Control Law⁷ and recorded with the Franklin County Registry of Deeds that is constructed or secured through a covenant or suitable performance guarantee.
- C. A way already physically in existence on the ground when the Subdivision Control Law became effective in Northfield and having, in the opinion of the Planning Board, adequate width, construction, and grades for the needs of vehicular traffic for the existing and future buildings and uses abutting thereon or to be served thereby.

STRUCTURE — Any construction, erection, assemblage, or other combination of materials upon the land made in such a manner as to indicate a purpose that remains in its position indefinitely.

SUBSIDIZED HOUSING INVENTORY — The Massachusetts Department of Housing and Community Development Chapter 40B, Subsidized Housing Inventory, pursuant to state regulations as may be amended from time to time.

TOXIC OR HAZARDOUS MATERIAL — Any substance or mixture of physical, chemical, or infectious characteristics posing a significant hazard, actual or potential, to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under MGL c. 21C and c. 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

TRAILER — A vehicle without motive power designed to be drawn by a motor vehicle.

USABLE FLOOR SPACE (NET FLOOR AREA) — The total area of all floors of principal and accessory buildings or structures on a lot, excluding stairwells and elevator shafts, equipment/utility rooms, rooms used for the storage of merchandise not accessible to the public, rooms/areas dedicated exclusively for employee use, interior vehicular parking or loading; and also including all floors below the first or ground floor, except when used or intended to be used for permitted uses.

VALUE-ADDED AGRICULTURAL PRODUCT — Enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products. Storage, retail or wholesale marketing, or

7. Editor's Note: See MGL c. 41, §§ 81K to 81GG.

processing of agricultural products into a value-added agricultural product is permitted on any farm of five or more acres if more than 50% of the stored, processed, or merchandised products are produced by the farm operator for at least three of the immediately preceding five years.

VEHICLE REPAIR — Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair or leasing of motor vehicles.

WINERY — The retail and/or manufacturing premises of a farmer brewery, farmer distillery, or farmer winery licensed by the Commonwealth under MGL c. 138, § 19, 19B, or 19C, respectively.

ARTICLE 3 Administration

§ 200-3.1. Enforcement; violations and penalties.

- A. The Building Inspector is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Zoning Bylaw.
- B. It shall be unlawful for any owner or person to erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving from the Building Inspector the required permit therefor.
- C. No premises, and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. Such certificate of occupancy shall not be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Zoning Bylaw and, if applicable, a site plan certificate of completion shall be issued.⁸
- D. Enforcement.
 - (1) Any person may file a written request to the Building Inspector for enforcement of this Zoning Bylaw with reference to an alleged violation. If upon investigation and inspection the Building Inspector finds evidence of such violation, he shall give notice thereof, in writing, to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors and to the occupant at the address of the premises.
 - (2) If after such notice and demand the violation has not been abated within the time specified therein, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Northfield to prevent, correct, restrain or abate such violation of this Zoning Bylaw.

⁸ Editor's Note: Amendment pending.

- (3) If the Building Inspector determines that there is no violation, he shall give written notice of his decision to the complaining person within 14 days after the receipt of such request.
- E. Appeal. As provided in MGL c. 40A, § 8, any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Inspector may appeal to the Board of Appeals.
- F. Penalty.
- (1) Anyone who violates a provision of this Zoning Bylaw, or any condition of a variance, site plan review decision or special permit, shall be punishable by a fine of not more than \$300 for each offense. Each day during which any portion of a violation continues shall constitute a separate offense.
- (2) As an alternative means of enforcement, the Building Inspector may impose noncriminal penalties pursuant to MGL c. 40, § 21D, in accordance with the following schedule:
- (a) First offense: warning (verbal or written).
- (b) Second offense: \$100.
- (c) Third offense: \$200.
- (d) Fourth and each subsequent offense per violation: \$300.

§ 200-3.2. Zoning Board of Appeals.

- A. Establishment. There shall be a Zoning Board of Appeals (herein sometimes referred to as the "Board of Appeals") consisting of five members and up to three associate members appointed by the Selectboard. Each member shall serve for a five-year term, except that the term for associate members shall be one year. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in MGL c. 40A.
- B. Powers. The Board of Appeals shall have the following powers:
- (1) To hear and decide appeals in accordance with MGL c. 40A, § 8, as amended.
- (2) To hear and decide, in accordance with the provisions of MGL c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.
- (3) To hear and decide, in accordance with the provisions of MGL c. 40A, § 6, applications for special permits to change, alter, or extend lawfully preexisting nonconforming uses and structures to the extent allowed by Article 6.
- (4) To hear and decide petitions for variances in accordance with MGL c. 40A, § 10.
- (5) To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, as set forth in MGL c. 40B, §§ 20 to 23.

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- C. Rules and regulations. The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk.
- D. The Board of Appeals may adopt reasonable administrative fees and procedures and fees for employing outside consultants to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations.

§ 200-3.3. Planning Board.

- A. Establishment. There shall be a Planning Board consisting of five elected members. Each member shall serve for a five-year term.
- B. Powers. The Planning Board shall have and exercise all the powers granted to Planning Boards by the General Laws, including MGL c. 40, c. 40A, and c. 41, and by this Zoning Bylaw, including but not limited to the following:
 - (1) To hear and decide applications for special permits when designated as the special permit granting authority herein.
 - (2) To review site plans pursuant to § 200-3.5.
- C. Rules and regulations. The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning Bylaw for conduct of its business and otherwise carrying out the purposes of MGL c. 40A and this Zoning Bylaw, and shall file a copy of such rules in the office of the Town Clerk.
- D. Fees. The Planning Board may adopt reasonable administrative fees for petitions for special permits and site plan review, and procedures and fees for employing outside consultants to assist the Board with its review of special permits in accordance with its regulations.

§ 200-3.4. Special permits.

- A. Procedures. Application for a special permit shall be filed in accordance with the rules and regulations of the applicable special permit granting authority and MGL c. 40A.
- B. Public hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue a decision no later than 90 days from the closing of the public hearing. Notification requirements for a public hearing shall be in accordance with MGL c. 40A, § 11.
- C. Decision criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:
 - (1) The use is in harmony with the general purpose and intent of this Zoning Bylaw;

- (2) The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district;
 - (3) Adequate and appropriate facilities will be provided for the operation of the proposed use;
 - (4) The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual or other nuisances;
 - (5) The proposed use will not cause undue traffic congestion in the immediate area;
 - (6) To the maximum extent possible, the proposed use conforms to the principles of rural design in § 200-8.1 of this bylaw; and
 - (7) The proposed use is consistent with the Northfield Master Plan.
- D. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Zoning Bylaw. Such conditions may include but shall not be limited to the following:
- (1) Deadline to commence construction.
 - (2) Dimensional standards more restrictive than those set forth in Article 7 of this Zoning Bylaw.
 - (3) Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment.
 - (4) Limitation of size, method or hours of operation, extent of facilities, or other operating characteristics of a use.
 - (5) Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee.
 - (6) Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Zoning Bylaw.
 - (7) Term for years with or without automatic renewals, to the extent allowed by law.
 - (8) Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.
- E. Lapse. Special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under MGL c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

- F. Special permits shall not take effect until recorded with the Registry of Deeds or Registry District of the Land Court, as applicable, as provided in MGL c. 40A, § 11. Proof of recording shall be presented to the Building Inspector.
- G. Use of outside consultants. Any special permit granting authority may hire professional consultants at the applicant's expense pursuant to MGL c. 44, § 53G, to assist with review of a special permit application, provided that the procedures for hiring outside consultants are set forth in the applicable board's rules and regulations.

§ 200-3.5. Site plan review.

- A. Purposes. Site plan review is a means of managing the aesthetics and environmental impacts of land use by the regulation of permitted uses, not their prohibition. Its purpose is to assure protection of the public interest consistent with a reasonable use of the site for the purposes permitted in the district. Accordingly, no building permit shall be issued for any use, site, or building alteration, or other improvement that is subject to this section, unless an application for site plan review has been prepared in accordance with the requirements herein and unless such application has been approved by the Planning Board (hereinafter referred to in this section as the "Board").
- B. Applicability. Site plan review shall apply to the following:
 - (1) New construction or any alteration, reconstruction, or renovation of any multifamily, commercial, industrial, institutional, or municipal use involving 1,500 square feet or more of gross floor area.
 - (2) New construction or any alteration, reconstruction, or renovation of an existing building, or any change in use of an existing building requiring five or more parking spaces.
 - (3) Any use or structure or expansion thereof, and any use of land, exempt under MGL c. 40A, § 3, if one or both of the above criteria in Subsection B(1) or (2) also apply, and only to the extent allowed by law.
 - (4) Construction, expansion, redesign, or alteration of an existing parking area involving the addition of five or more new parking spaces.
- C. Relationship to other permits and approvals.
 - (1) For uses requiring a special permit in Table 1, Schedule of Uses,⁹ the Planning Board or Board of Appeals shall review site plans prior to acting on applications for special permits. In such cases, the site plan shall serve as the plan of record for the proposed special permit; no separate site plan approval under this section shall be required.
 - (2) The Building Inspector shall not issue a building permit for any project subject to this section unless the Board has approved a site plan therefor or allowed 90 calendar days to elapse from the site plan submission date unless the applicant has requested an extension, in writing. Any work done in deviation from an

⁹ Editor's Note: See § 200-5.4, Schedule of Uses.

approved site plan shall be a violation of this bylaw unless such deviation is approved, in writing, by the Board or determined by the Building Inspector to be an insubstantial change.¹⁰

D. Exemptions. The following shall be exempt from site plan review under this section:

- (1) Single-family and two-family homes, including additions or enlargements.
- (2) Residential subdivisions approved by the Board under the Northfield Subdivision Rules and Regulations.¹¹
- (3) Projects in which the only exterior change that is visible from a public or private way, requiring a building permit, pertains to:
 - (a) Architectural barrier removal to comply with the Americans with Disabilities Act (ADA)¹² or regulations of the Massachusetts Architectural Access Board (AAB); or
 - (b) Installation of awnings, exterior siding, or roofing, or replacement of windows or doors.

E. Procedures for site plan review.

- (1) The Board shall promulgate, after public notice and hearing, Site Plan Rules and Regulations to effectuate the purposes and intent of this section, including submission requirements and procedures, modification of approved site plans, delegating administrative review to the Board's designee for review of small-scale projects without a public meeting, and standards of review consistent with Subsection F below.
- (2) Applicants shall submit an application for site plan review to the Board.
- (3) The site plan submission date shall be the date the site plan application is filed with the Town Clerk and the Board, unless the Board notifies the applicant within 21 days of submission that the application is incomplete. In such case, the site plan application will not be deemed to have been submitted.
- (4) The Board shall review the site plan at a duly posted open meeting. Any public notice to abutters and other parties of interest shall be conducted in accordance with the Site Plan Rules and Regulations.
- (5) The Board shall review and act upon the site plan, requiring such conditions as necessary to satisfy the site plan review standards under Subsection F below, and notify the applicant of its decision. The decision shall be in writing and shall be filed with the Town Clerk within 90 days of the application date. The applicant may request, and the Board may grant by majority vote of the membership, an extension of the time limit set forth herein.¹³

10. Editor's Note: Amendment pending.

11. Editor's Note: See Ch. 315, Subdivision of Land.

12. Editor's Note: See 42 U.S.C. § 12101 et seq.

13. Editor's Note: Amendment pending.

- (6) The Board may approve the site plan or approve it with the conditions, or deny a site plan only if the plan does not include adequate information as required by the Site Plan Rules and Regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable. The Board's decision shall be by majority vote of the membership, and the decision shall be in writing.
 - (7) The applicant shall satisfy or comply with all conditions of the site plan review decision prior to the issuance of a building permit except for those conditions that by their terms are intended to be satisfied during construction or later.
 - (8) Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions of the site plan review decision.
- F. Site plan review standards. The Board's Site Plan Rules and Regulations shall adopt standards for site plan review that will at a minimum address the following:
- (1) Principles of rural design in § 200-8.1 of this bylaw;
 - (2) Siting of facilities;
 - (3) Design guidelines for buildings and sites;
 - (4) Open space and natural features;
 - (5) Pedestrian, bicycle, and vehicular safety and circulation;
 - (6) Water quality;
 - (7) Stormwater;
 - (8) Utilities, exterior lighting, parking, and snow removal;
 - (9) Trees and landscaping;
 - (10) Historic significance;
 - (11) Signage;
 - (12) Energy-efficient site design;
 - (13) Potential adverse effects and mitigation thereof.

ARTICLE 4 Zoning Districts

§ 200-4.1. Establishment of districts.¹⁴

For purposes of this Zoning Bylaw, the Town of Northfield is divided into the following districts:

¹⁴ Editor's Note: Amendment pending.

Residential Agricultural (RA)
 Residential Agricultural-Forestry (RAF)
 Village Center (VC)
 Planned Development
 Recreational Tourism
 Overlay Districts
 Floodplain Overlay District
 Water Supply Protection District
 Solar Overlay District

§ 200-4.2. Zoning Map.

- A. Except for the Floodplain Overlay District and Water Supply Protection District, the boundaries of these districts are located and bounded as shown on a map entitled "Town of Northfield, Massachusetts Zoning Map," as most recently amended by Town Meeting, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this bylaw.¹⁵
- B. The Floodplain Overlay District shall be located and bounded as shown on the map described in § 200-10.1 herein, which map is incorporated in and made a part of this Zoning Bylaw.
- C. The Water Supply Protection District shall be located and bounded as shown on maps described in § 200-10.2 herein, which maps are incorporated in and made part of this Zoning Bylaw.¹⁶

§ 200-4.3. Boundaries of districts.

- A. Where the boundary lines on the Zoning Map or the Water Supply Protection District Map are within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.¹⁷
- B. Where the boundary lines are shown approximately on the location of property or lot lines and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- C. Where the boundary lines are located outside of such street lines and shown approximately parallel thereto, they shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street sidelines are the distances in feet of such boundary lines from such street sidelines, such distances being measured at right angles to such street lines unless otherwise indicated.

15. Editor's Note: Amendment pending. The Zoning Map is included as an attachment to this chapter.

16. Editor's Note: Amendment pending.

17. Editor's Note: Amendment pending.

§ 200-4.3

ZONING

§ 200-5.2

- D. Where the location of boundary lines is uncertain, it shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map or by the scale of the map.
- E. Where boundary lines are contour lines, they are at an indicated elevation above the datum which is mean sea level of the United States Geological Survey.

ARTICLE 5
Use Regulations

§ 200-5.1. General provisions.

- A. No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except as provided herein.
- B. No building permit shall be issued for any use that is subject to § 200-3.5 unless a site plan has been reviewed and approved in accordance with the requirements therein.
- C. Accessory uses. An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

§ 200-5.2. Prohibited uses.

- A. Any use not listed in § 200-5.4, Schedule of Uses, or otherwise allowable under the provisions of this Zoning Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following uses are expressly prohibited in all zoning districts:
 - (1) Manufacturing and storage of corrosive, poisonous or malodorous acids and chemicals;
 - (2) Cement, lime, gypsum and plaster of paris manufacture;
 - (3) Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils;
 - (4) Petroleum and kerosene refining or distillation and derivation of by-products;
 - (5) Manufacture, use, storage, transport or treatment, disposal and/or processing of explosive, toxic or hazardous materials;
 - (6) Asphalt plants;
 - (7) Concrete batch plants;
 - (8) Reclamation and reprocessing of asphalt and/or concrete; or
 - (9) Any other use that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.

- C. Mobile homes are prohibited, except that pursuant to MGL c. 40A, § 3, a mobile home or temporary manufactured home may be placed on the site of a residence destroyed by fire or natural disaster, for a period not to exceed 12 months while the residence is being rebuilt.

§ 200-5.3. Permitted in all districts.

The following uses are permitted in all districts:

- A. Federal government use.
- B. State government uses to the extent that this Zoning Bylaw would prohibit the exercise of an essential government function.¹⁸
- C. Uses to the extent protected or exempt pursuant to MGL c. 40A, § 3, or other state law.

§ 200-5.4. Schedule of Uses. [Amended 12-10-2018 STM by Art. 3]

Table 1 Legend:

Y: Permitted by right

N: Prohibited use

SP: Allowed by special permit from the Zoning Board of Appeals

PB: Allowed by special permit from the Planning Board

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
A. Agriculture, Conservation, Recreation Uses					
Agriculture	Y	Y	Y	Y	Y
Agriculturally related uses on a farm (§ 200-9.5)	Y	Y	Y	Y	Y
Greenhouse	Y	Y	Y	Y	Y
Conservation, wildlife preserve	Y	Y	N	Y	Y
Camp for children and youth, day or overnight	PB	PB	N	PB	PB
Campground	PB	PB	N	PB	PB
Boathouse, ski tow, golf course, driving range	SP	SP	Y	SP	Y
Recreation-affiliated business (§ 200-9.6)	N	N	Y	PB	PB

¹⁸ Editor's Note: Amendment pending.

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
B. Public Service					
Municipal use	Y	Y	Y	Y	Y
Public utility	SP	SP	SP	SP	SP
Wireless communication facility (§ 200-9.7)	PB	PB	PB	PB	PB
C. Institutional or Semipublic Uses					
Museum or library	Y	Y	Y	Y	Y
Hospital, sanitarium	N	N	N	PB	N
Urgent care center	N	N	N	PB	N
Cemetery	SP	SP	N	N	N
Public recreation facility	PB	PB	N	PB	Y
Emergency shelter	PB	N	N	PB	N
Nonprofit club or membership organization	SP	SP	SP	N	SP
D. Residential Uses					
Detached single-family dwelling	Y	Y	Y	Y	Y
Two-family dwelling	Y	Y	Y	Y	Y
Multifamily dwelling, maximum of 4 units per building	PB	PB	Y	Y	Y
Multifamily dwelling, more than 4 units per building	PB	N	PB	PB	PB
Open space residential development (§ 200-9.3)	Y	Y	N	Y	Y
Elderly housing; congregate residence, not to exceed 6 units	Y	Y	Y	Y	Y
Elderly housing; retirement community	PB	PB	N	PB	PB
Elderly housing; assisted living residence	PB	PB	N	Y	N
Skilled nursing facility	N	N	N	PB	N

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
Dwelling units above the ground floor of commercial space (§ 200-3.5)	N	N	Y	N	Y
Master plan special permit (§ 200-9.4)	N	N	N	PB	N
Accessory uses					
Accessory dwelling (§ 200-9.1)	SP	SP	Y	PB	SP
Home occupation (§ 200-9.2)	Y	Y	Y	Y	Y
Bed-and-breakfast, up to 6 rooms (§ 200-3.5)	SP	SP	Y	Y	Y
Family home day care, not to exceed 6 children	Y	Y	Y	Y	Y
Family home day care, more than 6 children	PB	PB	PB	PB	PB
Storage or parking of 1 camper	Y	Y	Y	Y	Y
E. Business Uses					
Retail Trade					
Retail, up to 1,500 square feet of gross floor area (§ 200-3.5)	SP	SP	Y	N	Y
Retail, 1,500 square feet or more of gross floor area	N	N	PB	PB	PB
Craft shop	SP	SP	Y	PB	Y
Sale and storage of building materials to be sold on the premises	SP	SP	N	N	N
Hospitality and Food Services					
Farm-affiliated business	See § 200-9.5				N
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio (§ 200-3.5)	N	N	Y	PB	Y
Hotel, motel, inn	SP	SP	PB	PB	PB
Cultural and Entertainment Uses					

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
Studio for artists, photographers, interior decorators, other design-related uses	Y	Y	Y	Y	Y
Auditorium or theater for live performing arts	N	N	PB	PB	PB
Professional Uses and Financial Services					
Bank or other financial institution (§ 200-3.5)	N	N	Y	Y	Y
Professional or business office (§ 200-3.5)	SP	SP	Y	Y	Y
Services					
Barbershop, beauty shop, nail salon, and similar personal service establishments	N	N	Y	N	N
Commercial indoor amusement or recreation, or similar place of assembly	N	N	N	PB	PB
Personal services, such as a dry cleaner, laundry, florist, shoe repair, photography studio, tailor, and similar businesses and services	SP	N	Y	PB	N
Educational use, nonexempt	N	N	N	PB	PB
Funeral home	N	N	PB	PB	N
Kennel	SP	SP	N	PB	N
Repair shop for small equipment, bicycles, appliances, tools	SP	SP	PB	PB	N
Veterinary hospital	SP	SP	N	PB	N
Automotive Uses					
Motor vehicle sales	SP	SP	N	N	N
Gasoline service station	SP	N	N	N	N
Vehicle repair	SP	N	PB	N	N
Accessory Uses					
Drive-through, limited to banks, financial institutions	N	N	PB	N	N

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
Outdoor dining accessory to a restaurant	N	N	Y	PB	Y
F. Industrial and Related Uses					
Warehouse and distribution facility, or wholesale showroom	SP	SP	N	N	N
Manufacturing, processing, fabrication, packaging and assembly, and storage of goods manufactured on the premises	SP	SP	N	PB	N
Contractor's yard	SP	SP	N	N	N
Auto body shop	SP	SP	N	N	N
Gravel, loam, sand, or stone removal; quarry	SP	SP	N	N	N
Sawmill	SP	SP	N	N	N
Research and development	N	N	N	PB	N
Research and development and/or manufacturing of renewable or alternative energy products	SP	SP	N	PB	N
Accessory Uses					
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises	N	N	N	N	PB
G. Marijuana-Related Uses¹ (§ 200-9.8)					
Marijuana cultivator	N	PB	N	PB	N
Marijuana product manufacture	N	PB	N	PB	N
Marijuana research facility or independent testing laboratory	N	PB	N	PB	N
Marijuana retail establishment, up to 1,500 square feet of gross floor area	N	N	PB	PB	N
Marijuana retail establishment, greater than 1,500 square feet of gross floor area	N	N	N	N	N

Table 1. Schedule of Uses					
	RA	RAF	VC	PD	RT
Marijuana transporter	N	PB	N	PB	N
Marijuana micro-business	N	PB	N	PB	N
Medical marijuana treatment center	N	PB	PB	PB	N

Notes:

- ¹ Land within the Marijuana Overlay District may be used for marijuana establishments subject to the provisions of this bylaw; provided, however, that no marijuana retail establishment shall exceed 1,500 square feet of gross floor space.

