

Northfield Zoning Bylaw

December 10, 2018

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SECTION 1. PURPOSE AND AUTHORITY

1.1. TITLE

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 "these Bylaws."

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, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

1.3. AUTHORITY

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

1.4. APPLICABILITY

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 of these Bylaws. 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.

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 G.L. c. 40A, Section 5.

1.6. SEVERABILITY

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

SECTION 2. 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.

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, 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 G.L. c. 184, §§ 31-33 or other equivalent state law.

Adult Day Care Facility: A professionally staffed non-residential 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.

Agriculture, Exempt: As defined in G.L. c. 40A, §3 and c. 128, §1A.

Agriculture, Non-Exempt: A commercial agricultural use of land that does not qualify as a “farm” for purposes of this Bylaw. (See definition of “Farm.”)

Agricultural Tourism (or Agri-Tourism): The practice of visiting a farm business, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, a companion

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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, food stuffs, 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 knick-knacks 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, sleigh/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.

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 6 rooms used as sleeping accommodations for paying guests, and which may include breakfast as part of the lodging charge.

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

Building Inspector: The Building Inspector of the Town of Northfield.

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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.

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 G.L. 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 sub-contracting 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 sub-assemblies; 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., candle making, glass blowing, weaving, pottery making, custom woodworking, sculpting, painting, and other associated activities, but not including a contractor's yard.

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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, boarding houses, 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, Town House: 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 semi-attached 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, Non-Exempt: Educational facilities not exempt under G.L. c. 40A, § 3, such as a commercial or for-profit educational use.

Elderly Housing; Assisted Living Residence: An assisted living residence as defined by G.L. 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

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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: Two or more people related by blood, marriage, adoption, or unmarried partnership, or not more than four unrelated people occupying a dwelling unit as a single housekeeping unit and ordinarily using common cooking facilities. Unrelated occupants of a group home for adults with disabilities shall be deemed a family for purposes of this Bylaw. "Family" shall not include occupants of transient quarters such as a motel or hotel.

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 G.L. c. 40A, §3. "Farm" may also include commercial agriculture on two or more acres if the sale of products produced from the agricultural, 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 non-agricultural 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 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.

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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-based business is an accessory use, incidental and subordinate to the primary residential use of the property.

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 boarding house, 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 boarding 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 non-profit nature, typically engaged in public services, e.g., house of worship, non-profit 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 of 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 24-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.

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.

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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.

- **Lot Line, Front:** A lot line separating a lot from a street right-of-way.
- **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.
- **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 feet. 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.

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:

- **Mobile Home:** A manufactured home as defined in G.L. c. 140, § 32Q.

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- 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.
- 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 boarding house, 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.

Recreation-Affiliated Business: A commercial use on the premises of a public or non-profit recreation facility, such as a hotel or inn, a licensed winery, restaurant, theatre, gift shop, or the leasing of recreation facilities for non-recreation related purposes such as weddings or parties.

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro & wave); organic plant materials (biomass); and the earth's heat (geothermal).

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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.

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.

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 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.

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 lumber yard.

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 façade 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 one hundred and twenty square feet in gross floor area and ten feet in height.

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Sign: Includes any lettering, word, numeral, pictorial representation, emblem, trademark, device, flag or other figure of similar character located outdoors and being a structure or any part thereof or attached to, painted on or in any other manner represented on a building or other structure and used to announce, direct, attract, advertise or promote, including signs located inside a window only when illuminated or moving, and shall not include the display of merchandise visible through such window. Marquees, canopies, awnings, clocks, thermometers and calendars shall be subject to the provisions of this Bylaw only when used to display or support signs as defined above.

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 public way or way which the Town Clerk certifies is maintained and used as a public way.
- A way shown on a definitive subdivision plan approved and endorsed under the Subdivision Control Law and recorded with the Franklin County Registry of Deeds that is constructed or secured through a covenant or suitable performance guarantee.
- 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 G.L. 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.

Useable 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

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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 processing of agricultural products into a value-added agricultural product is permitted on any farm of five or more acres if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 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 G.L. c. 138, § 19, § 19B, or § 19C, respectively.

SECTION 3. ADMINISTRATION

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 permit 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.
- 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.
 - 3. If the Building Inspector determines that there is no violation, he shall give written notice of his decision to the complaining person within fourteen days after the receipt of such request.
- E. Appeal. As provided in G.L. 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 three hundred dollars for each offense. Each day during which any portion of a violation continues shall constitute a separate offense.

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2. As an alternative means of enforcement, the Building Inspector may impose noncriminal penalties pursuant to G.L. c. 40, § 21D in accordance with the following schedule:
 - a. First offense: warning (verbal or written)
 - b. Second offense: one hundred dollars
 - c. Third offense: two hundred dollars
 - d. Fourth and each subsequent offense per violation: three hundred dollars

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 Board of Selectmen. 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 G.L. c. 40A.
- B. Powers. The Board of Appeals shall have the following powers:
 1. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
 2. To hear and decide, in accordance with the provisions of G.L. 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 G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.
 4. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
 5. To hear and decide applications for comprehensive permits for construction of low or moderate income housing, as set forth in G.L. c. 40B, §§ 20-23.
- 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.

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.

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- B. Powers. The Planning Board shall have and exercise all the powers granted to Planning Boards by the General Laws, including G.L. 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 Section 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 G.L. 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.

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 G.L. 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 G.L. 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;

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6. To the maximum extent possible, the proposed use conforms to the Principles of Rural Design in Section 8.1.1 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 Section 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 G.L. 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 G.L. 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 G.L. 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.

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 3.5 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 multi-family, 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 Massachusetts G.L. c. 40A, § 3, if one or both of the above criteria 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, 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 3.4 shall be required.
2. The Building Inspector shall not issue a building permit for any project subject to this Section 3.5 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 approved site plan shall be a violation of these Bylaws unless such deviation is approved in writing by the Board or determined by the Building Inspector to be an insubstantial change.

D. Exemptions. The following shall be exempt from Site Plan Review under this Section 3.5:

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.

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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) 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 3.5, 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 Section 3.5(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 twenty-one 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 Section 3.5(F) below, and notify the applicant of its decision. The decision shall be in writing and shall be filed with the Town Clerk within sixty 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.
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 Section 8.1.1 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.

SECTION 4. ESTABLISHMENT OF DISTRICTS

4.1. DISTRICTS

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

- A. Residential Agricultural (RA)
- B. Residential Agricultural-Forestry (RAF)
- C. Village Center (VC)
- D. Planned Development
- E. Recreational Tourism
- F. Overlay Districts
 - 1. Flood Plain Overlay District
 - 2. Groundwater Protection District
 - 3. Solar Overlay District

4.2. ZONING MAP

- A. Except for the Flood Plain Overlay District and Groundwater 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.
- B. The Flood Plain Overlay District shall be located and bounded as shown on the map described in Section 5.6.1 herein, which map is incorporated in and made a part of this Zoning Bylaw.
- C. The Groundwater Protection District shall be located and bounded as shown on maps described in Section 5.6 herein, which maps are incorporated in and made part of this Zoning Bylaw.

4.3. BOUNDARIES OF DISTRICTS

- A. Where the boundary lines on the Zoning Map or the Groundwater Protection District Map are within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.
- 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.

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- 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 side lines are the distances in feet of such boundary lines from such street side lines, such distances being measured at right angles to such street lines unless otherwise indicated.
- 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.

SECTION 5. USE REGULATIONS

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 Section 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.

5.2. PROHIBITED USES

- A. Any use not listed in Section 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 Massachusetts G.L. c. 40A, Section 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 twelve months while the residence is being rebuilt.