ARTICLE 6

Nonconforming Uses and Structures

§ 200-6.1. Applicability.

Except as hereinafter provided, this Zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Zoning Bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a one-family or two-family residential structure does not increase the nonconforming nature of said structure.

§ 200-6.2. Nonconforming uses.¹⁹

- A. Change or substantial extension. The Board of Appeals may grant a special permit to change or substantially extend or alter a nonconforming use only if it determines that such change, extension, or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
- B. Substitution. The Board of Appeals may grant a special permit to substitute one nonconforming use for another nonconforming use only if it determines that the new use shall be less detrimental than the existing use to the neighborhood.

¹⁹ Editor's Note: Amendment pending.

§ 200-6.3. Nonconforming structures.

- A. Nonconforming structures other than one-family and two-family residential structures. The Board of Appeals may grant a special permit in conformity with the requirements of § 200-3.4 to reconstruct, extend, alter or structurally change a nonconforming structure other than a one-family or two-family structure (which are governed by Subsection B below), or to alter said structure to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, in accordance with this section, only if:
- (1) Said reconstruction, alteration or extension itself conforms with all the provisions of the Zoning Bylaw; and
 - (2) There is a finding by the Board of Appeals that such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
- B. Alteration, reconstruction, extension or structural changes to preexisting nonconforming single- and two-family residential structures.
- (1) A nonconforming single- or two-family dwelling or structure accessory thereto may be altered, reconstructed, extended or otherwise structurally changed upon a determination by the Building Inspector that the proposed alteration, extension or structural change will not increase the nonconforming nature of the structure. The following circumstances, singly or in any combination, shall not be deemed to increase the nonconforming nature of said structure:
 - (a) Alteration to a structure which complies with all current setback, building coverage, and building height requirements but is located on a lot with insufficient area, insufficient frontage, nonconforming lot shape, or any combination of those, where the alteration will also comply with all of said current requirements.
 - (b) Alteration to a structure which encroaches upon one or more required setback areas, where alteration will comply with all current setback, building coverage and building height requirements.
 - (2) If the Building Inspector determines that proposed alteration, extension, or change exceeds one or more of the criteria listed above, the Board of Appeals may allow such alteration, extension or change if it finds that the proposed modification will not substantially increase the nonconforming nature of the existing structure.
 - (3) For purposes of this section, an "increase in the nonconforming nature of the structure" may include intensification of existing nonconformities. The creation of new nonconformities (i.e., relief from height, setback, lot coverage or other dimensional requirements with which the existing nonconforming structure complies) shall require the issuance of a variance from the Board of Appeals.
- C. Alterations to multiple dwellings on a single lot. Any alteration, extension, reconstruction or structural change to a dwelling on a lot containing more than one dwelling shall require a special permit and a finding by the Board of Appeals that such

alteration, extension, reconstruction or structural change shall not be more detrimental to the neighborhood than the existing dwelling.

- D. Abandonment, discontinuance and restoration of nonconforming structures destroyed by fire or other casualty.
 - (1) Any nonconforming use or any nonconforming buildings or structures which have been abandoned or discontinued for more than two years shall not be reestablished and any future use shall conform to the regulations of this bylaw.
 - (2) A nonconforming structure or structure occupied by a nonconforming use which has been destroyed by fire or other casualty may be reconstructed, provided that the reconstruction is substantially completed within three years of the date of destruction.

ARTICLE 7

Dimensional Regulations

§ 200-7.1. Schedule of Dimensional and Density Regulations.

No building or structure in any district shall be located, constructed, changed, enlarged or permitted and no use of premises or land in any district shall be permitted which does not conform to the density and dimensional regulations as set forth herein.

Table 2. Table of Dimensional and Density Regulations					
Requirement	RA	RAF	VC	PD	RT
Minimum lot area (square feet)	50,000	100,000	35,000	100,000	100,000
Lot served by municipal sewer (square feet)	35,000	N/A	35,000	80,000	N/A
Minimum lot frontage (feet)	150	250	150	250	150
Minimum lot depth (feet)	200	300	200	300	200
Minimum front, side, and rear setbacks (feet)	25	25	25	25	25
Maximum building height (feet)	35	35	35	35	40

§ 200-7.2. General provisions.

- A. One dwelling per lot. More than one dwelling on a lot is prohibited unless specifically authorized by other provisions of this Zoning Bylaw.
- B. Computation of lot area. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. For every lot laid out for

residential use, at least 50,000 contiguous square feet or 100% of the required lot area, whichever is less, in the RA District and at least 100,000 contiguous square feet or 100% of the required lot area, whichever is less, in the RAF District shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL c. 131, § 40. Each lot shall be capable of containing a 150-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act and within which any principal building may be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the 150-foot-diameter circle.

C. Lot frontage.

- (1) Minimum lot frontage required. Every lot must have at least the minimum frontage set forth in Table 2 for the district in which the lot is located on a street as defined in Article 2 of this bylaw.
- (2) Measurement of lot frontage. Frontage is measured in a continuous line along the side line of the street right-of-way between the points of intersection of the side lot lines with the street right-of-way line. The measurement of lot frontage excludes jogs in the street width, backup strips and other irregularities in the street line.
- (3) Access. An owner shall provide a means of access for vehicles from the frontage to a principal building for emergency services, for deliveries, and for off-street parking. 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 § 200-3.4 of this bylaw. 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.

D. Lot width. 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.

E. Yard requirements.

- (1) No part of a yard or other open space required in connection with any building shall be used to meet the requirements for any other building unless specifically permitted in this bylaw.
- (2) No required yard abutting a public street shall be used for the storage or display or abandonment of merchandise, lumber, building material, equipment, salvable secondhand items, or any type of junk, scrap, trash, rubble, or discarded or abandoned equipment or materials.

F. Building height. Building height shall be determined consistent with the definition in Article 2.

- G. Height limitations. Limitations of height shall not apply to such structures as steeples, belfries, flagpoles, chimneys, radio and television antennas, windmills, silos, water tanks and similar nonhabitable structures.
- H. Appurtenant open space. No building setback area or other open space required for a building under this Article 7 shall, during the life of such building, be occupied by or counted as open space for another building.

ARTICLE 8

Site Development Standards; Signs

§ 200-8.1. Principles of rural design.

Uses and structures that are subject to site plan or special permit approval or proposed for open space residential development shall conform wherever possible to the principles of rural design listed below. These standards are recommended but not required for the siting of individual residences on existing lots where no site plan or special permit review is required.

- A. Wherever feasible, retain and reuse existing old farm or forestry woods roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (However, this would not be appropriate where reuse of a road requires widening in a manner that destroys trees or stone walls or where an existing road is aligned in a way that disrupts drainage or accelerates erosion.)
- B. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- C. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.
- D. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. If vegetative buffers are used, a minimum depth of 50 feet of mixed ground covers, shrubs, and trees should be provided. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a sprawl pattern.
- E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- F. Site buildings so that they do not protrude above treetops and crest lines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees

and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

- G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.
- H. Where feasible, site buildings and other areas to be developed in a manner that does not block trails or paths that have traditionally provided access to back land. This provision shall not be construed to create any public access rights that do not otherwise exist.

§ 200-8.2. Off-street parking and loading.

- A. Purposes. The purposes of this section are to ensure the availability of safe and convenient vehicular parking areas; to encourage economic development; to promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners; to reduce impervious surfaces; and to protect adjoining lots and the general public from nuisances and hazards associated with off-street parking areas.
- B. Applicability. No building or structure shall be used or changed to a category of greater parking demand, determined in accordance with Table 3 below, except in accordance with this section. Single-family and two-family dwellings shall be exempt from the requirements herein.
- C. Administration. This section shall be administered by the Planning Board as part of site plan review pursuant to § 200-3.5 or, for a use or activity not subject to site plan review, by the Building Inspector.
- D. Schedule of Off-Street Parking Requirements. The minimum number of off-street parking and loading spaces shall be as set forth in Table 3. Off-street parking requirements for a use not specifically listed in Table 3 shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

Table 3. Schedule of Off-Street Parking Requirements	
Use	Minimum Number of Parking Spaces
Multifamily dwelling	1 space per 1 bedroom unit; 2 spaces for units with 2 or more bedrooms
Dwelling units above the ground floor of a commercial building	1.5 spaces per unit
Age-restricted housing or elderly housing, independent living	1 space per unit, plus 1 space per 4 units for visitor parking
Elderly housing, assisted living residence or congregate residence, or nursing home	0.5 space per room, plus 1 space per 4 units for visitor parking

Table 3. Schedule of Off-Street Parking Requirements	
Use	Minimum Number of Parking Spaces
Place of assembly with fixed seating, such as a church, stadium, assembly hall	Minimum 1 space for every 4 seats or, when benches are used, 1 space per 8 linear feet of bench
Business, professional, or governmental office, bank	1 space per 300 square feet on the first floor; 1 space per 400 square feet on the second floor
Medical office or clinic	1 space per 200 square feet
Veterinary hospital	1 space per 300 square feet
Retail store	1 space per 300 square feet
Service establishment	1 space per 300 square feet
Warehouse/distribution facility	1 space per each 2 employees on the largest shift and 1 additional space for each 1,000 square feet
Manufacturing	1 space per each 2 employees on the largest shift and 1 additional space for each 1,000 square feet
Restaurant	1 space for every 4 seats, plus 2 spaces for employees
Gasoline service station	1 space per fueling position, plus 1 space per 300 square feet, including service areas and retail/convenience store areas. Temporary parking at fueling positions shall not count toward the square feet parking requirement.
Vehicle repair shops	1 space per 300 square feet, plus 2 spaces per service bay
Other uses not specified herein	Where a use is not specifically referenced in this table, the parking requirement for the most nearly comparable use or industry standards shall apply as determined by the Building Inspector

* In all instances in Table 3, "square feet" shall mean net floor area.

E. General parking requirements. Except as may be determined pursuant to Subsection J herein, the following parking requirements shall be met:

(1) Computation of required parking spaces.

(a) The minimum number of parking spaces shall be the largest whole number obtained after calculating the parking requirements in accordance with Table 3. Any fractional parking space shall be rounded up to the next whole number.

- (b) For a parcel with two or more uses, the minimum number of parking spaces shall be the sum of the minimum number of spaces required for each use, determined in accordance with Table 3, except as may be authorized pursuant to Subsection J herein.
 - (2) Location of parking areas. All required off-street parking spaces shall be located on the same premises as the uses they serve except as provided in Subsection J below.
 - (3) Dimensional standards. An off-street parking space is an all-weather, surfaced area having a width of not less than nine feet and a length of not less than 18 feet for angle parking or 22 feet for parallel parking.
- F. Parking area design.
 - (1) Surface. Parking areas shall have durable, all-weather paved surfaces and shall provide for the satisfactory management of surface water. Parking areas composed of pervious or semipervious surfaces are encouraged in low traffic areas, such as reserve parking, and may be used to meet all or any part of the required parking, subject to environmental limitations.
 - (2) Parking areas shall be designed that no vehicle will be required to back onto a public way in order to enter or exit from a parking space.
 - (3) As part of its Site Plan Rules and Regulations, the Planning Board may supplement the requirements herein with parking lot design standards.
- G. Location of parking. To the maximum extent feasible, off-street parking for retail, office, and other commercial uses shall be located behind or beside buildings. Vehicular parking between the front building line and the street alignment is permitted if no other reasonable alternative exists.
- H. Off-street parking areas shall be designed and constructed so as to maximize safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners and their customers. Impacts on scenic roads, historic districts, natural resources and community character shall be minimized.
- I. Bicycle parking.
 - (1) Bicycle parking facilities that provide secure storage of bicycles shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any new building that results in the need for additional vehicular parking facilities.
 - (2) Bicycle parking facilities shall be securely anchored and located in a clearly designated, safe, and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.
- J. Reduced parking. The number of parking spaces required pursuant to Table 3 may be reduced by special permit from the Planning Board, subject to the provisions herein. Where the Board of Appeals is the special permit granting authority for the proposed use, the Board of Appeals shall have the authority to administer this section.

- (1) The applicant shall demonstrate to the Board's satisfaction that a reduction is warranted due to circumstances such as but not limited to:
 - (a) Peak parking needs generated by the proposed uses occur at different times.
 - (b) Demographic or other characteristics of site users.
 - (c) Safe, convenient forms of pedestrian access between the proposed development and nearby residential uses.
 - (d) The presence of a public or private parking lot within 400 feet of the proposed use.
- (2) The Board may grant a special permit for reduced parking only upon finding that:
 - (a) The reduced number of parking spaces is consistent with the general purposes of this section.
 - (b) The proposed number of parking spaces will be sufficient for the proposed uses.
 - (c) The decrease in required off-street parking is supported by a parking analysis prepared by a registered professional engineer. Such analysis shall consider existing and proposed uses on the site; rate of parking turnover for various uses; expected peak traffic and parking loads for various uses based on customary hours of operation; availability of public transportation; industry parking standards for various uses; and other factors.
- (3) In granting a special permit for reduced parking, the Board may impose reasonable conditions, including but not limited to requiring additional parking should uses change over time, or requirements to designate green space for reserve parking.

§ 200-8.3. Outdoor lighting.

- A. Purposes. The purposes of this section are to create a standard for outdoor lighting so that its use is consistent and provides functionality and convenience; to enhance public safety and security; to minimize light trespass, glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary and providing for lighting that will complement the character of the community; to reduce the cost and waste of unnecessary energy consumption by promoting energy conservation; and to preserve the night sky as a natural resource to enhance nighttime enjoyment of property in Northfield.
- B. Definitions. Unless the context clearly indicates otherwise, the following terms shall have the following meanings in this section:

DIRECT LIGHT — Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.

FILTERED — When referring to an outdoor light fixture, means that the fixture is to be fitted with a glass, acrylic, or other translucent enclosure of the light source.

INDIRECT LIGHT — Direct light that has been reflected off other surfaces not part of the luminaire.

LAMP — The component of an outdoor light fixture that produces the actual light.

LIGHT TRESPASS — Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.

LUMEN — A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For this purpose, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE — A complete lighting system, including a lamp or lamps and a fixture.

SHIELDED — When referring to an outdoor light fixture, "shielded" means that the fixture allows no up lighting.

UP LIGHT — Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.

C. Applicability.

- (1) Except as exempted herein, this section shall apply to all municipal, industrial, commercial, business, institutional, and residential uses, including modification, extension, or expansion of an existing outdoor lighting installation.
- (2) Exemptions. The following types of lighting are exempt from this section:
 - (a) Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code (NEC).
 - (b) Exit signs and other illumination required by the Building Code.
 - (c) Lighting for stairs and ramps as required by the Building Code.
 - (d) Temporary decorative or holiday lighting (less than 30 days use in any one year).
 - (e) Low-voltage landscape lighting, but such lighting should be shielded in a way as to eliminate glare and light trespass.
 - (f) Lighting of flagpoles.
 - (g) Signage lighting shall be subject to § 200-8.4, but all lights for signs should be fully shielded.
 - (h) Public roadway illumination or other lighting installed on streets or ways to control traffic or other lighting for public safety as may be required or installed by governmental agencies.

D. Requirement for lighting plan. Wherever outside lighting is proposed, the applicant for a building permit, special permit, site plan review, or variance, or an electrical permit, shall submit a lighting plan to the applicable approval authority which shall include the following information:

- (1) Location, orientation, type and height of all proposed outdoor luminaires, including those around all structures, driveways, driveway entrances, walkways, pathways and parking areas.
- (2) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
- (3) The type of lamp, such as metal halide, compact fluorescent, high pressure sodium, LED, etc.
- (4) A photometric plan showing the intensity of illumination, expressed in footcandles, at ground level in the interior of the property and at the property boundaries.
- (5) Times of illumination.

E. Standards for the control of glare and light trespass.

- (1) Lighting shall meet the requirements of the Building Code for Energy Efficiency, Chapter 13, or current requirement. Light trespass onto any street or abutting lot is not permitted. Lighting shall be directed onto the site. This may be demonstrated by manufacturer's data, cross-section drawings or other means. Footcandle readings at property lines between residential and nonresidential properties shall not exceed 0.01 footcandle at any elevation.
- (2) Any outdoor luminaire subject to these provisions with a lamp or lamps rated at a total of more than 2,000 lumens shall be fully shielded and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
- (3) Hours of operation. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m., with the following exceptions:
 - (a) Outdoor lighting shall be permitted on the premises of a business open to customers or where employees are working; or for an institution or place of public assembly where an activity is being conducted, outdoor lighting shall be permitting during the activity and for not more than 1/2 hour after the activity ceases.
 - (b) Low-level lighting sufficient for the security of persons or property, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 footcandle.
- (4) Lighting shall be provided at the lowest brightness and intensity levels possible to allow for emergency nighttime access.

F. Special permit.

- (1) The Planning Board may grant a special permit for lighting that exceeds the limitations imposed herein, provided it determines that the requested relief is not inconsistent with the purposes of this section. In such cases, the burden of proof shall be on the applicant to demonstrate to the Board's satisfaction that:

- (a) An extraordinary need for additional security lighting exists due to a history of vandalism or other reasonable data;
 - (b) Conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
 - (c) Such a minor change is proposed to an existing nonconforming lighting installation, that it would be unreasonable to require complete replacement of the entire installation; or
 - (d) The complete shielding of direct light is technically infeasible due to the geometry of a lot, building, or structure.
- (2) The Board of Appeals may also authorize a special permit for athletic field or stadium lighting, but only after identifying steps to be taken to minimize glare and light trespass, and to utilize sensible curfews.

§ 200-8.4. Signs.

No sign as defined in this bylaw shall be displayed or located except as provided in this section.

- A. Definitions. For the purpose of this section, the following terms shall have the following meanings:

AGRICULTURAL SIGN — A sign which may have wording that may be changed periodically to advertise products raised or grown principally on the premises.

BILLBOARD SIGN — A sign which advertises a business, service, product, commodity, entertainment or similar object or activity which is conducted, sold or offered on a lot other than the lot on which the sign is erected.

DIRECTIONAL OR INFORMATIONAL SIGN — A sign which is necessary for the safety and direction of vehicular or pedestrian traffic.

EXTERIOR SIGN — A wall sign, projecting sign, or awning sign placed on or about the exterior of any structure.

FREESTANDING SIGN — A nonmovable sign not affixed to any building but constructed in a permanently fixed location off the ground with its own support structure, including a monument sign, and displaying a sign face on not more than two sides.

PERMANENT SIGN — A sign that is permanently attached to a building or having in-ground supporting structure(s) or braces.

PROJECTING SIGN — A sign which is permanently affixed to the exterior surface of a building or structure with the display area positioned perpendicular to the wall to which the sign is mounted.