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 these Zoning Bylaws would prohibit the exercise of an essential government function.
- C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

5.4. SCHEDULE OF USES

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

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Table 1. Schedule of Uses

	R	RAF	VC	PD	RT	Reference
A. AGRICULTURE, CONSERVATION, RECREATION USES						
Agriculture	Y	Y	Y	Y	Y	
Agriculturally related uses on a farm	Y	Y	Y	Y	Y	Sec. 9.5
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	N	N	Y	PB	PB	Sec. 9.6
B. PUBLIC SERVICE						
Municipal use	Y	Y	Y	Y	Y	
Public utility	SP	SP	SP	SP	SP	
Wireless communication facility	PB	PB	PB	PB	PB	Sec. 9.7
C. INSTITUTIONAL OR SEMI-PUBLIC 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 four units per building	PB	PB	Y	Y	Y	
Multifamily dwelling, more than four units per building	PB	N	PB	PB	PB	
Open space residential development	Y	Y	N	Y	Y	Sec. 9.3
Elderly housing; congregate residence, not to exceed six 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	

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	RA	RAF	VC	PD	RT	Reference
Skilled nursing facility	N	N	N	PB	N	
Dwelling units above the ground floor of commercial space	N	N	Y	N	Y	Sec. 3.5
Master plan special permit	N	N	N	PB	N	Sec. 9.4
Accessory uses:						
Accessory dwelling	SP	SP	Y	PB	SP	Sec. 9.1
Home occupation	Y	Y	Y	Y	Y	Sec. 9.2
Bed and breakfast, up to 6 rooms	SP	SP	Y	Y	Y	Sec. 3.5 (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 sq. ft. of gross floor area	SP	SP	Y	N	Y	Sec. 3.5 (Y)
Retail, 1,500 sq. ft. 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 Section 9.5				N	
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	Y	PB	Y	Sec. 3.5 (Y)
Hotel, motel, inn	SP	SP	PB	PB	PB	
Cultural and Entertainment Uses						
Studio for artists, photographers, interior decorators, other design-related uses	Y	Y	Y	Y	Y	
Auditorium or theatre for live performing arts	N	N	PB	PB	PB	
Professional Uses and Financial Services						
Bank or other financial institution	N	N	Y	Y	Y	Sec. 3.5
Professional or business office	SP	SP	Y	Y	Y	Sec. 3.5
Services						
Barber shop, 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	

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	RA	RAF	VC	PD	RT	Reference
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, non-exempt	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	
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	

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	RA	RA	VC	PD	RT	Reference
G. MARIJUANA-RELATED USES ¹						
Marijuana Cultivator	N	PB	N	PB	N	9.8
Marijuana product manufacture	N	PB	N	PB	N	9.8
Marijuana research facility or independent testing Laboratory	N	PB	N	PB	N	9.8
Marijuana Retail Establishment, up to 1,500 sq. ft. of gross floor area	N	N	PB	PB	N	9.8
Marijuana Retail Establishment, greater than 1,500 sq. ft. of gross floor area	N	N	N	N	N	9.8
Marijuana Transporter	N	PB	N	PB	N	9.8
Marijuana micro-business	N	PB	N	PB	N	9.8
Medical Marijuana Treatment Center	N	PB	PB	PB	N	9.8

¹ Land within the Marijuana Overlay District may be used for Marijuana Establishments subject to the provisions of this Bylaw.

SECTION 6. NONCONFORMING USES AND STRUCTURES

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.

6.2. NONCONFORMING USES.

Except as herein after provided, this 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 bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use.

- 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.

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 Section 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.

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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.

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 (1) 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, structures which have been abandoned or discontinued for more than two (2) years shall not be re-established 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 (3) years of the date of destruction.

SECTION 7. DIMENSIONAL REGULATIONS

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.

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 percent of the required lot area, whichever is less, in the RA district and at least 100,000 contiguous square feet or 100 percent 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, G.L. c. 131, § 40. Each lot shall be capable of containing a one-hundred-fifty-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 one-hundred-fifty-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 Section 2 of this Bylaw.
 2. Measurement of Lot Frontage. Frontage is measured in a continuous line along the sideline 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 Section 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.