SIGN — Any words, lettering, parts or letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product,

which are visible from a public or private street or right-of-way and used to attract attention.

SIGN AREA — The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Where sign faces are placed back-to-back and face in opposite directions, the "sign area" shall be defined as the area of one face of the sign.

TEMPORARY SIGN — A sign that is used only temporarily, for a specific length of time, and is not permanently mounted.

WALL SIGN — A sign which is painted or otherwise permanently affixed to a vertical exterior surface of a building or structure with the display area positioned parallel with the wall to which the sign is mounted, and including such a sign affixed to a parapet or to the lower slope of a gambrel or mansard roof.

WINDOW SIGN — A sign, picture, symbol or message that is placed inside a window, drawn, painted or etched on the window pane or glass or otherwise attached in or on a window and visible from the exterior of the window, not including any part of a customary window display of merchandise or other product.

B. Basic requirements.

(1) Prohibited signs. The following signs are expressly prohibited:

- (a) Billboard signs.
- (b) Flashing, moving, or animated signs.
- (c) Signs illuminated with neon.
- (d) Signs containing electronic streaming messages.

(2) Sign permits.

- (a) Except as provided under Subsection B(1) above, no sign shall be erected on the exterior of any building or on any land unless and until the Building Inspector has issued a sign permit. Application for a sign permit shall be on the form prescribed by the Building Inspector and shall include such information and drawings as the Building Inspector requires.
- (b) All signs erected hereunder shall be erected in the exact location and manner described in the permit.
- (c) No freestanding signs shall be erected if they create a safety hazard to vehicular or pedestrian traffic, in the opinion of the Building Inspector.
- (d) The relettering of a sign shall be equivalent to the erecting of a sign, except when the original wording is reproduced.

- (e) Paper or cardboard signs inside display windows are allowed if illuminated only by interior illumination within the building.
- (3) Special permit required. No sign shall be erected for any nonresidential use requiring a special permit under this bylaw unless the applicable special permit granting authority has approved the number, location, size, and design of such signs as part of the special permit granted for the use.
- (4) Exempt signs. The following types of signs do not require a permit from the Building Inspector:
 - (a) Real estate signs advertising rent, lease or sale are permitted, provided that:
 - [1] The sign shall not exceed 32 square feet in area.
 - [2] The sign shall advertise only the premises on which it is located.
 - [3] The sign shall be removed no more than one week after the completion of the sale or rental.
 - (b) Agricultural sign not exceeding 32 square feet in area.
 - (c) Construction signs.
 - [1] The sign shall not exceed 32 square feet in area.
 - [2] The sign shall be maintained on the premises during construction and shall be removed upon completion of the construction or issuance of a certificate of occupancy and use, whichever occurs first.
 - (d) Real estate signs advertising an open house event.
 - [1] The sign shall not exceed nine square feet in area.
 - [2] The sign may be erected on private property, provided permission from the property owner has been granted. Upon request by the Building Inspector, a copy of the letter granting such permission shall be provided to the Building Inspector.
 - [3] The sign shall only be erected on the day of the open house and shall be removed at the conclusion of the open house each day. The date of the open house shall be included on the sign.
 - (e) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
 - (f) "No hunting, fishing, etc.," signs not to exceed one square foot are allowed.
 - (g) Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - (h) Legal notices, identification information, or direction signs erected by governmental bodies.

- (i) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (j) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (5) Sign standards.
- (a) Lighting. Signs shall be illuminated in a manner than no glare is visible from any way or residential lot.
 - (b) Size. Freestanding commercial or industrial signs shall not exceed 24 square feet in area. No freestanding sign shall at any point extend more than 10 feet above the adjacent average grade.
 - (c) 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 18 inches beyond the vertical mean building surface, nor more than three feet above the eaves.
- C. Construction and maintenance of signs.
- (1) All signs shall be constructed of durable and weatherproof material. They shall be maintained in safe structural condition and good visual appearance at all times, and no sign shall be left in a dangerous or defective state. The Building Inspector shall have the authority to inspect any sign and order the owner to paint, repair or remove a sign which constitutes a hazard or a nuisance due to improper or illegal installation, dilapidation, obsolescence or inadequate maintenance.
 - (2) No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediate removable surface, and such surface shall be securely affixed to the wall of the building. However, the foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 inch. The material of the sign and intermediate surface, and the manner of affixing the sign to the intermediate surface and of the intermediate surface to the wall of the building, shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public. Notwithstanding the foregoing, signs may be painted or posted on the interior surface of any wall, including windows and doors.

ARTICLE 9

Special Regulations

§ 200-9.1. Accessory dwelling unit.

- A. Purposes. The purposes of this section are to assist Northfield residents with creating suitable housing to accommodate a family member.

- B. Applicability. The Board of Appeals may grant a special permit for an accessory family dwelling unit in accordance with this section and Table 1, Schedule of Uses.²⁰
- C. Basic requirements.
- (1) An accessory family dwelling unit shall be located within a detached single-family dwelling and designed so as to preserve the appearance of the single-family dwelling.
 - (2) There shall be only one accessory family dwelling unit on a lot, and no accessory family dwelling unit shall have more than two bedrooms.
 - (3) There shall be at least one off-street parking space for the accessory family dwelling unit in addition to parking for the principal dwelling. The off-street parking shall be located in a garage or carport, or in the driveway, and shall not be permitted within any required yard area or setback. There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit.
 - (4) Occupancy of the single-family dwelling and accessory family dwelling unit shall be restricted as follows:
 - (a) The owners of the property shall reside in one of the units as their primary residence. For purposes of this section, "owners" shall mean one or more individuals who hold legal or beneficial title to the premises.

§ 200-9.2. Home occupation.

- A. Purposes. The purpose of this section is to provide for the conduct of home occupations while preserving the residential character of the premises and preventing adverse effects on the neighborhood.
- B. Basic requirements. A home occupation shall be allowed by right as shown in Table 1²¹ if it meets the requirements of this section:
- (1) It is incidental to a permitted principal use on the same premises;
 - (2) It is not detrimental to a residential or rural neighborhood, and the existing character of the neighborhood is preserved;
 - (3) It is clearly secondary and subordinate to the residential use of the premises;
 - (4) It has no more than two nonresident employees working primarily on the premises;
 - (5) Adequate off-street parking is available;
 - (6) There are no exterior alterations that change the residential appearance of the dwelling;

²⁰. Editor's Note: See § 200-5.4, Schedule of Uses.

²¹. Editor's Note: See § 200-5.4, Schedule of Uses.

- (7) Except as provided in Subsection B(8) and (9) below, there is no exterior indication of the accessory use and no exterior display of merchandise of greater than 100 square feet in total area;
 - (8) All storage of materials, supplies, or equipment is within the principal building, suitable accessory buildings, and/or within no greater than 500 square feet of total outdoor yard area; and
 - (9) No more than one sign, not exceeding four square feet in area, is used to identify the home occupation.
- C. Special permits. A home occupation that does not comply with all of the above standards shall only be allowed by special permit from the Zoning Board of Appeals. Special permits granted hereunder shall be based upon the criteria in § 200-3.4.²²

§ 200-9.3. Open space residential development.

A. Purpose.

- (1) The primary purpose of this section is to preserve the open space resources of Northfield as identified in the Master Plan, especially large contiguous blocks of forested back land that must be maintained as large-acreage holdings in order to remain economically viable for commercial forestry. This is necessary for the continuation of forestry as a significant resource-based local agricultural activity and for the protection of the Town's water resources and other unique environmental assets. This section is also intended to foster compact development patterns, using flexible regulations for density and lot dimensions, and to promote and encourage creativity in neighborhood design.
- (2) The Town wishes to encourage the use of open space residential development because it results in the preservation of contiguous open space and important environmental resources while allowing design flexibility. Open space residential development reduces development impacts on farmland, forests, wildlife habitats, large tracts of contiguous open space, environmentally sensitive areas, steep slopes, hilltops, and historically significant areas.
- (3) To encourage this type of development, open space residential development is allowed by right, subject only to the requirements of the Planning Board's Regulations Governing the Subdivision of Land.²³ An open space residential development that does not require approval as a subdivision is allowed by right subject to site plan approval by the Planning Board. In order to encourage small subdivisions to follow open space residential development principles, there is no minimum parcel size or number of lots required for an open space residential development.

B. Applicability.

²². Editor's Note: Amendment pending.

²³. Editor's Note: See Ch. 315, Subdivision of Land.

- (1) An open space residential development may be proposed anywhere in Northfield except the Village Center Districts. All subdivisions shall comply with the open space residential development provisions of this section unless the Planning Board allows a development that deviates from the requirements of said section by special permit. Such deviations may be approved if the applicant demonstrates that the proposed alternative development configuration provides adequate protection of the site's environmental resources and fulfills the purposes of this section as well as or better than an open space residential development.
- (2) Subsection B(1) above applies only to subdivisions of land as defined in MGL c. 41, § 81L, and not to construction of homes or businesses on individual lots that existed prior to May 3, 2008, or to lots created through the "Approval Not Required" process with frontage on public ways existing as such as of May 3, 2008, described in the Regulations for the Subdivision of Land (the "Subdivision Regulations"). However, if subdivision approval is not required because a new roadway is not proposed, an applicant may nevertheless apply for open space residential development approval under this section. In such a case, the application shall be subject to site plan review as described in § 200-3.5. If the proposed open space residential development also involves one or more common driveways, density bonuses, transfer of development rights, or any other use that requires a special permit, the proceedings for all such special permits and the site plan review for the lot configuration shall occur in one consolidated special permit proceeding before the Planning Board.

C. Development impact statement and conservation analysis.

- (1) In order to enable the Planning Board to determine whether or not a proposed open space residential development (or development by special permit that deviates from the requirements for open space residential development) satisfies the purposes and standards of this section, an applicant must present sufficient information on the environmental and open space resources for the Board to make such determination. The required information shall be provided in the form of a development impact statement, including a conservation analysis as described in Subsection C(2) of this section. In the case of an open space residential development that is not a subdivision, and that is presented as a site plan review application, the applicant shall not be required to submit a full development impact statement. However, the Planning Board may require the submission of all or part of a conservation analysis as described in the Subdivision Regulations.²⁴
- (2) Conservation analysis and findings.
 - (a) Prior to filing an application, the applicant is encouraged to meet with the Planning Board to discuss the conservation resources on the site. At such meeting, the Planning Board shall indicate to the applicant which land is likely to have the most conservation value and be most important to preserve and where development may be most appropriately located. This meeting shall constitute the conservation analysis.²⁵

²⁴. Editor's Note: Amendment pending.

²⁵. Editor's Note: Amendment pending.

- (b) In the case of a proposed plan that deviates from the requirements of this section, if the Planning Board determines that the land with the greatest conservation value cannot be protected except by the use of an open space residential development plan, the Planning Board shall deny the special permit for the deviation and require that the applicant submit a plan that complies with the requirements for an open space residential development.
 - (c) The Planning Board, in consultation with the Conservation Commission, shall study the conservation analysis, may conduct field visits, and shall formally determine which land should be preserved and where development may be located. The Planning Board shall make written findings supporting this determination (the "conservation findings"). The Planning Board shall deny any application that does not include sufficient information to make conservation findings or that does not preserve land that the Planning Board determines should be preserved from development as a result of the conservation analysis and findings.
 - (d) The Planning Board's conservation findings shall be incorporated into its decision to approve, approve with conditions, or deny an application. The conservation findings shall show land to be permanently preserved by a conservation restriction, as well as recommended conservation uses, ownership, and management guidelines for such land. The conservation findings shall also indicate preferred locations for development if the plan is denied based upon such findings.
- (3) Minimum preserved open space. The plan shall show that at least the percentages of the total acreage listed below will be preserved by conservation restriction, based upon the conservation findings.
- (a) Residential Agricultural-Forestry District: minimum of 75%.
 - (b) Residential Agricultural, Planned Development Districts: minimum of 60%.
- D. Maximum number of dwelling units. The maximum number of residential units in an open space residential development is calculated by a formula based upon the net acreage of the property. This formula is intended to take into account site-specific development limitations that make some land less developable than other land. This calculation involves two steps: calculating the net acreage and dividing by the base allowed density.
- (1) Net acreage calculation. The factors named below are included in this subsection for net acreage calculation purposes only and do not convey or imply any regulatory constraints on development siting that are not contained in other applicable provisions of law, including this Zoning Bylaw.
 - (a) To determine net acreage, subtract the following from the total (gross) acreage of the site:
 - [1] Half of the acreage of land with slopes of 20% or greater (2,000 square feet or more of contiguous sloped area at least 10 feet in width); and

- [2] The total acreage of lakes, ponds, land subject to easements or restrictions prohibiting development, FEMA 100-year floodplains, and all freshwater wetlands as defined in MGL c. 131, § 40, as delineated by an accredited wetlands specialist and approved by the Northfield Conservation Commission.
- (b) At the Planning Board's discretion, any of the information described above may be taken from current geographic information systems data available from the Massachusetts Department of Environmental Protection, Mass GIS, and other credible sources, including delineations registered by the use of global positioning systems.
- (2) Unit count calculation. To determine the base maximum number of allowable residential dwelling units on the site, divide the net acreage by the minimum lot area for the applicable zoning district. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.
- E. Density bonus. The unit count determined in Subsection D above may be increased through density bonuses in order to advance important goals of the Northfield Master Plan. Density bonuses are given by special permit at the discretion of the Planning Board, based upon the expected public benefit. They are calculated by first determining the allowable unit count under Subsection D without rounding fractional units up or down, and then multiplying that number by 100%, plus the percentages that follow. Resulting fractional units, if any, shall be rounded up or down as in Subsection D.
- (1) If the applicant allows deeded public access to the open space portion of the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as access to an important natural area or a trail system): a maximum of 10%.
- (2) If the applicant permanently restricts ownership and occupancy of units allowed by Subsection D as affordable housing (as defined in this bylaw), and makes a binding commitment to construct such affordable residences: a maximum of 25%. For every unit included in the allowable unit count under Subsection D that is built and dedicated as an affordable unit, two bonus market rate units may be permitted, up to the maximum of 25% of the allowable unit count.
- (3) If the applicant preserves as permanent open space more than the minimum required percentage: a maximum 10% density bonus per additional 5% of the parcel preserved as open space.
- (4) If the applicant has designed the development to protect solar access and agrees to provide solar-ready construction for the proposed dwellings: a maximum of 25%. For purposes of this section, "protect solar access" shall mean that streets and lots in the open space residential development shall be oriented to maximize the solar resource available to each lot or to as many lots as possible as determined by the Planning Board. "Solar-ready construction" shall mean construction of homes in such a way that installing and connecting a solar energy system (whether photovoltaic or solar thermal) does not require additional wiring, plumbing, or building modification.

F. Density transfer (transfer of development rights). The Town of Northfield encourages flexibility in the location and layout of development within the overall density standards of this Zoning Bylaw. Toward these ends, the Town will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel") in open space residential developments under this section. Density transfers may only be permitted from sending parcels in the RAF District to receiving parcels in either the RA or PD District. If a sending parcel is located in both the RAF and another district, only those portions of the sending parcel that actually lie within the RAF District may be considered in determining the number of units allowed to be transferred. The process of density transfer is as follows:

- (1) Procedure.
 - (a) All density transfers require a special permit from the Planning Board.
 - (b) The special permit application for a density transfer shall be signed by the owners (or their authorized representatives) of both the sending and receiving parcels.
 - (c) The special permit application shall show a proposed development plan for the receiving parcel (subdivision and/or site plan) as well as a base unit count calculation prepared according to the provisions of Subsection D. For the sending parcel, the applicant may calculate the allowable number of units eligible to transfer by either:
 - [1] Calculating the net acreage pursuant to Subsection D and dividing by 10; or
 - [2] Dividing the total (gross) acreage by 20.
- (2) Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.
- (3) Sending parcels existing as such on May 3, 2008, may have development rights calculated by either method Subsection F(1)(c)[1] or [2] at the applicant's election. Sending parcels which have been modified by lot line changes since May 3, 2008, must employ method Subsection F(1)(c)[1]. The density calculation for the sending parcel shall not include any of the density bonuses available under Subsection E.
- (4) In reviewing an application for density transfer, the Planning Board shall first determine the number of allowable residential units permitted on the receiving parcel using all of the relevant standards in Subsection D and any density bonuses sought under Subsection E. The Planning Board shall then determine the number of residential units available to transfer from the sending parcel(s) pursuant to Subsection F(1)(c)[1] or [2] above.
- (5) The Planning Board may then grant a special permit allowing the transfer to the receiving parcel of some or all of the allowable residential units from the sending parcel(s).
- (6) As a condition of the Planning Board's approval of the density transfer, a conservation restriction on the sending parcel(s) satisfying the requirements of

Subsection E shall be executed and recorded with the Franklin County Registry of Deeds. The conservation restriction shall require that the total area of land used in the calculation required under Subsection F(1)(c)[1] or [2] above be permanently restricted. Those portions of the sending parcel(s) not required to be subject to the conservation restriction may be used in accordance with this Zoning Bylaw.

- (7) Findings required. The Planning Board shall not approve any residential density transfer unless it finds that:
- (a) All requirements for the granting of a special permit have been satisfied.
 - (b) The addition of the transferred units to the receiving parcel will not increase the maximum allowable unit count under Subsection D by more than 50% and will not adversely affect the area surrounding the receiving parcel.
 - (c) The density transfer will benefit the Town by protecting a substantial area of developable land with conservation value on the sending parcel(s) in a manner that furthers the purposes of the Residential Agricultural-Forestry District.
 - (d) The density transfer will advance the goals of the Northfield Master Plan.
- G. Maximum density bonus and/or density transfer. The density bonuses and transfers of development rights allowed in this section may be combined to result in a total unit count increase not exceeding 25% of that established in Subsection D above. Density bonuses and/or transfers may only be used if the resulting development complies with Title 5 of the State Environmental Code as determined by the Board of Health.
- H. Lots in more than one district. For lots in more than one district, the allowable unit count (excluding bonuses or transfers) and required open space for each district shall be computed separately first. These totals shall be added together and the allowable maximum bonus and transfer of development rights for the entire development shall be calculated based upon this combined total number of units. The permitted location of the units and protected open space shall be wherever the Planning Board determines best fits the characteristics of the land, based upon the conservation analysis and findings.
- I. Permitted housing types. The allowable residential units may be developed as single-family, two-family, or multifamily dwellings, provided that applicable special permit or site plan review requirements for the land use district are satisfied and that the number of dwelling units does not exceed the allowable unit count in Subsection D above. The subdivision approval and special permit/site plan requirements shall be fulfilled concurrently in one proceeding to the extent practical. Any open space residential development application involving two-family or multifamily dwellings shall include a site plan that shows the location, layout, height, and setbacks of such dwellings. Accessory apartments shall be permitted in open space residential developments and shall not be counted toward the total allowable unit count. Such apartments shall comply with the requirements of Article 7, except that the lot area and setback requirements shall not apply.
- J. Dimensional and design requirements.

- (1) Minimum lot sizes in open space residential developments. The limiting factor on lot size in open space residential developments is the need for adequate water supply and sewage disposal. Therefore, there is no required minimum lot size for zoning purposes. This does not affect the powers of the Board of Health to require areas on a lot for the disposal of sewage and the protection of water supply.
- (2) Setbacks, road frontage, and road requirements. The minimum setback shall be 10 feet from any property line. There shall be no numerical requirements for road frontage in an open space residential development, provided that each lot has legally and practically adequate vehicular access to a street across its own frontage or via a shared driveway approved under § 200-3.5. All dwellings must comply with applicable Board of Health requirements. The Planning Board may modify the applicable road construction requirements for new roads within an open space residential development as provided in the Regulations Governing the Subdivision of Land if it finds that such modifications will be consistent with the purposes of this section and the Master Plan.
- (3) Arrangement of lots.
 - (a) Lots shall be located and arranged in a manner that protects views from roads and other publicly accessible points; farmland; wildlife habitat; large, intact forest areas; hilltops; ponds; steep slopes; and other sensitive environmental resources while facilitating pedestrian circulation. Generally, residential lots shall be located the minimum feasible distance from existing public roadways. The Planning Board shall take into consideration the conservation analysis and findings in approving the arrangement of lots.
 - (b) Lot, roadway, and driveway layouts, land alterations, and placement of structures shall follow applicable portions of the rural siting principles in § 200-8.1 and any design guidelines for open space residential development which may be adopted by the Planning Board.