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- D. Lot Width. No lot shall at any point between a principal building and the lot frontage have less width than 75 percent 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 Section 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 non-habitable structures.
- H. Appurtenant Open Space. No building setback area or other open space required for a building under this Section 7 shall, during the life of such building, be occupied by or counted as open space for another building.

Table 2. Table of Dimensional and Density Regulations

Requirement	RA	RAF	VC	PD	RT
Minimum Lot Area (Sq. Ft.)	50,000	100,000	35,000	100,000	100,000
Lot Served by Municipal Sewer (Sq. Ft.)	35,000	N/A	35,000	80,000	N/A
Minimum Lot Frontage (Ft.)	150'	250'	150'	250'	150'
Minimum Lot Depth (Ft)	200'	300'	200'	300'	200'
Minimum Front, Side, and Rear Setbacks (Ft)	25'	25'	25'	25'	25'
Maximum Building Height (Ft.)	35'	35'	35'	35'	40'

SECTION 8. GENERAL REGULATIONS

8.1. SITE DEVELOPMENT STANDARDS

8.1.1. 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 crestlines 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 multi-level 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.

8.1.2. Off-Street Parking and Loading

- A. Purposes. The purposes of this Section 8.1.2 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 7.2.1. Single-family and two-family dwellings shall be exempt from the requirements herein.
- C. Administration. This Section 8.1.2 shall be administered by the Planning Board as part of site plan review pursuant to Section 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
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 lineal feet of bench.
Business, professional, or governmental office, bank	1 space per 300 sq. ft. on the first floor; 1 space per 400 sq. ft. on the second floor
Medical office or clinic	1 space per 200 sq. ft.
Veterinary hospital	1 space per 300 sq. ft.
Retail store	1 space per 300 sq. ft.
Service establishment	1 space per 300 sq. ft.
Warehouse/distribution facility	1 space per each 2 employees on the largest shift and 1 additional space for each 1,000 sq. ft.
Manufacturing	1 space per each 2 employees on the largest shift and 1 additional space for each 1,000 sq. ft.
Restaurant	1 space for every 4 seats plus 2 spaces for employees

TABLE 3. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
Use	Minimum Number of Parking Spaces
Gasoline service station	1 space per fueling position plus 1 space per 300 sq. ft. including service areas and retail/convenience store areas. Temporary parking at fueling positions shall not count toward the sq. ft. parking requirement.
Vehicle repair shops	1 space per 300 sq. ft. 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, sq. ft. 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 Section J below.

3. Dimensional Standards. An off-street parking space is an all-weather, surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet for angle parking or twenty-two (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 semi-pervious 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.

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- 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 fifty 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 8.1.2.
 - 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.

8.1.3. Outdoor Lighting

- A. Purposes. The purposes of this Section 8.1.3 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 8.1.3:
 1. Direct Light: Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.
 2. 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.
 3. Indirect Light: Direct light that has been reflected off other surfaces not part of the luminaire.
 4. Lamp: The component of an outdoor light fixture that produces the actual light.
 5. 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.
 6. Luminaire: A complete lighting system, including a lamp or lamps and a fixture.
 7. Lumen: A measure of light energy generated by a light source. One foot candle 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.
 8. Shielded: When referring to an outdoor light fixture, shielded means that the fixture allows no up lighting.
 9. Up-Light: Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.
- C. Applicability.

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1. Except as exempted herein, this Section 8.1.3 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 8.1.3:
 - 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 Section 8.2, 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 foot candles, 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.