K. Permanent open space.

- (1) Open space set aside in an open space residential development or as a condition of any special permit or site plan approval shall be permanently preserved from development as required by this section. The Planning Board may not require such open space land to be accessible to the public, unless a density bonus is allowed under Subsection E. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land, based upon the conservation findings of the Planning Board.
- (2) Permanent preservation of open space land. All land required to be set aside as open space in connection with any open space residential development shall be so noted on any approved plans and shall be protected by a permanent conservation restriction to be held by the Town of Northfield, the Commonwealth of Massachusetts, or a nonprofit conservation organization qualified to hold conservation restrictions under MGL c. 184, § 31. All references to conservation restrictions in this bylaw shall mean a conservation restriction meeting the

requirements of MGL c. 184, § 31. The restriction shall specify the permitted uses of the restricted land which may otherwise constitute development. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected open space land.²⁶

- (3) Ownership of open space land.
- (a) Protected open space land may be held in private ownership, owned in common by a homeowners' association (HOA), dedicated to the Town or state governments with their consent, transferred to a nonprofit organization acceptable to the Planning Board, or held in such other form of ownership as the Planning Board finds appropriate to manage the open space land and protect its conservation value.
- (b) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
- [1] The HOA must be created before final approval of the development, and must comply with all applicable provisions of state law.
 - [2] Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
 - [3] The HOA must be responsible for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
 - [4] Property owners must pay their pro rata share of the costs in Subsection K(3)(b)[3] above, and the assessment levied by the HOA must be able to become a lien on the property.
 - [5] The HOA must be able to adjust the assessment to meet changed needs.
 - [6] The applicant may make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Selectboard, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
 - [7] Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

²⁶ Editor's Note: Amendment pending.

[8] The HOA documents shall be reviewed by Town Counsel, at the applicant's expense, to assure that they satisfy the conditions in Subsection K(3)(b)[1] through [7] above, and such other conditions as the Planning Board shall deem necessary.

(4) Maintenance standards.

- (a) Ongoing maintenance standards shall be established as a condition of development approval to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of open space land, including an HOA.
- (b) If the Selectboard finds that the provisions of Subsection K(4)(a) above are being violated to the extent that the condition of the land constitutes a public nuisance, it may, upon 30 days' written notice to the owner, seek a court order allowing the Town to enter the premises for necessary maintenance, and to assess the cost of such maintenance by the Town ratably against the landowner or, in the case of an HOA, the owners of properties within the development and, if such costs are not paid, to impose a property tax lien on such property or properties.

§ 200-9.4. Campus planned development master plan special permit.

- A. Purposes. The purpose of the campus planned development (CPD) master plan special permit (MPSP) is to encourage master-planned developments that preserve large tracts of land in the Planned Development District. Accordingly, this section provides a project review process for residential, institutional, and mixed-use developments that will be constructed in phases. It also establishes regulations and guidelines to minimize adverse impacts on water resources and the natural features of a proposed site, and encourages creative reuse of large historic structures for a variety of uses.
- B. Applicability. Any development involving 30 or more acres of land in the Planned Development District may be considered for CPD approval in accordance with the provisions of this section.
- C. Basic requirements.
 - (1) Use regulations. The following uses may be proposed in a CPD:
 - (a) Any use allowed as of right or by special permit in the Planned Development District in Article 5 of this bylaw.
 - (b) Elderly housing; retirement community.
 - (c) Hospital.
 - (d) Day surgery center.
 - (e) Urgent care facility.
 - (f) Professional offices.

- (g) Research and development, including accessory manufacturing.
 - (h) Educational use, nonexempt.
 - (i) Health club or spa.
 - (j) Indoor recreation.
 - (k) Camp, day or overnight.
 - (l) Club, lodge, meeting hall.
 - (m) Community center.
 - (n) Hotel.
 - (o) Restaurant.
- (2) Design and performance standards. The intent of the CPD is to provide for development in accordance with master plans that meet the following standards:
- (a) Overall unity of site design and attention to the public realm, including coordinated patterns for streets, ways and pedestrian paths; distributed open space, appropriate landscaping; aesthetic harmony of features, including building architecture, street furniture, pedestrian amenities and signage;
 - (b) Preservation and use or reuse of buildings listed or eligible for listing on the National Register of Historic Places;
 - (c) Preservation and integration of open spaces, wetlands, mature trees and other features of environmental significance into the design of the site;
 - (d) Drainage systems that protect and appropriately employ open spaces and wetlands, utilizing best management practices (BMPs) and other measures to manage stormwater runoff in accordance with applicable regulations and guidelines from the Massachusetts Department of Environmental Protection (DEP);
 - (e) Underground utilities shall be used, except for existing aboveground electric and telephone lines;
 - (f) Mitigation of the adverse effects of development on traffic circulation and street capacity; air quality; noise (including that generated by traffic); stormwater runoff on adjacent and downstream surface water bodies; flooding, erosion, sedimentation, changes in water tables; wildlife, wildlife habitat, rare or endangered plant or animal species; water supply, including adverse impacts on aquifers and the public water distribution system; and adverse effects of sewage disposal on groundwater, aquifers, surface water and, where applicable, the municipal sewer system;
 - (g) Compatibility with uses of abutting properties, including aesthetic compatibility; or appropriate separation and buffers from such abutting property by plantings or terrain;

- (h) Availability of public services and impacts on municipal services, including but not limited to police and fire services, public road maintenance, traffic control and solid waste disposal;
 - (i) Costs and benefits to the Town of Northfield, showing net benefits;
 - (j) Facilities for meeting transportation needs, and planning for control and reduction of vehicle trips by means such as ride sharing, use of vans or shuttles, or provision of employer-assisted housing within the proposed development; and
 - (k) Organizational and management arrangements and documents pursuant to which the master plan will be implemented and common facilities will be maintained, including provisions for architectural review and control, enforcement of applicable restrictions, and the planning with respect to transportation.
- (3) Procedures.
- (a) Campus planned development application requirements, including fees, shall be in accordance with the rules and regulations of the Planning Board and the following requirements.
 - (b) The master plan submission shall contain the necessary plans, information, data and documents to indicate the anticipated scope and intensity of development, size and location of structures, layout of streets and ways, and impacts on the environment, municipal services and traffic, and shall conform with the design criteria and guidelines in this section to the maximum feasible extent. A CPD approved by the Planning Board under this section shall govern the development of the tract of land included therein and shall be a public record.
 - (c) The Planning Board shall hold a public hearing on a CPD application no later than 65 days from the date of submission. Notice of the hearing shall be in accordance with MGL c. 40A, § 11. Review authorities shall forward their comments, in writing, to the Planning Board within 35 days of receiving an MPSP application for review.
 - (d) No later than 90 days from the close of the public hearing, the Planning Board shall grant the CPD/MPSP as proposed, or approve it with conditions, or deny the request. If no action is taken within 90 days, the application shall be deemed approved as submitted except where the Planning Board and the applicant have agreed, in writing, to an extension.
- (4) Special permit decision criteria. The Planning Board shall approve a CPD/MPSP only upon its determination that:
- (a) The master plan meets all applicable requirements of this bylaw;
 - (b) Given the location, type and extent of land use proposed by the applicant, building location, egress points, anticipated grading, and other elements of the master plan could not reasonably be altered to address the criteria in § 200-3.4, where applicable; and

- (c) Any variances required from the Board of Appeals have been granted.
- (5) Master plan special permit amendments. The applicant may propose to amend, modify, or supplement a CPD/MPSP from time to time in order to bring the site master plan into conformity with changed circumstances, ongoing development in an MPSP, and information disclosed through detailed study and engineering of particular development sites within the project. The Planning Board may approve such amendments and may in its discretion hold a public hearing, with notice given as set forth above, if it deems the proposed modification and supplementation to be substantial.
- (6) Lapse. A CPD/MPSP shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, no later than two years following the filing of the special permit approval with the Town Clerk, including such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17. Such approval may, for good cause, be extended, in writing, by the Planning Board upon written request of the applicant. For purposes of this section, "substantial use" shall mean the issuance of at least one building permit for a use included in the CPD.

D. Project plan submissions and procedures.

- (1) Prior to application for a building permit for a use allowed under a CPD/MPSP, the applicant shall submit a project plan to the Planning Board.
- (2) For project plans submitted under an approved CPD, application requirements, review and decision procedures shall be in accordance with site plan approval under § 200-3.5, except as follows:
 - (a) In addition to meeting the requirements of § 200-3.5, the applicant shall provide written statements that the project for which a building permit is sought complies with the MPSP and all requirements of this section, and shall provide such plans, information, analyses, computations and other data as are reasonably necessary to document such statements.
 - (b) If no action is taken on a project plan within 60 days, the application shall be deemed approved as submitted except where the Planning Board and the applicant have agreed, in writing, to extend the review period.
 - (c) Where applicable, the applicant shall submit for endorsement of an approval not required plan or approval of a subdivision plan, if required, in accordance with the Planning Board's Subdivision Regulations.
- (3) Signs. Signs in a CPD shall be in accordance with § 200-8.4 and this section. Where a conflict exists between this section and § 200-8.4, this section shall govern.
 - (a) At each public street entrance to a CPD, a sign shall be permitted to identify the development as a whole. No such sign shall exceed 300 square feet in size nor eight feet in height, nor be located less than 20 feet from the street line.

- (b) At an appropriate location within a CPD, a directory map shall be permitted to identify organizations and enterprises. With the approval of the Planning Board, additional directory signs may be permitted. No such sign shall exceed 300 square feet in size nor 12 feet in height, nor shall any lettering thereon exceed eight inches in height. If such sign includes a locator map, at least two adjacent parking spaces shall be provided.
 - (c) Each principal building shall be permitted to have one identifying sign designating the names and/or logos of the organizations or enterprises occupying the same. No such sign shall exceed 300 square feet in size nor 12 feet in height, nor be pole-mounted, but may be located in front of the building or mounted thereon.
 - (d) Traffic direction and control signs are permitted when required or authorized by state and local officials with jurisdiction over such signs. Temporary signs are permitted to identify construction, financing, sale, leasing or pending tenancy with respect to buildings, or the occurrence of a special event, a hazard or a restriction or limitation of access or use.
 - (e) No signs shall be moving or flashing, but may be illuminated by nonflashing, nonblinking lights.
- E. Regulations. To implement this section, the Planning Board may adopt regulations consistent with the provisions herein, further specifying and defining submission requirements and procedures, fees, design guidelines, and procedures.

§ 200-9.5. Agricultural tourism and farm businesses.

- A. Purpose. The purpose of this section is to promote and maintain local farming. Toward that end, this section provides for a variety of agriculturally related uses and farm-affiliated businesses that are not explicitly exempt under MGL c. 40A, § 3, but which the Town of Northfield deems important for the preservation of a rural economy in order to:
- (1) Maintain and promote agriculture and its related activities, such as agricultural tourism;
 - (2) Preserve open space and farmland;
 - (3) Maintain both an agricultural heritage and a rural character;
 - (4) Increase community benefits by having fresh, local produce for sale; and
 - (5) Increase positive growing businesses that contribute to the general economic conditions and cycle of the area and the Commonwealth.
- B. Applicability. The provisions of this section shall apply to any farm as defined in this bylaw on five or more acres of land.
- C. Use regulations. The following agriculturally related uses are permitted in any district:
- (1) Seasonal outdoors mazes of agricultural origin, such as straw bales or corn.

- (2) Petting farm, animal display, and pony rides.
 - (3) Wagon, sleigh- and hayrides.
 - (4) Nature trails.
 - (5) Open-air or covered picnic area with restrooms.
 - (6) Educational classes, lectures, seminars.
- D. The following farm-affiliated businesses and uses are permitted in any district, subject to site plan review by the Planning Board:
- (1) Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is permitted if more than 50% of the stored, processed, or merchandised products are produced by the farm operator for at least three of the immediately preceding five years.
 - (2) Cider mill or winery selling product, in a tasting room, derived from crops grown primarily on site for at least three of the immediately preceding five years.
 - (3) Historical agricultural exhibits.
 - (4) Gift shop for the sale of agricultural products and agriculturally related products.
 - (5) Designated parking for 20 or more vehicles.
 - (6) Commercial or cooperative kitchen, cannery, or copacking facility.
- E. The following uses are allowed only by special permit from the Planning Board:
- (1) Bed-and-breakfast.
 - (2) Restaurant related to the agricultural use on the site.
 - (3) Non-agriculturally related uses, such as small-scale entertainment venue or organized meeting space made available for rent for weddings, corporate picnics, birthday parties, and the like.

§ 200-9.6. Recreational tourism businesses.

- A. Purposes. The purpose of this section is to promote and maintain outdoor recreation as a vital part of the local economy by providing for related business uses that attract visitors seeking recreational opportunities in the Town of Northfield. In addition, this section is intended to address the following purposes consistent with the Northfield Master Plan:
- (1) To provide for shops, restaurants, and cultural activities;
 - (2) To promote open space and recreation as a means of encouraging community gathering;
 - (3) To develop a resilient economy that connects to natural features and open space; and

- (4) To promote recreational tourism.
- B. Applicability. This section applies to uses and activities in the Recreational Tourism District.
- C. Use regulations. The following uses are permitted:
 - (1) Outdoor recreation, such as cross-country skiing, hiking, mountain biking, and similar uses.
 - (2) Boating.
 - (3) Nature trails.
 - (4) Open-air or covered picnic area with restrooms.
 - (5) Educational classes, lectures, seminars.
- D. The following uses are permitted, subject to site plan review by the Planning Board:
 - (1) Bicycle and boat rental facilities.
 - (2) Restaurant with not more than 40 seats.
 - (3) Gift shop.
- E. The following uses are allowed only by special permit from the Planning Board:
 - (1) Hotel, motel, or inn.
 - (2) Restaurant with more than 40 seats.
 - (3) Take-out food service, such as an ice cream stand or coffee shop, where food prepared on the premises is served to patrons at a walk-up window. Drive-through service is prohibited.
 - (4) Campground.

§ 200-9.7. Wireless communications facilities.

- A. Purposes. The purpose of this section is to minimize adverse impacts of communication structures, monopoles, buildings and appurtenances on adjacent properties and residential neighborhoods and to protect, to the maximum extent practicable, the rural character and aesthetic qualities of the Town of Northfield, the property values of the community and safety of the citizens. This section is promulgated under the authority of MGL c. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. § 332(c)(7)(A). A wireless communications facility shall not be placed, constructed or modified except in accordance with the provisions of this bylaw.
- B. Applicability. Unless exempted in accordance with Subsection H of this section, any wireless communications facility (WCF) as defined hereunder shall require a special permit from the Planning Board.

- C. Definitions. Where used in this section, the following terms shall have the following meanings:

COMMUNICATION BUILDING — Any building utilized primarily for the installation and operation of equipment for generating or receiving electromagnetic radiation and which is accessory to a communication structure.

COMMUNICATION MONOPOLE — Any cylindrical pole intended to support equipment used for the transmission and reception of electromagnetic radiation, including antennas, wiring or other devices attached thereto.

COMMUNICATION STRUCTURE — Any structure intended to support equipment used for the transmission and/or reception of electromagnetic radiation, including communication monopoles, antennas, wiring or other devices attached thereto. Such a structure shall not include a lattice tower.

ELIGIBLE FACILITIES REQUEST — Any request for modification of an existing wireless tower or base station that involves co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

LATTICE TOWER — A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

MOUNT — The structure or surface upon which antennas are mounted, including the following four types of mounts:

- (1) **ROOF-MOUNTED** — Mounted on the roof of a building.
- (2) **SIDE-MOUNTED** — Mounted on the side of a building.
- (3) **GROUND-MOUNTED** — Mounted on the ground.
- (4) **INTERIOR-MOUNTED** — Mounted within a building such that the WCF is not visible from the exterior of the building/structure.

RADIOFREQUENCY (RF) ENGINEER — An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIOFREQUENCY RADIATION (RFR) — The emissions from WCFs.

WIRELESS COMMUNICATIONS FACILITY (WCF) — A facility used for the purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the federal Telecommunications Act of 1996,²⁷ as amended. Such facilities shall include towers, antennas, antenna support structures, panels, dishes, communication buildings, communication structures and accessory structures in their entirety or as separate components.

- D. Application process. Every special permit application for a WCF shall be made under the provisions of § 200-3.4 and filed on the applicable application form available from the Planning Board.

27. Editor's Note: See 47 U.S.C. § 332.

- (1) An application for a special permit for a WCF may be approved if the applicant satisfies the requirements of this section and § 200-3.4.
- (2) Applications for special permits shall be denied if the applicant cannot fulfill or address the requirements of this section to the satisfaction of the Planning Board.
- (3) When considering an application for a new WCF, the Planning Board shall place great emphasis on the proximity of the WCF to residential dwellings and its impact on these residences.
- (4) A locus plan at a scale of one inch equals 100 feet shall be submitted which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within 500 feet of the WCF. Such plan shall also include an engineer's certification stating that all property lines of the lot on which the WCF is proposed to be located are not within 1,000 feet of any school property line.²⁸
- (5) The following information shall be prepared by one or more professional engineers:
 - (a) A description, including illustrations and photographs, of the monopole and the technical, economic and other reasons for the proposed location, height and design.
 - (b) Confirmation that the monopole complies with, or is exempt from, all applicable federal and state standards.
 - (c) A description of the capacity of the monopole, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - (d) Material describing a specific plan for a balloon or similar test, including the date and time, as well as a rain date and time, shall be submitted with the application. The Planning Board shall approve the plan and specify the manner by which the applicant shall give notice to the public.
- (6) In addition to the filing fees, the applicant shall pay any additional cost of retaining professional services if such services are deemed necessary by the Planning Board.
- (7) Any special permit granted under this section shall lapse within two years of the date of the grant, not including the time required to pursue or await the termination of an appeal under MGL c. 40A, § 17, if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun within two years of the date of grant, except for good cause.

E. General requirements.

- (1) No WCF shall be placed, constructed or modified except in compliance with this Zoning Bylaw.

28. Editor's Note: Amendment pending.

- (2) All WCFs shall be co-located, to the maximum extent practicable and technologically feasible, with one or more WCFs for which a special permit has been previously granted and whose height, location and characteristics meet the needs of the proposed new WCF. The applicant shall demonstrate to the Planning Board that it has made a reasonable effort to co-locate the proposed WCF upon an existing structure or WCF.
- (3) All new wireless communication monopoles or support structures shall be designed and constructed, to the maximum extent practicable with existing technology and with height limits set forth in this bylaw, for co-location of antennas and other necessary facilities for at least three other wireless communication providers, and shall offer space to all other providers at market rates. Any special permit granted for a new WCF under this section shall be conditioned upon the written agreement of the WCF operator to allow the co-location of at least three other wireless communication providers on commercially reasonable terms. If co-location facilities are not installed at the time of construction of the WCF, then, at the time of any addition of a co-located facility, the holder of the special permit and the new provider shall notify the Planning Board and the Building Inspector that the installation has occurred and certify that the installation has been performed in accordance with the special permit for the WCF.
- (4) No WCF shall contain more than one monopole, tower or other structure for elevating an antenna or dish. No more than one WCF, except co-locators, shall be constructed on one lot. In no event shall any WCF be located closer than one mile to any other such WCF, unless the applicant can show that no existing space on the existing WCF can be leased or procured.
- (5) The maximum height of the WCF, measured from the mean finished ground level, shall not exceed 120 feet. The Planning Board may waive such requirement in exceptional circumstances to allow a greater height where such action is in the public interest and is not inconsistent with the purpose and intent of the Zoning Bylaw.
- (6) No tower shall be located within 500 feet of any residence.
- (7) The property line of a WCF shall be a minimum of 1,000 feet from any school property line.
- (8) All structures associated with a WCF shall be removed within one year of the cessation of said use.
- (9) Radiofrequency radiation measurement. After the WCF is operational, the applicant shall submit to the Planning Board and the Building Inspector, within 90 days of beginning operations, and at annual intervals, existing measurements of RFR from the WCF. All annual reports shall be due July 1 of each year. Such measurements shall be performed by an independent consultant and shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC regulations. Testing shall be done for all freestanding facilities and all mounted facilities. The RFR shall not exceed FCC regulations.

- (10) Noise measurement. After the WCF is operational, the applicant shall submit to the Planning Board and the Building Inspector, within 90 days of beginning of operations, and at annual intervals, existing measurements of noise from the WCF. All annual reports shall be due July 1 of each year. Such measurements shall be performed by an independent consultant and shall be signed by an acoustical engineer, stating that noise measurements are accurate. Testing shall be done for all freestanding facilities and all mounted facilities.
 - (11) As a condition for any special permit for the placement, construction or modification of a WCF, the applicant shall provide a bond, in a form acceptable to the Planning Board, or shall place into escrow a sum of money sufficient to cover the costs of removing the WCF from the subject property and, furthermore, said funds shall be held by the Town Treasurer or an independent escrow agent to be appointed by the carrier and the Planning Board. The amount of the surety shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. The applicant shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the WCF when the WCF has been abandoned or discontinued.
 - (12) A WCF shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was constructed for a period of one year or more. Once abandonment or discontinuance has occurred, the applicant shall remove the WCF from the subject property within 90 days. In the event that the applicant fails to remove the WCF, the Town shall give notice to the applicant and, if appropriate, the independent escrow agent that the WCF shall be removed forthwith and the Town or the escrow agent, after affording written notice seven days in advance to the applicant, shall remove the WCF.
 - (13) The special permit shall further state that, in the event the amount of surety is insufficient to cover the costs of removal, the Town may place a lien upon the property to cover the difference in cost.
 - (14) The applicant shall provide to the Planning Board a contact for emergencies, and said contact person and phone number and the owner of the WCF and phone number shall be posted on the fence surrounding the WCF.
 - (15) A qualified, independent structural engineer shall perform a structural safety inspection of the WCF at least every two years and shall deliver a copy of said reports to the Town Engineer on July 1. All structural safety deficiencies noted in any such report shall be remedied and the Town Engineer notified by the structural engineer within 60 days of the date of the report.
- F. Design provisions. Design provisions for each WCF shall include, but are not limited to:
- (1) No new WCF shall be placed or constructed that uses a lattice-type construction which requires three or more legs or guy wire supports or both.
 - (2) Except as provided herein, every WCF shall comply with all applicable signage regulations set forth in this section. Notwithstanding any other regulation, however, no WCF shall place any signage above the height of 10 feet as

measured from the ground to the highest point of the sign or 12 feet to the top of the sign structure.

- (3) All monopoles, antennas, antenna support structures and similar facilities shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures of the surrounding environment. Such structures shall be constructed out of nonreflective materials.
- (4) Every building-mounted WCF shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that match and/or blend with those of the building.
- (5) The related unmanned equipment and/or building, per carrier, shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height.
- (6) There shall be a minimum of one parking space for each WCF, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
- (7) Every WCF shall be protected against unauthorized climbing or other access by the public. The fencing shall be compatible with the scenic character of the Town and shall not be constructed of barbed wire or razor wire.
- (8) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties.
- (9) Applicants shall submit eight view lines shown in a one-mile radius from the site, beginning at true north and continuing clockwise at forty-five-degree intervals. Said view lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level, five feet above grade, which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing said view lines with the WCF in place.
- (10) Landscape plans submitted with the application shall identify all existing vegetation, shall indicate which vegetation is to be removed or altered, and shall show all proposed new vegetation and other landscape treatments.
- (11) Every WCF shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and structures and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or landscape.

G. Environmental standards.

- (1) No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

- (2) Ground-mounted equipment for a WCF shall not generate noise in such concentrations and of such duration as to:
 - (a) Be greater than 50 dB at any audible frequency measured at the WCF property line;
 - (b) Be injurious or be, on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or
 - (c) Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

H. Exemptions.

- (1) The following types of WCFs are exempt from the requirements of this section but shall comply with all other applicable requirements of the Zoning Bylaw:
 - (a) A television antenna or satellite dish which is accessory to a use permitted as of right in a business or residential district, provided such use does not include the provision of wireless communications services for a fee. Such antenna or dish must be:
 - [1] Less than two meters in diameter; and
 - [2] Not visible from any neighboring property or public way.
 - (b) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the FCC, provided that the tower is not used or licensed for any commercial purposes.
- (2) The following types of WCFs shall not require a special permit, but shall comply with all other requirements of this section and shall require Planning Board site plan review in accordance with § 200-3.5:
 - (a) An interior-mounted WCF installed wholly within and not protruding from the interior space of an existing building or structure, excluding buildings used for residential use.
 - (b) A roof-mounted WCF installed on the roof of an existing building, providing no part of the WCF extends more than 10 feet above the existing roof and the roof of such building is at a higher elevation than any other building within 1,000 feet.
 - (c) A side-mounted WCF not projecting above the height of the existing building and not extending by more than 18 inches out from the face of the building to which it is attached.
 - (d) Any eligible facilities request as defined in this section and the Spectrum Act, 47 U.S.C. § 1455(a). Applications to modify eligible facilities shall be acted upon in accordance with the provisions of Subsection I.

I. Eligible facilities requests.

- (1) Submission requirements. Applications for an eligible facilities request shall be filed with the Planning Board and Building Department. The Building Inspector shall conduct an initial review of the application within 30 days of receipt to determine whether the application is complete. A determination of completeness by the Building Inspector shall not preclude the Planning Board from requesting additional information from the applicant if new or additional information is required by the Planning Board in conducting its review. The Building Inspector shall notify the applicant within 30 days of receipt of the application if the application is deemed incomplete. Such notice shall delineate all missing documents or information.
- (2) Review of application. The Planning Board shall conduct a limited-scope review of an eligible facilities request to determine if the proposed eligible facilities modification will result in a substantial change to the physical dimensions of an eligible facility. An eligible facilities request substantially changes the physical dimensions of an eligible facility if it meets any of the criteria established in the FCC Eligible Facilities Request Rules.
- (3) Approval. Within 60 days of the filing of a complete eligible facilities request, less any time period that may be excluded pursuant to a tolling agreement between the applicant and the Planning Board, the Planning Board shall complete its limited-scope site plan review and approve the application unless the Planning Board determines that the application does not meet the definition of an existing eligible facility subject to the Spectrum Act, or the proposed eligible facility request proposes modifications that will substantially change the physical dimension of an eligible facility.

§ 200-9.8. Adult use recreational marijuana establishments. [Added 12-4-2017 STM by Art. 2; amended 12-10-2018 STM by Art. 2]

- A. Purpose and intent. The purpose of this bylaw is to allow for the siting of state-licensed marijuana establishments in appropriate locations consistent with MGL c. 94G and 935 CMR 500.00 and any other applicable state laws and regulations regarding adult use marijuana, also known as "adult use, recreational or nonmedical marijuana," and to impose reasonable time, place and manner restrictions on such establishments to ensure public health, safety and well-being and mitigate against undue impacts on the natural and built environment of the Town and its residents.
- B. Special permit granting authority and site plan review. Marijuana establishments shall be permitted only in accordance with this Zoning Bylaw and pursuant to a special permit and site plan review approval. The Planning Board shall be the special permit granting authority (SPGA) under this section.
- C. Definitions. Where not expressly defined herein, terms used in this bylaw shall be interpreted as defined in the regulations governing adult use of marijuana (935 CMR 500.00) and otherwise by their plain language.
- D. Marijuana Overlay District.

- (1) Establishment. There is hereby established in the Town of Northfield a Marijuana Overlay District, the boundaries of which are shown on the Zoning Map on file with the Town Clerk.
- (2) Marijuana Overlay District (MOD) uses.
 - (a) Land within the MOD may be used for:
 - [1] All marijuana establishments, as defined herein, subject to the provisions of this bylaw; or
 - [2] A use allowed in the underlying district, in which case the requirements of the underlying district shall apply.
 - (b) Within the MOD, all requirements of the underlying zoning district remain in effect, except where this bylaw provides an alternative to such requirements. If the provisions of this bylaw are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, the requirements of the MOD shall control.

E. Location and dimensional controls.

- (1) Marijuana establishments may be permitted only in the MOD and the designated locations set forth in the Schedule of Uses, § 200-5.4 of this Zoning Bylaw.
- (2) Marijuana establishments shall not be located within 500 feet of any existing public, parochial, or private school providing K-12 education, or college or state-approved day-care center. The distances under this subsection shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed marijuana establishment.
- (3) Marijuana establishments shall be located only in permanent buildings and not within trailers, cargo containers, motor vehicles or other similar nonpermanent, movable enclosures.
- (4) No marijuana establishment shall be permitted to provide a drive-through service.
- (5) Unless explicitly stated otherwise, marijuana establishments shall meet the setback requirements of § 200-7.1 and all other dimensional requirements of the appropriate district as specified in this bylaw.²⁹
- (6) Marijuana establishments shall employ odor-control technology such that no odor from any marijuana establishment can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.
- (7) Lighting at marijuana establishments shall comply with this bylaw and be shielded so as not to shed light onto adjacent properties. The Planning Board may

²⁹ Editor's Note: Amendment pending.

require any artificial lighting system to employ only LED components equipped with deflectors in order to mitigate potential light pollution.

F. Site development, permitting standards and application. In addition to the special permit requirements found in § 200-3.4 and the site plan review requirements found in § 200-3.5 of this bylaw, the following shall also apply to all marijuana establishments:

- (1) Site screening. Rear and side property lines shall be screened from any neighboring residential, educational, child care or recreational uses or properties. Screening shall be determined per site plan review.
- (2) Signs. All signs for a marijuana establishment must meet the requirements of § 200-8.4 of this bylaw and the state regulations (935 CMR 500.00 et seq.).
- (3) Buildings. Appearance of buildings for marijuana establishments shall be consistent with the appearance of other buildings in Northfield, not employing unusual color or building design which would attract attention to the premises; provided, however, that marijuana retailers are limited to 1,500 square feet of gross floor area.
- (4) Cultivation. Marijuana shall be only grown indoors in greenhouses, barns or other buildings to minimize public nuisances, including odors, noise, and lighting, to neighboring properties.
- (5) Marketing. Marijuana establishments shall not be allowed to disseminate or offer to disseminate marijuana marketing materials to minors or suffer minors to view displays or linger on the premises. No free samples may be provided by marijuana establishments to consumers.
- (6) Applications. Any applicant requesting permission to operate a marijuana establishment must file their application with the Planning Board and the Town Clerk. In addition to the information required by § 200-3.4, Special permits, the application shall also include:
 - (a) The name and address of the legal owner and licensee of the marijuana establishment;
 - (b) The name and address of all persons having lawful, equity or security interests in the marijuana establishment;
 - (c) The name and address of the manager of the licensed marijuana establishment;
 - (d) The number of proposed employees;
 - (e) Proposed security precautions;
 - (f) A detailed floor plan of the premises of the proposed marijuana establishment that identifies the square footage available and describes the functional areas of the facility.
 - (g) A site plan that includes the following information:

- [1] Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other applicable provisions of the Zoning Bylaw;
 - [2] Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 - [3] Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on-site changes;
 - [4] Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - [5] Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site;
 - [6] Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - [7] Adequacy of water supply, surface and subsurface drainage and light.
- (h) Submission of a complete list of chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Depending on the quantities proposed to be used or stored on site, the Planning Board may request that a hazardous materials management plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and cleanup procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - (i) Submission of a water management and efficiency plan. Applicants shall provide expected water usage amounts for cultivation or processing and shall address whether such amounts will impact nearby public or private drinking water supplies or other water resources in the area.
 - (j) Submission of an odor-control plan detailing the specific odor-emitting activities or processes to be conducted on site, the source of those odors, the locations from which they are emitted from the establishment, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor-control technology, including maintenance of such controls.
 - (k) Evidence that the applicant has executed a host community agreement with the Town of Northfield for the marijuana establishment.
- (7) Change in license or owner. The owner and licensee of any marijuana establishment issued a special permit under this bylaw shall report, in writing,

within 10 business days any change in the name of the legal owner of the marijuana establishment or any expiration or suspension of a license to the Building Inspector and Planning Board. Any failure to meet this requirement of this bylaw will result in the immediate issuance of a cease and desist order by the Building Inspector, ordering that all activities conducted under the special permit cease immediately.

- (8) Change of ownership. A special permit issued under this section shall lapse upon any transfer of ownership or legal interest of more than 10% or change in contractual interest in the subject premises or property. The special permit may be renewed thereafter only in accordance with this section and § 200-3.4 (special permits) and § 200-3.5 (site plan review) of this bylaw.³⁰
- (9) Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, and public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's marijuana establishment, the Planning Board may include the following conditions in any special permit granted under this section:
- (a) Hours of operation shall be required for all retail marijuana establishments.
 - (b) A security plan shall be required for all marijuana establishments, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Planning Board and updated on an annual basis.
 - (c) Marijuana establishments may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the marijuana establishment.
 - (d) A special permit may be transferred to a new owner/operator of the marijuana establishment only with the approval of the Planning Board in the form of a modification to the special permit.
 - (e) The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
 - (f) The special permit holder shall notify the Building Inspector and Planning Board, in writing, within 48 hours of the cessation of operation of the marijuana establishment or the expiration or termination of the permit holder's license with the Cannabis Control Commission.³¹
- (10) Waiver. When reviewing an application for a special permit, the Planning Board may waive any submission requirement or design guideline it determines to be unnecessary or not applicable to the review of the project, provided that the Planning Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways,

30. Editor's Note: Amendment pending.

31. Editor's Note: Amendment pending.

public infrastructure or services, or environmental or historic resources. Waiver requests shall be made by the applicant, in writing, with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of its written decision on the plan filed with the Town Clerk.

- (11) Outside consultants. The Planning Board may hire professional consultants at the applicant's expense pursuant to MGL c. 44, § 53G, to assist with review of a special permit application, provided that the procedures for hiring outside consultants are set forth in the Planning Board's rules and regulations.
- G. Expiration. A special permit to operate a marijuana establishment shall expire after a period of five calendar years from its date of issuance but shall be renewable for successive five-year periods thereafter, provided that a written request for such renewal is made to the Planning Board at least 60 calendar days prior to said expiration and further provided that no objection to said renewal is made and sustained related to compliance with the conditions of the special permit as well as public safety factors applied at the time the special permit renewal is requested.
- H. Designated number of marijuana retailers. The number of licensed marijuana retailers establishments permitted under this bylaw in the Town of Northfield shall be limited to 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138, § 15. For the purposes of determining this limit and in the event that 20% of said licenses is not a whole number, any fraction shall be rounded up to the next highest whole number.
- I. Prohibition against on-site consumption. No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a marijuana establishment unless expressly permitted under this law and permitted by state law or regulation. The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.
- J. Prohibition against nuisances. No use shall be allowed at a marijuana establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- K. Severability. The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE 10

Special District Regulations**§ 200-10.1. Floodplain Overlay District.**

- A. Purposes. The purposes of the Floodplain Overlay District are to ensure public safety by reducing threats to life and 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; eliminate costs associated with the response and cleanup of flooding conditions; and reduce damage to public and private property resulting from flooding waters.
- B. Overlay district. The Floodplain Overlay District shall be deemed to be superimposed over other districts in this Zoning Bylaw. In the event any regulations of this Floodplain Overlay District are in conflict with the regulations of any other districts, the more restrictive regulation shall govern.
- C. 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 Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.
- D. 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.
- E. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with MGL c. 131, § 40, the State Building Code, and Title V of the State Environmental Code (310 CMR 15, Title 5).
- F. 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.
- G. 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.
- H. 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 proposals.
- I. The following uses are encouraged, provided they are permitted in the underlying district, to minimize flood damage and obstructions to flood flows:

- (1) Agricultural uses, such as farming, grazing, truck farming, horticulture, etc.
 - (2) Forestry and nursery uses.
 - (3) Outdoor recreational uses, including fishing, boating, or play areas.
 - (4) Conservation of water, plants, wildlife.
 - (5) Wildlife management areas; footpaths, bicycle or horse paths.
 - (6) Temporary nonresidential structures used in connection with fishing or growing, harvesting, storage, or sale of crops raised on the premises.
 - (7) Buildings lawfully existing prior to the adoption of these provisions.
- J. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:
- (1) 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.
 - (2) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

§ 200-10.2. Water Supply Protection District.

- A. Purpose. 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 bylaw's provisions are intended to protect these resources and their recharge areas from any use of land or structures which reduces the quality or quantity of those water supplies.
- B. District boundaries. The Water Supply Protection District is an overlay district and shall be superimposed on other existing districts. The "Water Supply Protection District" is defined as all those 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 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:
- (1) Zone 1: All land within 400 horizontal feet of the Strowbridge Well.
 - (2) Zone 2: All land greater than 400 horizontal feet but less than 2,640 horizontal feet of the Strowbridge Well, per State Division of Water Supply, June 1982.
 - (3) Zone 3: Within the Wait Brook watershed, all land upgradient of the Wait Brook Well, and all land within a 400-foot radius of the well.

- (4) Zone 4: Within the Louisiana Brook watershed, all land upgradient of the East Northfield Water Company Reservoir which recharges the reservoir.
 - (5) 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.
 - (6) Zone 6: Within the Millers Brook watershed, all land upgradient and east of Capt. Beers Plain Road and north of New Plain Road.
 - (7) Zone 7: All land within an area bounded by School Street to the north, a line parallel to and 500 feet east of East Street on the west, Maple Street on the south, and Zones 5 and 6 on the east.³²
- C. 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, per MGL c. 40A, § 5.
- D. All uses and other provisions of Northfield's Zoning Bylaw 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 nonconforming uses can continue.
- E. Within the Water Supply Protection District, the following uses are prohibited:
- (1) 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; nonintensive 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.
 - (2) Zones 2 through 7:
 - (a) Manufacture or disposal of toxic or hazardous materials. Use, storage or transport of toxic or hazardous materials except for household or agricultural uses;
 - (b) Sanitary landfill, junkyard, salvage yard, road salt stockpile;

32. Editor's Note: Amendment pending.

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- (c) Trucking or bus terminals, gasoline stations, car washes, auto repair shops (including auto repair shops considered to be a home occupation);
 - (d) Business and industrial uses, not agricultural, which involve on-site disposal of process wastes;
 - (e) Underground or aboveground storage of fuel oil, gasoline or hazardous materials;
 - (f) Commercial mining of land;
 - (g) Disposal of liquid or leachable wastes other than sanitary domestic wastes or land application of manure for agricultural use;
 - (h) Outdoor storage of any hazardous substances, including pesticides, except in product-tight containers which are protected from the elements, leakage, accidental damage, and vandalism;
 - (i) Coverage of lots with impervious or semipervious materials, including driveways, paving, buildings, and structures, to a degree greater than 25% of total lot area.
- F. Site plan review, as required under § 200-3.5, shall be a prerequisite to all special permits issued in the Water Supply Protection District. Uses requiring a special permit from the Board of Appeals in Zones 2 through 7 are:³³
- (1) Replacement of an underground fuel storage system, with evidence of compliance with the provisions of 527 CMR 1.00 (Massachusetts Comprehensive Fire Safety Code).
 - (2) Business and industrial activities other than agricultural.
 - (3) Uses which generate design flow, as defined in 310 CMR 15.002, which exceeds 1,500 gallons per day.
 - (4) Installation of a septic tank, or construction of a septic tank leach field or other individual waste installation within a horizontal distance of 100 feet on each side of the center line of each and every stream.
 - (5) Construction of any building or structure intended for human residence within a horizontal distance of 100 feet on each side of the center line of each and every stream.
 - (6) 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.

§ 200-10.3. Solar Overlay District.

A. Purposes.

³³. Editor's Note: Amendment pending.

- (1) The purpose of the Solar Overlay District 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 provide adequate financial assurance for the eventual decommissioning of such installations.
 - (2) 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 bylaw.
- B. District boundaries. The Solar Overlay District is hereby established as an overlay district and shall be superimposed on other existing districts. 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:
- (1) 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).
 - (2) 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.
- C. Applicability. Large-scale ground-mounted solar photovoltaic installations that occupy no more than five 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 permitted as of right, subject to site plan review under § 200-3.5 and this section. All other proposed large-scale ground-mounted solar photovoltaic installations require a special permit and site plan review in accordance with this bylaw.
- D. Definitions. As used in this section, the following terms shall have the meanings indicated:
- 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.
- AS-OF-RIGHT SITING** — 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 bylaw, including this section, cannot be prohibited, but can be reasonably regulated by the Building Inspector.³⁴

BUILDING INSPECTOR — The person designated by § 200-3.1A of this bylaw and charged with the enforcement of the bylaw.

BUILDING PERMIT — A construction permit issued by the Building Inspector; the building permit evidences that the project is compliant with the state and federal building codes as well as this bylaw.

DESIGNATED LOCATION — The locations designated by the Solar Overlay District described in Subsection B of this section, 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 this section and § 200-3.5.