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Lighting shall be directed onto the site. This may be demonstrated by manufacturer's data, cross section drawings or other means. Foot-candle readings at property lines between residential and non-residential properties shall not exceed 0.01 foot candles 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 luminary.
 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 one-half 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 foot candles.
 4. Lighting shall be provided at the lowest brightness and intensity levels possible to allow for emergency nighttime access.
- F. Special Permit. 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 8.2.2. In such cases, the burden of proof shall be on the applicant to demonstrate to the Board's satisfaction that:
1. An extraordinary need for additional security lighting exists due to a history of vandalism or other reasonable data;
 2. Conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
 3. Such a minor change is proposed to an existing non-conforming lighting installation, that it would be unreasonable to require complete replacement of the entire installation; or
 4. The complete shielding of direct light is technically infeasible due to the geometry of a lot, building, or structure.

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.

8.2. SIGNS

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

8.2.1. 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 non-movable 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 (2) 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 (1) 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.

8.2.2. Basic Requirements

A. Prohibited Signs. The following signs are expressly prohibited.

1. Billboard signs.
2. Flashing, moving, or animated signs.
3. Signs illuminated with neon.
4. Signs containing electronic streaming messages.

B. Sign Permits.

1. Except as provided under (A) 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.
2. All signs erected hereunder shall be erected in the exact location and manner described in the permit.
3. No freestanding signs shall be erected if they create a safety hazard to vehicular or pedestrian traffic, in the opinion of the Building Inspector.
4. The re-lettering of a sign shall be equivalent to the erecting of a sign, except when the original wording is reproduced.
5. Paper or cardboard signs inside display windows are allowed if illuminated only by interior illumination within the building.

C. 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.

D. Exempt Signs. The following types of signs do not require a permit from the Building Inspector.

1. Real estate signs advertising rent, lease or sale are permitted; provided, that:
 - a. The sign shall not exceed 32 square feet in area.
 - b. The sign shall advertise only the premises on which it is located.

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- c. The sign shall be removed no more than 1 week after the completion of the sale or rental.
 2. Agricultural sign not exceeding 32 square feet in area.
 3. Construction signs.
 - a. The sign shall not exceed 32 square feet in area.
 - b. 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.
 4. Real estate signs advertising an open house event.
 - a. The sign shall not exceed 9 square feet in area.
 - b. 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.
 - c. 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.
 5. Signs not exceeding 1 square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
 6. "No hunting, fishing, etc.," signs not to exceed 1 square foot are allowed.
 7. Flags and insignia of any government, except when displayed in connection with commercial promotion.
 8. Legal notices, identification information, or direction signs erected by governmental bodies.
 9. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 10. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- E. Sign Standards.
 1. Lighting. Signs shall be illuminated in a manner than no glare is visible from any way or residential lot.
 2. Size. Free-standing commercial or industrial signs shall not exceed 24 square feet in area. No free-standing sign shall at any point extend more than 10 feet above the adjacent average grade.

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3. Signs affixed to any planar or curved surface of a structure shall be limited in area to 10 percent 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 3 feet above the eaves.

8.2.3. Construction and Maintenance of Signs.

- A. 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.
- B. 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 $\frac{1}{4}$ of an 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.

SECTION 9. SPECIAL REGULATIONS

9.1. ACCESSORY DWELLING UNIT

- A. Purposes. The purposes of this Accessory Dwelling Unit bylaw 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 9.1 and Table 1, Schedule of Uses.
- 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 2 bedrooms.
 - 3. There shall be at least 1 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 1 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.

9.2. HOME OCCUPATION

- A. Purposes. The purpose of this Section 9.2 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 1 if it meets the requirements of this Section 9.2:
 - 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 2 non-resident 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;
 7. Except as provided in (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 (4) square feet in area, is used to identify the home occupation.
- C. Special Permits. A home-based business 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 Section 3.4.

9.3. OPEN SPACE RESIDENTIAL DEVELOPMENT

9.3.1. Purpose

The primary purpose of this Section 9.3 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 9.3 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.

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.

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. 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.

9.3.2. Applicability

- A. 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 9.3 unless the Planning Board allows a development

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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 9.3 as well as or better than an Open Space Residential Development.

- B. Subsection A above applies only to subdivisions of land as defined in G.L. 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 9.3. In such a case, the application shall be subject to Site Plan review as described in Section 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.