SOLAR PHOTOVOLTAIC ARRAY — An arrangement of solar photovoltaic panels.

- E. 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:
- (1) Compliance with laws 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.
 - (2) Building permit. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed, or modified without first obtaining a building permit.
 - (3) 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.
 - (4) Site plan review. Large-scale ground-mounted solar photovoltaic installations shall be subject to site plan review by the Planning Board in accordance with this section and § 200-3.5 prior to construction, installation, or modification. Site plan submission requirements and procedures shall be in accordance with the Planning Board's rules and regulations.

³⁴. Editor's Note: Amendment pending.

- (5) 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 five-acre maximum specified in this bylaw. The height of a large-scale ground-mounted solar photovoltaic installation or any appurtenant structure shall not exceed 20 feet.
- (6) 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.
- (7) Design and performance standards.
 - (a) 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 cutoff fixtures to reduce light pollution.
 - (b) Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with § 200-8.4 of this bylaw. A sign consistent with the bylaw shall be required to identify the owner and provide a twenty-four-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.
 - (c) 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 the ground if required by the utility provider.
 - (d) Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources.
 - (e) 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.
 - (f) 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.

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

(h) Safety and environmental standards.

[1] 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.

[2] 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 bylaw.

F. Monitoring, maintenance, and reporting.

(1) 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.

(2) 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.

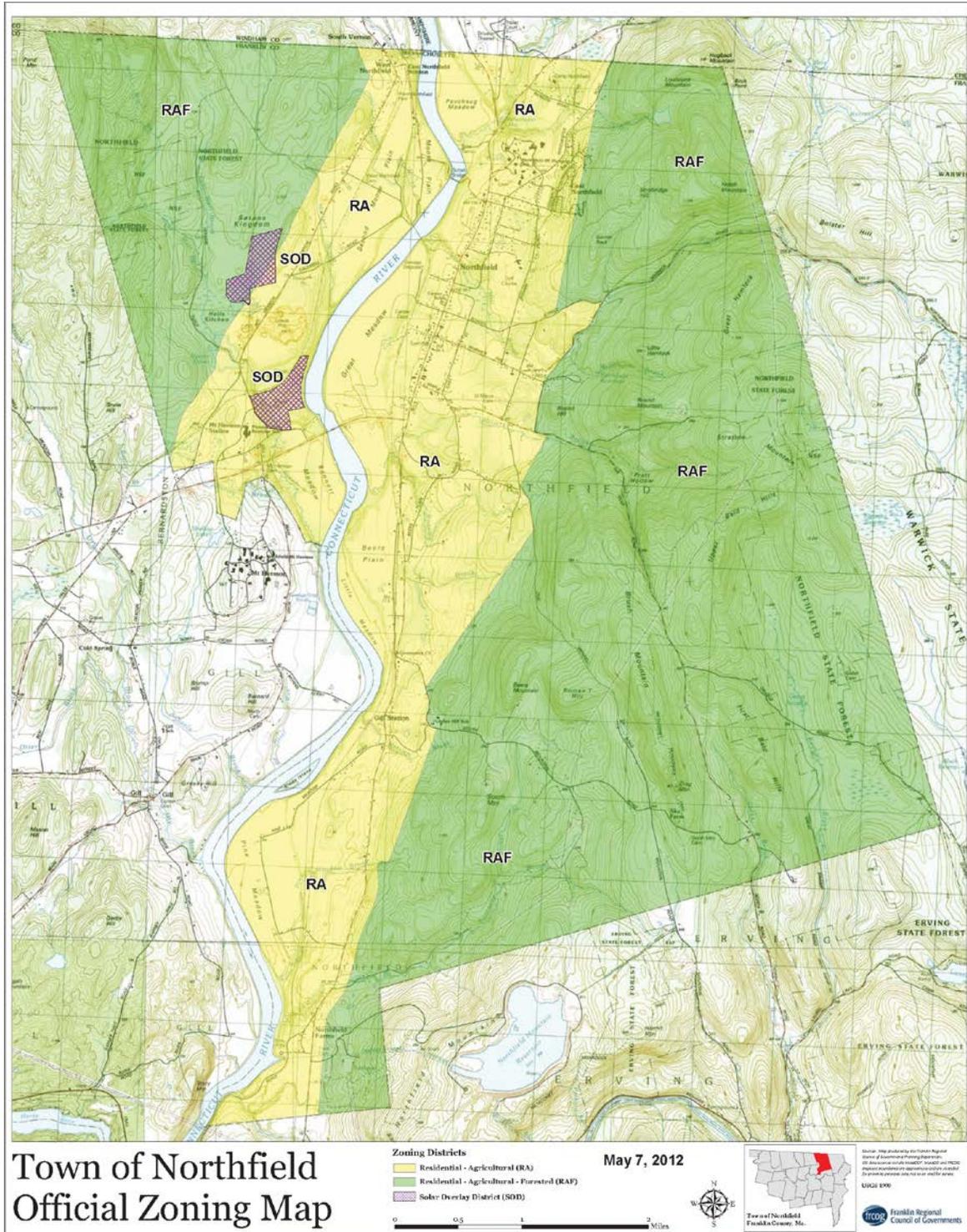
(3) Annual reporting. The owner or operator of the installation shall submit an annual report which certifies compliance with the requirements of this bylaw and the approved site plan, including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide 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 Inspector, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

G. Abandonment or decommissioning.

- (1) 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 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.
 - (2) Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installation structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or revegetation 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.
 - (3) Abandonment.
 - (a) 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.
 - (b) 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 MGL c. 139, § 3A, as a tax lien on the property.
- H. 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% 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.

ZONING

200 Attachment 1

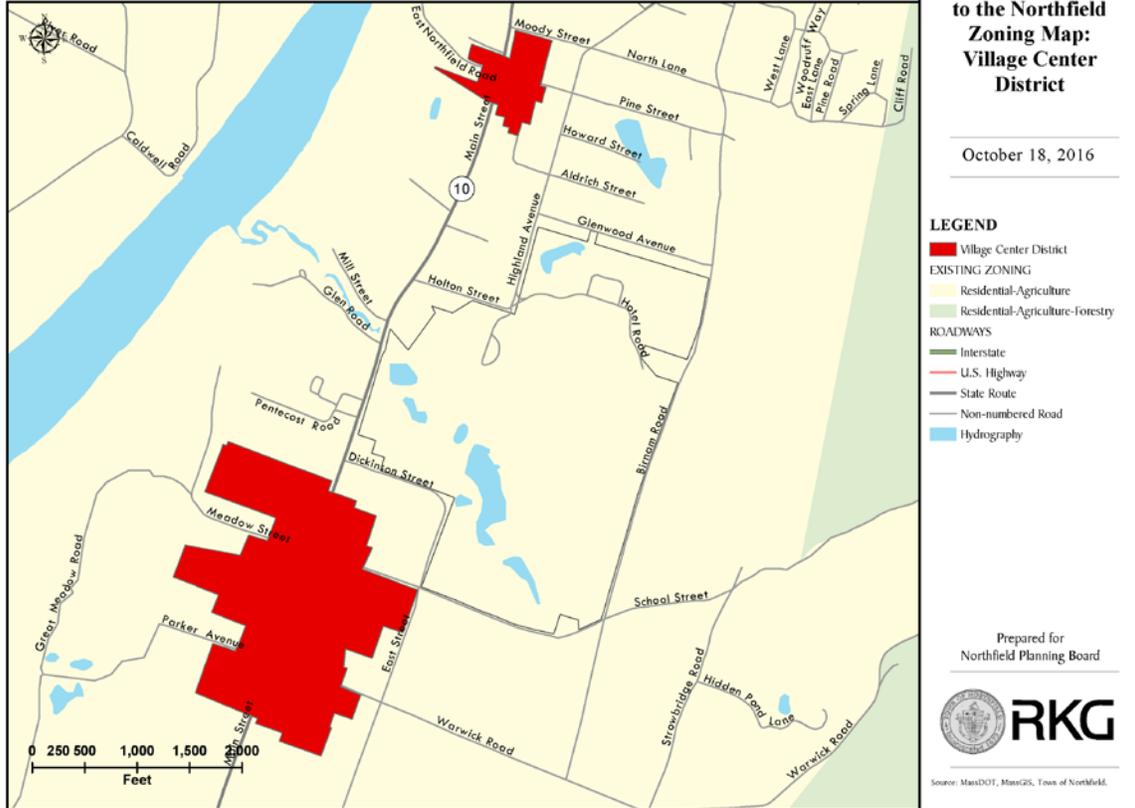


ZONING

200 Attachment 2

Town of Northfield

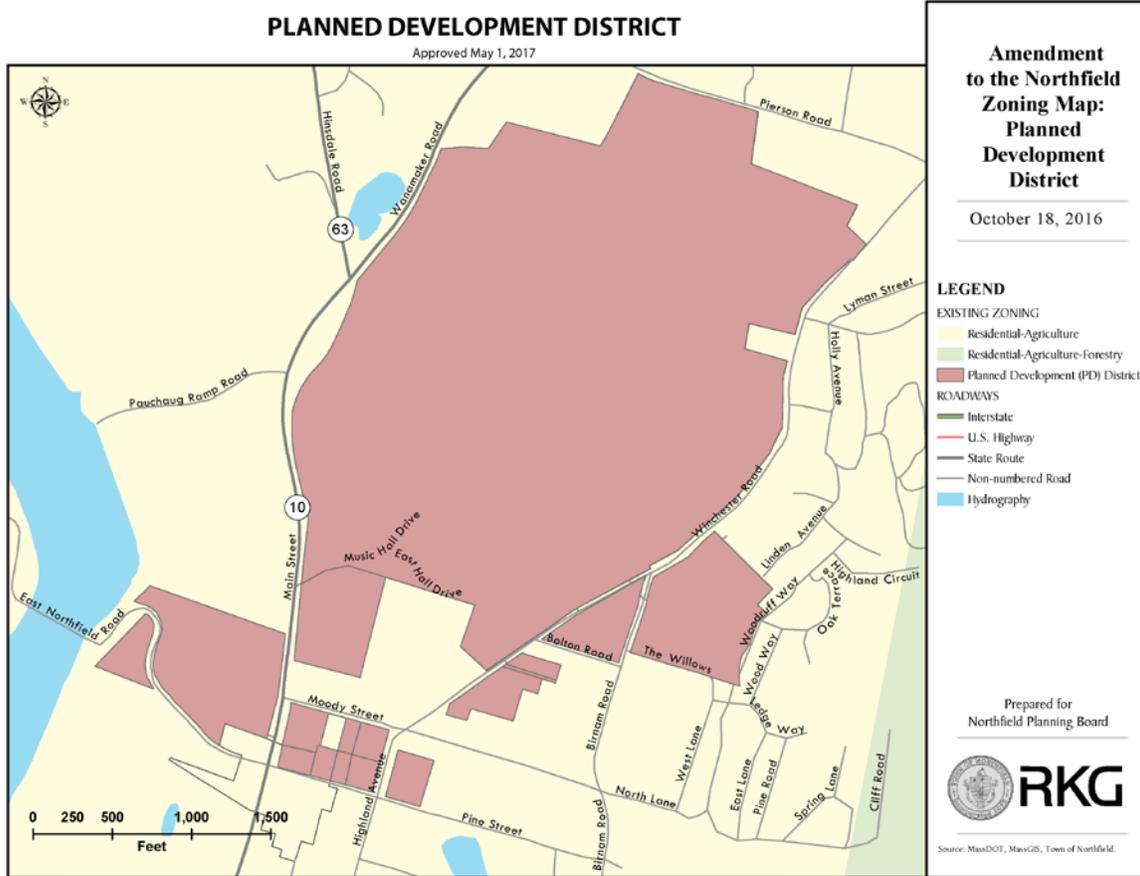
Village Center District (Proposed)



ZONING

200 Attachment 3

Town of Northfield



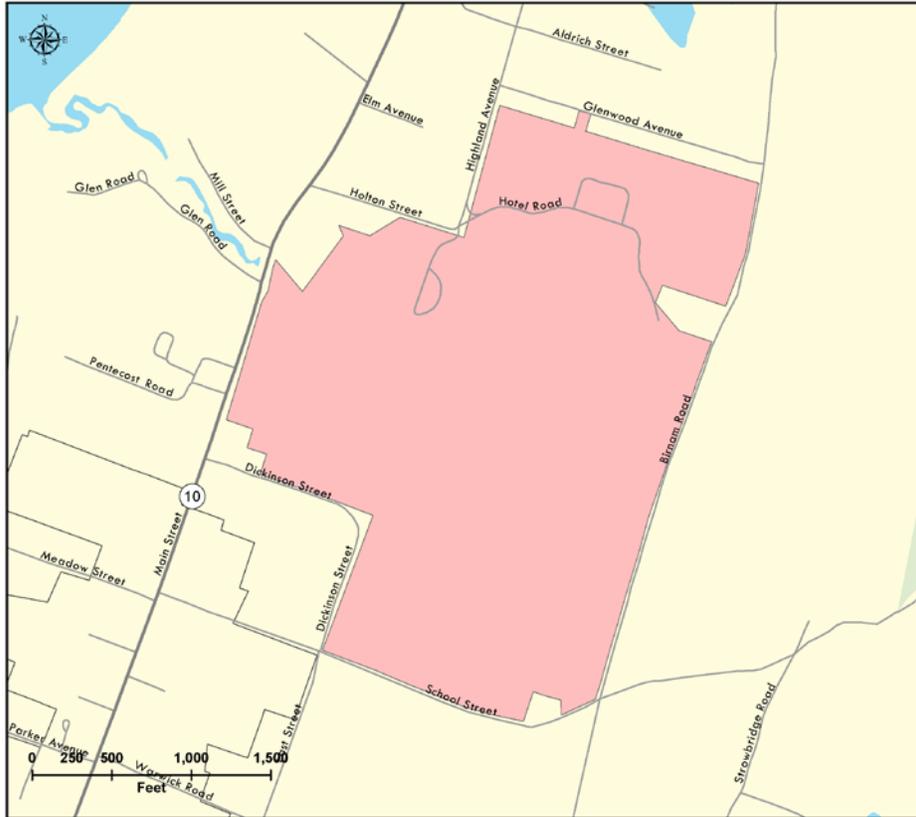
ZONING

200 Attachment 4

Town of Northfield

RECREATIONAL TOURISM DISTRICT (Area 1)

Adopted May 1, 2017



**Amendment
to the Northfield
Zoning Map:
Recreational
Tourism District**

October 18, 2016

LEGEND

- Recreational tourism
- EXISTING ZONING
- Residential-Agriculture
- Residential-Agriculture-Forestry
- ROADWAYS
- Interstate
- U.S. Highway
- State Route
- Non-numbered Road
- Hydrography

Prepared for
Northfield Planning Board



Source: MassDOT, MassGIS, Town of Northfield.

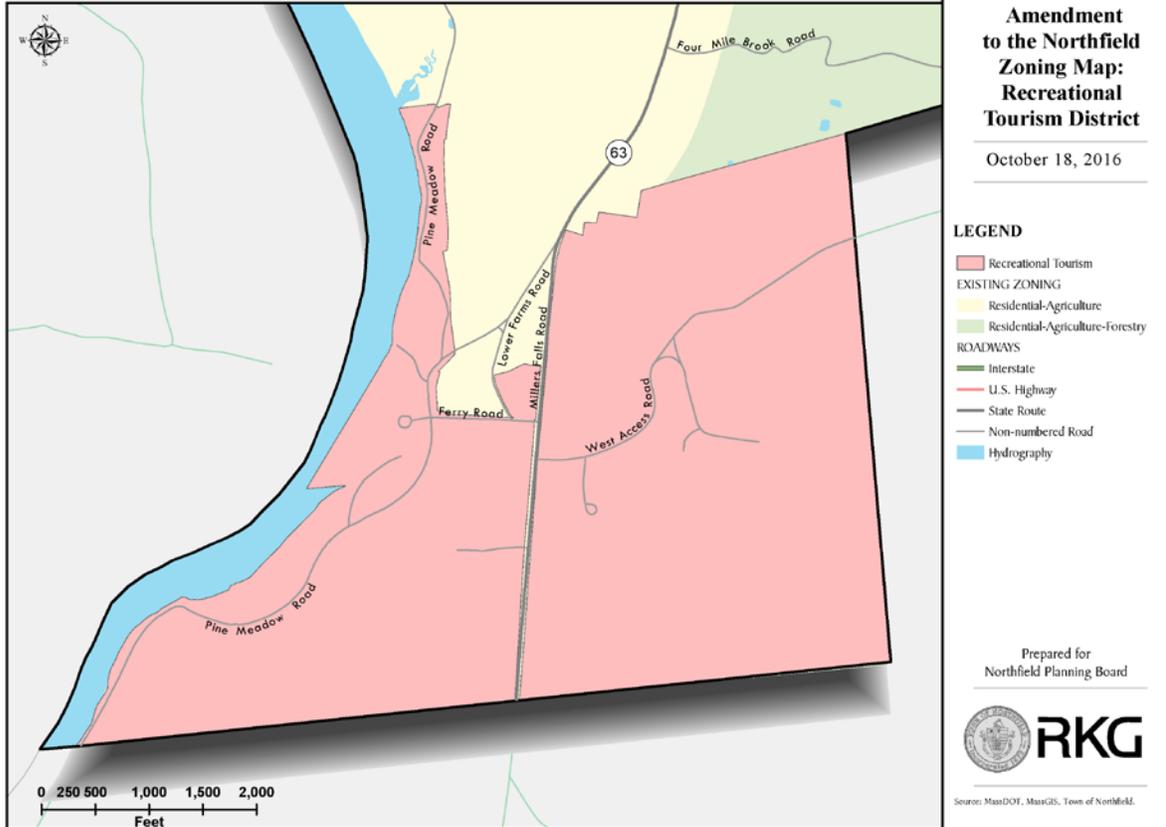
ZONING

200 Attachment 5

Town of Northfield

RECREATIONAL TOURISM DISTRICT (Area 2)

Adopted May 1, 2017



PART III

PLANNING BOARD REGULATIONS

Chapter 304

APPLICATION REVIEW FEES

§ 304-1. Use of outside consultants; review fee to cover costs.

§ 304-3. Use of review fees; refund of excess fees.

§ 304-2. Special account.

§ 304-4. Administrative appeal.

[HISTORY: Adopted by the Planning Board of the Town of Northfield. Amendments noted where applicable.]

§ 304-1. Use of outside consultants; review fee to cover costs.

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. 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.

§ 304-2. Special account.

Funds received by the Board pursuant to § 304-1 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 direction 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.

§ 304-3. Use of review fees; refund of excess fees.

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.

§ 304-4. Administrative appeal.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Selectboard. 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 an 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 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 Selectboard within one month following the filing of the appeal, the selection made by the Board shall stand.

Chapter 315
SUBDIVISION OF LAND

ARTICLE 1
General Provisions

- § 315-1.1. Purpose.
- § 315-1.2. Authority.
- § 315-1.3. Severability.
- § 315-1.4. Applicability.
- § 315-1.5. Conformity.
- § 315-1.6. Dwellings per lot.
- § 315-1.7. Fee schedule.

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Definitions

- § 315-2.1. Definitions.

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- § 315-3.1. Plan believed not to require approval (ANR).
- § 315-3.2. Preliminary plan submission.
- § 315-3.3. Preliminary plan contents.
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§ 315-1.1

NORTHFIELD CODE

§ 315-1.1

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ARTICLE 7

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§ 315-6.18. Final cleanup.

§ 315-6.19. Expense.

§ 315-6.20. Inspection.

[HISTORY: Adopted by the Planning Board of the Town of Northfield 4-25-1973; amended 11-12-1992. Subsequent amendments noted where applicable.]

ARTICLE 1
General Provisions

§ 315-1.1. Purpose.

The Subdivision Control Law¹ has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is put into effect by regulating the laying out and construction of ways with subdivisions that provide access to lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions, and in proper cases parks and open areas. The powers of the Planning Board under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment; for providing streetlighting where necessary in a subdivision; for coordinating the ways within a subdivision with each other and with the public ways in the city or town in which it is located, and with the ways in neighboring subdivisions; and for protecting the rural character of the Town.

1. Editor's Note: See MGL c. 41, § 81K et seq.

§ 315-1.2. Authority.

The Northfield Planning Board hereby changes and amends the Northfield Subdivision Regulations which were adopted April 25, 1973, and herewith adopts as the Northfield Subdivision Regulations §§ 315-1.1 through 315-9.1 herein, under the authority of MGL c. 41, § 81Q.

§ 315-1.3. Severability.

If any word, clause, paragraph, sentence or provision of these regulations shall be adjudged not valid, that adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

§ 315-1.4. Applicability.

No person shall make a subdivision of any land in Northfield, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been approved and endorsed by the Planning Board.

§ 315-1.5. Conformity.

No subdivision plan shall be approved unless it is in conformity with the Northfield Zoning Bylaw.²

§ 315-1.6. Dwellings per lot.

Not more than one building designed or available for dwelling purposes shall be erected, or placed, or converted to use as such on any lot in a subdivision without the consent of the Planning Board, and such consent will be conditional on the providing of adequate ways furnishing access to each building site in the same manner as otherwise required for lots in a subdivision.

§ 315-1.7. Fee schedule.

- A. Filing fees: \$25 per lot on a preliminary plan, \$100 per lot on a definitive plan; if no preliminary plan is filed, then the fee is \$250 per lot on a definitive plan; the filing fee shall be in the form of a certified check or money order, made payable to the "Town of Northfield," or written evidence that said fee has been paid to the Town Clerk.
- B. Consulting fees: up to 3% of the gross cost of the road construction, unless the project involves wetlands, then up to 6%.

2. Editor's Note: See Ch. 200, Zoning.

ARTICLE 2

Definitions**§ 315-2.1. Definitions.**

In construing these regulations, the definitions in MGL c. 41, § 81L, shall apply (unless a contrary intention clearly appears). In addition, the following words shall have following meanings:

APPLICANT — The person who applies for the approval of a plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. If an agent, representative or his/her assigns act for an owner, they must submit a properly executed power of attorney or other written evidence acceptable to the Board. In the case of a general or limited partnership, all partners must join in the application and must submit documentation of the legal existence of the partnership and its authority to do business in Massachusetts. In the case of a trust, all trustees must join in the application and submit documentation of the legal existence of the trust and its authority to do business in Massachusetts. In the case of a corporation, the application shall be made by the president and shall be accompanied by a list of all officers and directors, plus documentation of the legal existence of the corporation and its authority to do business in Massachusetts. An attorney acting on behalf of any applicant shall be licensed to practice law in Massachusetts and shall submit a written statement of representations.

BASIC REQUIREMENTS — No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, and subsequently recorded at the Franklin County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court.

BOARD or PLANNING BOARD — The Planning Board of the Town of Northfield, Massachusetts.

BUILDING — A dwelling, shed, garage or other structure, not to be interpreted as a sewer, water or other utility line.

CLASS OF SUBDIVISIONS —

- A. **CLASS 1 SUBDIVISION** — A subdivision of more than 10 lots.
- B. **CLASS 2 SUBDIVISION** — A subdivision of four to 10 lots.
- C. **CLASS 3 SUBDIVISION** — A subdivision of three lots or fewer.

CONSULTANTS or CONSULTING SERVICES — Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

DEFINITIVE PLAN — A map of a proposed subdivision, acetate overlays, together with all other forms, documents, drawings, information, filing fees, and reimbursement payments required by these regulations, submitted to the Planning Board for its approval.

§ 315-2.1

SUBDIVISION OF LAND

§ 315-2.1

FLEXIBLE DEVELOPMENT — Flexible development is allowed in Northfield. See Article 9 of the Zoning Bylaw of Northfield, Massachusetts.³

LIMITED REQUIREMENTS PROVISION — A provision whereby the Board may make requirements for a Class 2 or a Class 3 subdivision less demanding than for a Class 1 subdivision by means of a special waiver described in § 315-9.1 herein. To qualify for the limited requirements provision, the proposed subdivision must meet all of the following conditions:

- A. The subdivision must not be contiguous with property subdivided within the past five years and now or previously in common ownership.
- B. The definitive plan for the subdivision must contain or refer to covenants that no additional lots will be created within the subdivision or on land in the same ownership for five years from date of endorsement of approval if such land is contiguous with the subdivision.

OWNER — The owner of record as shown by the records in the Franklin County Registry of Deeds or the Land Court.

STATE CONSTRUCTION STANDARDS; MASS. DOT CONSTRUCTION STANDARDS — These specifications are published by the Massachusetts Department of Transportation. They are titled "Standard Specifications for Highways and Bridges" and include all supplements, updates, revisions or future editions covering substantially the same subject matter. All matters left open or undetermined by these specifications shall be specified by the Board on a case-by-case basis.

SUBDIVISION —

- A. The division of land into two or more lots so as to create a lot or lots which do not have the required frontage on:
 - (1) A public way, or a way which the Town Clerk certifies is maintained or used as a public way; or
 - (2) A way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law; or
 - (3) A way in existence when the Subdivision Control Law became effective in Northfield having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such lots and the buildings erected or to be erected thereon.
- B. The following two cases shall not constitute a subdivision:
 - (1) Conveyances or other instruments changing the size and shape of lots in such a manner as not to leave any lot so affected without required frontage; and

³ Editor's Note: See Ch. 200, Zoning, Art. 9, Special Regulations.

§ 315-2.1

NORTHFIELD CODE

§ 315-3.1

- (2) The division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in Northfield into separate lots, on each of which one of such buildings remains standing.

SUBDIVISION CONTROL LAW — General Laws of Massachusetts, Chapter 41, §§ 81K through 81GG, as amended.

SUBDIVISION STREETS —

- A. MAJOR STREET — A street which collects or may reasonably be expected to collect traffic from several secondary or minor streets, or which handles traffic equivalent to that generated by 50 dwelling units or more, or which serves commercial or industrial abutting property in Northfield or abutting towns.
- B. SECONDARY STREET — A street that carries traffic generated by fewer than 50 dwelling units and no traffic serving commercial or industrial property in Northfield or abutting towns.
- C. MINOR STREET — A street that carries traffic generated by 10 or fewer dwelling units and no traffic serving nonresidential abutting property.
- D. DEAD-END STREET/CUL-DE-SAC — A public or private vehicular right-of-way which affords the principal means of access to property and which joins another thoroughfare at only one end. Any such thoroughfare which joins or intersects a dead-end street/cul-de-sac shall have adequate access at both ends from a Town, county or state public way adjacent to the subdivision.

ARTICLE 3

Plan Procedures

§ 315-3.1. Plan believed not to require approval (ANR).

- A. Any person who wishes to cause to be recorded in the Registry of Deeds, or to be filed with the Land Court, a plan of land, and who believes that his/her plan does not require approval under the Subdivision Control Law will submit to the Planning Board at a regularly scheduled monthly meeting the following:
- (1) A reproducible original and two copies of his/her plan, two copies to be kept by the Board.
 - (2) Filing fee in the amount of \$30 for one lot, \$15 for each additional lot shown on the plan; the filing fee shall be in the form of a certified check or money order, made payable to "Town of Northfield"; or written evidence that said filing fee has been paid to the Town Clerk. An ANR that does not create any additional lots shall have a filing fee of \$15.
 - (3) Application Form A, appended hereto, signed by the applicant and providing all information requested.⁴

4. Editor's Note: Planning Board Form A - ANR is available on the Town's website at northfieldma.gov/files.

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- (4) All supporting evidence necessary to show that the plan does not require approval.
- B. If the Board determines that the plan does not require approval, it shall within 21 days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." Said endorsement shall be signed by a majority of the Planning Board. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within 21 days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Board shall give written notice of its determination to the Town Clerk. Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the Northfield Zoning Bylaw.⁵ If, in the judgement of the Board, consulting services are necessary or appropriate, the applicant shall reimburse the Town for the full cost of such services prior to the endorsement of the plan, not to exceed \$500 per lot unless extraordinary circumstances prevail, in which case the applicant will be notified before more money is spent. Where the physical condition or width of a public way from which the lots shown on the plan have their access is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law.⁶
- C. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the applicant of its action within 21 days after its submission, the plan is automatically deemed not a subdivision plan, and the Town Clerk may so certify.

§ 315-3.2. Preliminary plan submission.

- A. It is strongly recommended that a preliminary plan be filed for every subdivision, as such a plan will enable the applicant, the Board and other Town officials, and the owners of property abutting the proposed subdivision to discuss and clarify the problems of the subdivision before a definitive plan is prepared. Plans will be submitted at a regularly scheduled monthly meeting. An applicant submitting a preliminary plan shall furnish the Board with the original of the plan and four copies and submit one copy to the Board of Health. In the case of a nonresidential subdivision, a preliminary plan is required.⁷
- B. Filing fees. See § 315-1.7A.

5. Editor's Note: See Ch. 200, Zoning.

6. Editor's Note: Amendment pending.

7. Editor's Note: Amendment pending.

§ 315-3.3. Preliminary plan contents.

A preliminary plan shall be in a scale of one inch to 40 feet or other such scale as the Board approves, and shall include the following data:

- A. Subdivision name, boundaries, North point, date, scale, legend, location map and the title "Preliminary Plan."
- B. Name of the owner of record, applicant, and the engineer or the surveyor.
- C. Names of all abutters, as determined by the most recent tax list.
- D. Existing and proposed lines of streets, ways, easements, and any public areas within the proposed subdivision in a general manner.
- E. Proposed system of drainage, including adjacent natural waterways, in a general manner.
- F. One copy of a preliminary development impact statement (DIS) addressing potential areas of concern.
- G. Approximate boundary lines of proposed lots with the approximate areas and dimensions.
- H. Names, approximate location, and widths of adjacent streets.
- I. Topography of the land in a general manner.
- J. Location map at a scale of one inch equals one mile.

§ 315-3.4. Preliminary plan approval or disapproval.

Within 45 days of submission of a preliminary plan, the Board shall notify the applicant and Town Clerk by delivery or registered mail either that the plan has been approved, or that the plan has been approved with modifications suggested by the Board and agreed upon by the applicant, or that the plan has been disapproved. 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. Such approval does not constitute approval of the proposed subdivision, but does facilitate the procedure of securing approval of the definitive plan.

§ 315-3.5. Definitive plan submission.

- A. A definitive plan shall be submitted when delivered at a regularly scheduled monthly meeting of the Board. The Town Subdivision Regulations and the Town Zoning Bylaw in effect at the time of submission of the preliminary plan shall govern the definitive plan if it is duly submitted within seven months.
- B. Filing fees. See § 315-1.7A.

- C. The applicant shall submit original drawing of the definitive plan and eight contact prints, dark lines on white background along with Form C. *The applicant shall submit one copy to the Board of Health. A certification, giving the date the actual survey was made on the ground, and that such was made in accordance with applicable Northfield Subdivision Regulations, shall be submitted. All plans shall be stamped and signed by a registered land surveyor if surveying information is shown, and also by a registered professional engineer if the plan shows the design of the road pavements, water pipes, sewerage or other utilities.º

§ 315-3.6. Definitive plan contents.

The definitive plan shall be clearly drawn on tracing cloth, in black India ink or equivalent, in a scale of one inch to 40 feet or other such scale as the Board may approve, and shall show details clearly and adequately. Sheet sizes shall be 13 inches by 24 inches or 24 inches by 36 inches, with a three-quarter-inch minimum border. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Information to be shown on a separate sheet is marked below with an asterisk. The definitive plan shall show the following:

- A. Subdivision name, boundaries, North point, date, scale, bench mark and datum. All elevations shall refer to the U.S. Coast and Geodetic Survey mean sea level datum.
- B. Registry book and page number of record owner. Names, addresses and telephone numbers of record owner, applicant, surveyor and/or engineer.
- C. Names and addresses of all abutters as they appear on the most recent tax list.
- D. Existing and proposed lines of streets, ways, lots, easements, waterways and public or common areas within the subdivision. The proposed street names shall be shown in pencil until they have been approved by the Board.
- E. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest Town, county or state monument on an existing way. Monuments at all points of curvature and changes of direction of street side lines, or where designated by the Board.
- F. Location, names and present width of streets bounding or approaching the subdivision.
- G. Suitable space to record the action of the Board.
- H. Lengths, radii and central angles of all curves in lot adjoining land of applicant not included in the subdivision.
- I. Areas of lots with lot numbers and areas of other adjoining land of applicant not included in the subdivision.
- J. *Any storm drainage system, existing or proposed, shall be shown on a separate sheet. Drainage calculations, prepared by the applicant's engineer, shall include design criteria, drainage area(s) and all information necessary to enable the Board to check the size of

8. Editor's Note: Subdivision Application Form C is available on the Town's website at northfieldma.gov/files.

9. Editor's Note: Amendment pending.

any proposed drain, culvert or bridge. The plan shall show invert and rim elevations of all manholes and catch basins within the subdivision at 100-foot intervals. Surface elevation and approximate depth of water shall be given for manholes, catch basins and at any point where a drainage structure discharges into a waterway. (See § 315-6.10.)

- K. Six copies of development impact statement (DIS), if required.
- L. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line, and to reproduce same on the ground. All bearings to be referred to true meridian where necessary.
- M. *When the subdivision will include a sewer system, it shall be shown on a separate plan in three copies which shall include invert elevations, profile plans, locations of manholes and material specifications.
- N. Location and results of soil tests as required by the Board of Health if individual sewage disposal systems are proposed. These soil tests, where required, shall be made on each lot within the subdivision by and at the expense of the subdivider, and shall be made in accordance with Northfield Board of Health rules and the State Sanitary Code, as applicable.
- O. *Location plan showing the placement of the subdivision in Town, in a scale of one inch to one mile.
- P. Watercourses, marshes, floodplains, wetland resource areas, rock outcroppings, trees of over 20 inches in diameter, and other significant natural and historical features.
- Q. *Location of all the following improvements: street paving, all utilities, gutters, storm drainage lines, all easements, and fire hydrants (if any), on a separate sheet.
- R. A legend denoting any signs and symbols used on the plan and not otherwise explained.
- S. *To enable the Board to make a sound determination of the prospective character of the proposed subdivision and to establish the extent of municipal services and other installations which would be required therein, the subdivider shall furnish the Board at the time of submission of definitive plan a statement on a separate sheet, with three copies thereof, detailing the number and location of existing and proposed buildings within the subdivision, and the number of dwelling units therein.
- T. A plan for a subdivision of land covered by an existing plan shall show clearly the area or areas which are being replotted and shall show the file numbers and dates of filing of previous plans in the same area.

§ 315-3.7. Proposed streets.

Profiles and cross sections of proposed streets shall be drawn on a separate sheet and shall show the following:

- A. A horizontal scale of one inch to 40 feet.
- B. A vertical scale of one inch to four feet.

- C. Existing and proposed topography at two-foot contour intervals, or such intervals as the Board may require.
- D. Existing and proposed center lines and sidelines, with elevations shown every 50 feet, except that in vertical curves, elevations shall be shown at twenty-five-foot stations and at PVC and PVT.
- E. All existing intersecting walks and driveways shown on both sides.
- F. All elevations will refer to U.S. Coast and Geodetic Survey mean sea level datum.
- G. Rates of gradient.
- H. Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances, if any.
- I. Location of waterlines, drainage lines and other utilities as well as required new waterways. Sizes and materials of all pipes shall be shown, as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole and catch basin. Cross sections shall show cuts, fills, subgrade, finished surface, shoulders, curbs, berms, gutters and slopes.

§ 315-3.8. Review by Board of Health.

The Board of Health shall report to the Planning Board, in writing, within 45 days of original submission approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to public health, and include such findings and reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof, and shall send a copy of the report to the applicant.

§ 315-3.9. Review by other officials.

Upon submission of a definitive plan, the Board shall transmit for review one copy each to the Selectboard, Fire Department, Superintendent of Roads, Sewer Commission, Conservation Commission, and appropriate water district or company, if any.

§ 315-3.10. Public hearing.

Before approval of the definitive plan is given, a public hearing shall be held before the Board. Notice of such hearing shall be given by the Board by advertisement in a newspaper of general circulation in the Town of Northfield once in each of two successive weeks, the first publication being not less than 14 days prior to such hearing. A copy of said notice shall be mailed to the applicant and to owners of land abutting upon the proposed subdivision as appearing in the most recent tax list.

§ 315-3.11. Planning Board decision on definitive plan.

Within 90 days of submission of a definitive plan (if a preliminary plan has not been submitted, 135 days), the Board shall notify the Town Clerk and the applicant by delivery or by registered mail of its action, unless the applicant requests an extension of time and such request is granted by the Board. Failure of the Board to take such action and/or make such notification within the period specified shall be deemed an approval of the plan. The action of the Board with respect to such plan shall be by vote of the majority of the Board.

- A. Approval. Approval, or modification and approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board after 20 days, provided that no notice of appeal has been filed with the Town Clerk and an acceptable performance guarantee has been provided by the applicant.
- B. Disapproval. If the Board disapproves the definitive plan, it shall state in detail wherein the plan does not conform to the Northfield Subdivision Regulations, or the Subdivision Control Law, or the recommendations of the Board of Health, and shall revoke its disapproval and approve a plan which, as amended, conforms to such regulation, law or recommendation.
- C. Town acceptance of street. Approval of the definitive plan does not constitute the laying out or acceptance by the Town of Northfield of streets within a subdivision, which action is reserved to the Town Meeting.

§ 315-3.12. Appeal.

Appeal of a decision of the Board may be made to the Superior Court, in accordance with MGL c. 41, § 81BB.

§ 315-3.13. Conditions for rescinding approval of definitive plan.

Among the conditions under which the Board may rescind approval of a definitive plan are the following:

- A. Material misrepresentation of facts in securing approval of a plan, whether willful or otherwise.
- B. Failure of the subdivider to record the definitive plan, and related documents that require recording, and provide the Board with a receipt within six months of endorsement of the plan.
- C. Failure of the subdivider to commence required construction within a period of two years from the date of endorsement of approval of a plan.

ARTICLE 4

Performance Guarantee**§ 315-4.1. Method.**

Before the endorsement of approval on a definitive plan, the applicant shall either file a performance bond or deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Article 6 herein, plus a 10% contingency factor; or follow the procedure outlined in Subsection B below; or in part by one and in part by the other, which may from time to time be varied by the applicant.

- A. Approval with bonds or surety. The applicant shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified herein not covered by a covenant under Subsection B below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent upon the completion of such improvements within two years of the date of the bond.
- B. Approval with a covenant. Instead of filing a bond or depositing security, the applicant may request endorsement of approval on the definitive plan on condition that a covenant running with the land has been inscribed on the plan, or a separate instrument referred to on the plan, and has been duly executed and recorded in accordance with MGL c. 41, § 81U. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements required in these regulations have been completed and approved as hereinafter provided. (See § 315-3.13B.)

§ 315-4.2. Reduction.

The penal sum of a bond or deposit held under § 315-4.1A above may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to covenant may be required.

§ 315-4.3. Release.

Upon completion of the improvements required under Article 6 herein, the subdivider shall send by registered mail to the Town Clerk and Planning Board a written statement that the said improvements have been completed in accordance with the requirements of Article 6 herein and that all costs due the Town of Northfield by the subdivider have been paid as required, and that the definitive plan and all related instruments which require recording have been recorded at the Franklin County Registry of Deeds. If the Board determines that said improvements have been completed as required, and that all costs due the Town have been paid, and recording requirements have been met, it shall release the interest of the Town in such bond or deposit to the person who furnished same or, in the case of a covenant, release the covenant in a form suitable for recording.

§ 315-4.4. Release withheld.

If the Board determines that any requirements have not been completed, it shall so advise the subdivider within 45 days by registered mail (along with a copy to the Town Clerk) and shall withhold release of any bond, deposit or covenant. If the Board fails to so advise the subdivider within 45 days after receipt by the Town Clerk of the completion of notice of the subdivider, all obligations under any bond shall cease and terminate by operation of law, and the deposit shall be returned, and any covenant shall become void.

ARTICLE 5
Design Standards

§ 315-5.1. Street arrangement.

The proposed streets shall be considered in their relation to existing and planned streets, to topographical and geologic conditions, and to public convenience and safety. They shall provide for:

- A. Appropriate continuation of existing major and secondary streets.
- B. Extension of major and secondary streets into adjoining land.
- C. Discouragement of through traffic on residential streets.
- D. Maximum attractiveness, livability and amenity of the subdivision.

§ 315-5.2. Street alignment.

- A. Street jogs with center line offsets of less than 125 feet shall be avoided.
- B. Streets shall be laid out to intersect as nearly as possible at right angles, but in no case shall such intersection be less than 60°.
- C. A four-way intersection shall be the maximum intersection permitted within any subdivision.
- D. Streets shall be located centrally within the street right-of-way unless approved by the Board.
- E. Intersections of streets will not normally be permitted at intervals of less than 300 feet.

§ 315-5.3. Street setback.

Where a proposed street runs parallel to a side line of adjacent property, the Board may require a right-of-way setback from the side line of 25 feet.

§ 315-5.4. Street grade.

A street grade of more than 8% shall not be permitted, except where unusual topographic conditions exist, and only after the Board has given its approval. The center line grade for any street shall not be less than 6/10 of 1%.

§ 315-5.5. Street dimensions.

The following dimensions shall apply to streets in residential subdivisions. The Board may increase these dimensions for business or industrial subdivisions.

	Right-of-Way (feet)	Street Width (feet)	Center-Line Radius (feet)	Curb Radius (feet)
Major street	60	24	500	30
Secondary street	60	20	300	30
Minor street	50	20	100	20

§ 315-5.6. Minimum sight distance.

	Design Speed (miles per hour)		
	30	40	50
Stopping distance (feet)	200	275	350

[Reference – American Association of State Highway and Transportation Officials (AASHTO)]

§ 315-5.7. Dead-end streets.

No dead-end street shall exceed 800 feet in length. The maximum number of lots, or potential lots, fronting on a dead-end street shall be eight. All dead-end streets shall have a turnaround at the end of the street and such turnaround shall have a right-of-way radius of not less than 55 feet, and a roadway radius of not less than 45 feet, but in the instance of unusual topography, the Board may approve a suitable L- or T-turnaround.

§ 315-5.8. Half streets.

Half streets are prohibited. A "half street" is a portion of a street running astride a common boundary line, said portion being within a subdivision under construction.

§ 315-5.9. Reserve strips.

Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where such strips shall be in the public interest.

§ 315-5.10. Sewage disposal.

- A. Sewers. All specifications for design and materials of sewer installation within any subdivision shall be equal to or better than the specifications of the Northfield Sewer Commission.
- B. Septic systems. All specifications for design and materials for on-site subsurface disposal systems, within any subdivision, shall be equal to the specifications of the Northfield Board of Health.

§ 315-5.11. Watercourses.

The displacement of streams or watercourses from their natural courses and/or into open or covered culverts shall be permitted only with the approval of the Northfield Conservation Commission and the state Department of Environmental Protection.

§ 315-5.12. Utilities.

All utilities shall be placed underground. Utility easements should generally follow lot lines, and shall not be less than 20 feet in width. Installations within the easement shall be as close to the easement center line as is practical.

§ 315-5.13. Open space and parks.

- A. In Class 1 subdivisions, areas for open space, parks and/or playgrounds may be required to be set aside in accordance with MGL c. 41, § 81U. Such areas shall be of reasonable size in relation to the area of land being subdivided. If this land is not conveyed to the Town by sale or gift within three years after approval of the definitive plan, then such land may be incorporated into a subsequent subdivision, and until the time of such determination, no building or structure shall be erected on such open space, park or playground without the approval of the Board.
- B. Any such open space, park or playground shall provide at least 60 feet of continuous frontage on a street, and pedestrian ways normally will be required to provide access from each of the surrounding streets, if any, to which the open space, park or playground has no frontage.

§ 315-5.14. Protection of natural features.

- A. General. All features such as scenic points, historic sites and similar community assets shall be preserved.

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- B. Topsoil. Topsoil removed during the course of construction shall be redistributed and supplemented, if necessary, so as to provide not less than four inches of cover to all areas of the subdivision disturbed, and shall be stabilized by seeding or planting in the manner described in § 315-6.11 herein. (See Chapter 200, Zoning, § 200-8.1, Principles of rural design.)
- C. Wetlands. If a proposed subdivision is adjacent to or includes within its bounds any wetland, floodplain or inland water, the attention of the applicant is directed to Chapters 782 and 784 of the Acts of 1972 (MGL c. 131, §§ 40A and 40, respectively). Further, any person planning to remove, fill or dredge any bank, flat, marsh, meadow or swamp bordering any inland waterway shall give written notice of his intent to the Northfield Conservation Commission and to the State Department of Environmental Protection.
- D. Trees. The subdivider shall give special consideration to the layout of lots and the position of dwellings on the lots to ensure that large, existing trees intended for preservation are protected during the process of grading lots and construction of streets.

ARTICLE 6

Required Improvements**§ 315-6.1. Street clearing.**

Unless otherwise required by the Board, the entire street width, shoulders and embankments shall be cleared of all stumps, roots, brush and boulders, and all trees not intended for preservation.

§ 315-6.2. Street subgrade.

- A. All existing material shall be removed to a depth of at least 15 inches below finished grade for the width of major and secondary streets, and to a depth of at least 10 inches for minor streets, except when the existing material is acceptable for use as a gravel base, and provided further that sufficient compactive effort is applied.
- B. The Board shall require the removal of existing material to a greater depth when yielding materials are found at the minimum depth indicated above.
- C. Backfill of approved, stable material shall be used to bring the subgrade to uniform grade at the specified depth.
- D. The subgrade shall be thoroughly compacted before gravel is placed as required in § 315-6.3.

§ 315-6.3. Street foundations.

Street foundation shall be gravel, placed and thoroughly compacted as follows:

- A. Major streets. A first layer containing stones no greater than six inches in greatest dimension to a depth of eight inches. A second layer of crushed stone to a depth of six inches.
- B. Secondary streets. A first layer containing stones no larger than six inches in greatest dimension to a depth of six inches. A second layer of crushed stone to a depth of six inches.
- C. Minor streets. A single layer of crushed stone to a depth of 10 inches.
- D. Compaction. Street foundations shall be thoroughly compacted and brought to true, even grade, properly crowned immediately preceding the application of paving material.
- E. Shoulders. Shoulder foundations shall be installed at the same time as street foundation, and as further described in § 315-6.5 herein.

§ 315-6.4. Street surface.

The street pavement on major and secondary streets shall be sealed with a coat of bitumen at a rate of 1/2 gallon per square yard. Bituminous concrete pavement Type I-1 shall be installed in accordance with the specifications of the Massachusetts Department of Transportation in two courses over the full street width to a thickness of three inches for major streets and to a thickness of 2 1/2 inches for secondary and minor streets. The street shall be crowned at a slope of one-fourth inch per foot. No paving material shall be applied to subgrade or pavement foundation that is frozen or saturated with water. Delivery slips for sealing and paving materials shall be retained by the subdivider for the inspection of the Board.

§ 315-6.5. Street shoulders.

Shoulders four feet in width shall be constructed of gravel covered with not less than four inches of loam and shall be constructed and compacted in conjunction with and to the same degree as the gravel base for the road.

§ 315-6.6. Street embankments.

Embankments outside the shoulders shall be evenly graded, and pitched at a slope not greater than two horizontal to one vertical in cut and three horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Board. All earth slopes shall be protected from erosion by planting in the manner described in § 315-6.11 herein.

§ 315-6.7. Retaining walls.

Retaining walls shall be installed where deemed necessary by the Board and shall comply with the specifications of the Massachusetts Department of Transportation.

§ 315-6.8. Guardrails or posts.

Guardrails or posts shall be installed where there is a fill five feet or more with a slope of three to one or more.

§ 315-6.9. Curbs.

Where street grade is in excess of 4%, and at catch basins and street intersections, and wherever such protection is deemed necessary by the Board, curbing of Type VA3 or VA4 granite shall be installed in accordance with the specifications of the Massachusetts Department of Transportation.

§ 315-6.10. Drainage.

- A. Storm drains, culverts and related installations, including catch basins, paved gutters and manholes, shall be installed within the subdivision as necessary to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage of all streets, and to intercept stormwater along streets at intervals reasonably related to the extent and grade of the area drained. Such installations shall be designed using a twenty-year storm basis for storm sewers, and a fifty-year storm basis for culverts. No storm sewers shall be under 12 inches in diameter.
- B. Where there is property adjacent to the subdivision, within the same watershed, provisions shall be made for proper protection of all properties by providing adequate drainage.
- C. Where a subdivision is traversed by a watercourse, drainageway or stream, the Board may require that there be provided an appropriate easement of adequate width to conform substantially to the lines of such watercourse, drainageway or stream at 100-year flood elevation.

§ 315-6.11. Street border seeding.

Loam shall be placed to a depth of not less than four inches on all shoulders, embankments, and all other areas disturbed by the construction. Grass seed mixture containing not less than 75% of permanent types shall be placed at the rate of four pounds per 1,000 square feet so as to provide adequate ground cover and prevent erosion. Other types of ground cover may be employed with the approval of the Board.

§ 315-6.12. Sidewalks and paths.

- A. Sidewalks and/or off-street paths shall be provided where probable use so warrants.

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- B. Sidewalks and/or off-street paths shall be five feet wide and shall be located outside the road shoulders. Where sidewalks and/or off-street paths are located outside the right-of-way, the subdivider shall reserve ten-foot-wide easements therefor.
- C. Location and grading of sidewalks and off-street paths must be approved by the Board.
- D. Sidewalks and/or off-street paths shall be constructed of a three-inch layer of gravel, containing no large stones, over a nonyielding base, paved with 2 1/2 inches of bituminous concrete laid in two courses, or better.
- E. Inclusion of bicycle paths within the subdivision will be encouraged.

§ 315-6.13. Street signs.

When street construction is complete, street signs measuring six inches by 24 inches with black letters on white background, or close equivalent, shall be installed on a post at the intersection of any new road or way with existing Town ways under the direction of the Superintendent of Roads. All streets not accepted by the Town shall be so indicated on a smaller additional sign on the same post, marked "Private Way."

§ 315-6.14. Streetlights.

Streetlighting, of a type and design approved by the Board, shall be required where conditions warrant such installation.

§ 315-6.15. Trees.

The Board encourages, where appropriate, that trees be planted in the subdivision to provide for screening and the improved appearance of the subdivision.

§ 315-6.16. Monuments.

Reinforced concrete or granite monuments of not less than 60 inches in length by not less than five inches square, with a drill hole in the center, shall be set at all points where permanent monuments are necessary to provide adequate reference points.

§ 315-6.17. Water supply.

Where existing water mains are available, water pipes and related equipment, such as hydrants, if any, and main shutoff valves, shall be constructed to serve all lots on each street in the subdivision, and such installation shall be in conformity with the specifications of the governing water district or company. Where existing water mains are not reasonably accessible, the plan may be approved without provision for street waterlines, provided that:

- A. No lot shall be build upon without the provision of on-lot water facilities specifically approved by the Board of Health; and
- B. Such provisions for water for firefighting are practical and reasonable.

§ 315-6.18. Final cleanup.

Upon completion of all work on the ground, the subdivider shall remove all temporary structures, rubbish, and surplus material and shall leave the area in a neat, orderly condition.

§ 315-6.19. Expense.

All required improvements shall be completed with no expense or liability to the Town.

§ 315-6.20. Inspection.

It shall be the responsibility of the subdivider to notify the Board or its duly authorized agent three days before the date of inspections. Inspections will be made by the Board or a competent person appointed by the Board. Inspection of required improvements shall be made as the Board shall require, including inspection of the following:

- A. Underground installations.
- B. Street site before laying gravel foundation.
- C. Street after compaction of foundation.
- D. Finished street installations and furnishings.
- E. Trees, loam cover, monuments, street signs and lights.
- F. Final cleanup.

ARTICLE 7

Maintenance of Streets**§ 315-7.1. Responsibility of subdivider.**

The subdivider shall be responsible for maintaining all streets in a subdivision for a period of two years after release of performance bond or covenant as described in § 315-4.3 herein, or until the roads are accepted by the Town Meeting, whichever period is shorter. "Maintenance" in this case shall mean structural maintenance of streets and their appurtenances at a level not inferior to their condition at the time of release of performance guarantee, as well as seasonal maintenance, such as street sweeping and the removal of ice and snow. To assure such responsibility, the subdivider shall guarantee the maintenance of the streets in a subdivision in a condition which meets all the requirements of these rules and regulations by posting with the Town a maintenance bond consisting of either a bond with two or more sureties approved by the Town Treasurer or by a surety company bond issued by a company authorized to do business in the commonwealth, either or both to be in a penal sum as required by the Board to secure the maintenance as herein provided, or by a deposit of money or negotiable securities sufficient in amount to secure the aforesaid maintenance.

ARTICLE 8

Record Plans

§ 315-8.1. Filing of certified plans.

Upon completion of construction, the subdivider shall file with the Board one complete set of updated plans certified by a registered engineer or registered surveyor, which shall indicate the precise location of all streets, storm drains, sewers, water mains, utilities and monuments, as installed.

ARTICLE 9

Waiver

§ 315-9.1. Authority of Planning Board to waive compliance.

- A. The Board may waive strict compliance with these regulations in cases where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.
- B. All waivers shall be made in writing and signed by a majority of the Board.

PART IV

SELECT BOARD REGULATIONS

Chapter 420
PARKING

ARTICLE I
Winter Parking

§ 420-1. All-night parking ban.

[HISTORY: Adopted by the Selectboard of the Town of Northfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Winter Parking
[Adopted 12-23-1980; amended 12-14-2004]

§ 420-1. All-night parking ban.¹

Any vehicles left unattended from November 1 through March 31 between the hours of 11:00 p.m. and 7:00 a.m. on Town highways will be towed at the owner's expense.

1. Editor's Note: Amendment pending.

APPENDIX

Chapter A601

GENERAL LAWS AND SPECIAL ACTS

§ A601-1. Acceptances.

§ A601-1. Acceptances.

The following is a list of special acts and portions of the Massachusetts General Laws (MGL) accepted by the Town of Northfield since 2002.

Adoption Date	Statute/Act Accepted	Subject
5-6-2002 ATM, Art. 11	MGL c. 140, § 147A	Licensing of dogs
5-3-2003 ATM, Art. 10	MGL c. 143, § 3Z	Other employment for part-time inspector of buildings
11-30-2005 STM, Art. 4	MGL c. 59, § 57C	Semi-annual preliminary tax payment system
5-1-2006 ATM, Art. 22	MGL c. 32B, § 18	Employee and retiree health insurance
11-4-2008, Question 4	MGL c. 44B, §§ 3 to 7	Community Preservation Act
2010 ATM, Art. 8	MGL c. 44, § 53F 1/2	Establish the ambulance service as an enterprise fund effective fiscal year 2011
5-2-2011 ATM, Art. 19	Ch. 181, § 1, Acts of 1985	Authorize Board of Assessors to implement annual cost of living adjustment in the annual exemption amount to certain senior citizens, surviving spouses and minors
5-2-2011 ATM, Art. 20	MGL c. 59, § 5, cl. 41D	Authorize annual increase in the income and asset limits for exemptions granted to senior citizens by the percentage increase in the Consumer Price Index for the previous year
5-2-2011 ATM, Art. 43	MGL c. 44, § 53F 1/2	Establish sewer enterprise fund effective fiscal year 2012
5-4-2015 ATM, Art. 29	MGL c. 59, § 5K	Property tax liability reduced in exchange for volunteer services; persons over age 60
12-5-2016 STM, Art. 9	Ch. 218, §§ 193 and 194, Acts of 2016	Allow Select Board to establish speed limits and safety zones on non-state roads within the Town

Adoption Date	Statute/Act Accepted	Subject
12-5-2016 STM, Art. 10	MGL c. 59, § 5, cl. 54	Allow Town to exempt up to \$2,500 of fair cash value on personal property accounts
12-5-2016 STM, Art. 11	MGL c. 40, § 57, as amended by Ch. 218, Acts of 2016	Allow Town deny, revoke or suspend licenses and permits for failure to pay municipal taxes or charges
5-7-2018 ATM, Art. 21	MGL c. 32B, § 20, as amended by Ch. 2018, Acts of 2016	Establish Other Post-Employment Benefits Liability Trust Fund (OPEB Fund)
5-7-2018 ATM, Art. 25	MGL c. 41, § 111M	Leave without loss of pay while incapacitated for employees providing emergency medical services
5-7-2018 ATM, Art. 26	MGL c. 41, § 111N	Indemnification of employees providing emergency medical services for certain expenses
12-10-2018 STM, Art. 5	MGL c. 64N, § 3	Impose an excise on the retail sale of marijuana for adult use
5-3-2021 ATM, Art. 9	MGL c. 60, § 15B	Establish Tax Title Collection Revolving Fund
5-3-2021 ATM, Art. 34	MGL c. 64L, § 2(a)	Impose a local sales tax at the statutory rate of 0.75% of the gross receipts of the vendor on the sale of restaurant meals originating within the Town
5-3-2021 ATM, Art. 35	MGL c. 64N, § 3	Impose an excise tax upon the retail sales of marijuana or marijuana products at the rate of 3%

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Northfield adopted since 2002, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

§ DL-1. Disposition of legislation.

Art. No.	Adoption Date	Subject	Disposition
10	5-6-2002 ATM	Dog Waste	New legislation is pending; see Ch. 19
11	5-6-2002 ATM	Accept MGL c. 140, § 147A	Ch. A601
12	5-6-2002 ATM	Registration and Licensing of Dogs Amendment	New legislation is pending; see Ch. 19
10	5-3-2003 ATM	Accept MGL c. 143, § 3Z	Ch. A601
23	5-2-2005 ATM	Agriculture: Right to Farm	Ch. 7, Art. I
24	5-2-2005 ATM	Alarm Systems: False Alarms	Ch. 11, Art. I
4	11-30-2005 STM	Accept MGL c. 59, § 57C	Ch. A601
9	11-30-2005 STM	Licenses and Permits: Denial, Revocation or Suspension of Licenses and Permits for Nonpayment of Taxes or Charges	Superseded 12-5-2016; see Ch. 82, Art. I
22	5-1-2006 ATM	Accept MGL c. 32B, § 18	Ch. A601
	11-4-2008, Question 4	Accept MGL c. 44B, §§ 3 to 7	Ch. A601
15	5-4-2009 ATM	Boards, Commissions and Committees: Community Preservation Committee	Ch. 24, Art. II
8	2010 ATM	Accept MGL c. 44, § 53F 1/2	Ch. A601
19	5-2-2011 ATM	Accept Ch. 181, § 1, Acts of 1995	Ch. A601
20	5-2-2011 ATM	Accept MGL c. 59, § 5, cl. 41D	Ch. A601
43	5-2-2011 ATM	Accept MGL c. 44, § 53F 1/2	Ch. A601
39	5-7-2012 ATM	Building Construction: Stretch Energy Code	Ch. 28, Art. I

Art. No.	Adoption Date	Subject	Disposition
5	12-9-2013 STM	Officers and Employees: Town Administrator	Ch. 106, Art. I
20	5-5-2014 ATM	Boards, Commissions and Committees: Appointments	Ch. 24, Art. I
29	5-4-2015 ATM	Accept MGL c. 59, § 5K	Ch. A601
9	12-5-2016 STM	Accept Ch. 218, §§ 193 and 194, Acts of 2016	Ch. A601
10	12-5-2016 STM	Accept MGL c. 59, § 5, cl. 54	Ch. A601
11	12-5-2016 STM	Accept MGL c. 40, § 57	Ch. A601
12	12-5-2016 STM	Licenses and Permits: Denial, Revocation or Suspension of Licenses and Permits for Nonpayment of Taxes or Charges	Ch. 82, Art. I
16	5-1-2017 ATM	Zoning	Ch. 200
2	12-4-2017 STM	Zoning Amendment	Ch. 200
13	5-7-2018 ATM	Finance: Revolving Funds	Ch. 49, Art. I
21	5-7-2018 ATM	Accept MGL c. 32B, § 20	Ch. A601
25	5-7-2018 ATM	Accept MGL c. 41, § 111M	Ch. A601
26	5-7-2018 ATM	Accept MGL c. 41, § 111N	Ch. A601
2	12-10-2018 STM	Zoning Amendment	Ch. 200
3	12-10-2018 STM	Zoning Amendment	Ch. 200
5	12-10-2018 STM	Accept MGL c. 64N, § 3	Ch. A601
32	5-6-2019 ATM	Vehicles and Traffic: Heavy Commercial Vehicles	Ch. 165, Art. I
8	6-29-2020 ATM	Finance: Revolving Funds Amendment	Ch. 49, Art. I
9	5-3-2021 ATM	Accept MGL c. 60, § 15B	Ch. A601
34	5-3-2021 ATM	Accept MGL c. 64L, § 2(a)	Ch. A601
35	5-3-2021 ATM	Accept MGL c. 64N, § 3	Ch. A601

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