9.3.3. Development Impact Statement and Conservation Analysis

- A. 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 9.3, 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 the Subdivision Regulations. 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.

B. Conservation Analysis and Findings

1. 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.
2. In the case of a proposed plan that deviates from the requirements of this Section 9.3, 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.
3. The Planning Board, in consultation with the Conservation Commission, shall study the conservation analysis, may conduct field visits, and shall formally determine which land

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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.

4. 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.

C. 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.

1. RAF District: minimum of 75 percent
2. RA, PD Districts: minimum of 60 percent

9.3.4. 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.

A. 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. 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 percent or greater (2000 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 G.L. c. 131, § 40, as delineated by an accredited wetlands specialist and approved by the Northfield Conservation Commission.
3. 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.

B. 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.

9.3.5. Density Bonus.

A. The unit count determined in Section 9.3.4 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 Section 9.3.4 without rounding fractional units up or down, and then multiplying that number by 100 percent plus the percentages that follow. Resulting fractional units, if any, shall be rounded up or down as in Section 9.3.4.

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 percent.
2. If the applicant permanently restricts ownership and occupancy of units allowed by Section 9.3.4 as affordable housing (as defined in this bylaw), and makes a binding commitment to construct such affordable residences: a maximum of 25 percent. For every unit included in the allowable unit count under Section 9.3.4 that is built and dedicated as an affordable unit, two bonus market rate units may be permitted, up to the maximum of 25 percent of the allowable unit count.
3. If the applicant preserves as permanent open space more than the minimum required percentage: a maximum 10 percent density bonus per additional 5 percent 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 percent. For purposes of this section, "protect solar access" shall mean that streets and lots in the OSRD 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.

9.3.6. 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 9.3. Density transfers may only be permitted from sending parcels in the RAF district to receiving parcels in either the RA or PD districts. If a sending parcel is located in both the RAF and another district,

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only those portions of 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:

A. Procedure

1. All density transfers require a Special Permit from the Planning Board.
2. 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.
3. 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 Section 9.3.4. For the sending parcel, the applicant may calculate the allowable number of units eligible to transfer by either:
 - a. Calculating the net acreage pursuant to Section 9.3.4 and dividing by 10; or
 - b. Dividing the total (gross) acreage by 20.

B. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.

C. Sending parcels existing as such on May 3, 2008 may have development rights calculated by either method a or b at the applicant's election. Sending parcels which have been modified by lot line changes since May 3, 2008 must employ method a. The density calculation for the sending parcel shall not include any of the density bonuses available under Section 9.3.5.

D. 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 Section 9.3.4 and any density bonuses sought under Section 9.3.5. The Planning Board shall then determine the number of residential units available to transfer from the sending parcel(s) pursuant to subsections (A)(3)(a) or (b) above.

E. 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).

F. 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 Section 9.3.5 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 Section 9.3.6(A)(3) (a) or (b) 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.

G. Findings Required. The Planning Board shall not approve any residential density transfer unless it finds that:

1. All requirements for the granting of a Special Permit have been satisfied.

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2. The addition of the transferred units to the receiving parcel will not increase the maximum allowable unit count under Section 9.3.4 by more than 50 percent and will not adversely affect the area surrounding the receiving parcel.
3. 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 Residence Agricultural-Forestry District.
4. The density transfer will advance the goals of the Northfield Master Plan.

9.3.7. Maximum Density Bonus and/or Density Transfer

The density bonuses and transfers of development rights allowed in this Section 9.3 may be combined to result in a total unit count increase not exceeding 25 percent of that established in Section 9.3.4 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.

9.3.8. 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.

9.3.9. Permitted Housing Types

The allowable residential units may be developed as single-family, two-family, or multi-family 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 Section 9.3.4 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 multi-family 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 Section 7, except that the lot area and setback requirements shall not apply.

9.3.10. Dimensional and Design Requirements

- A. 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.

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B. 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 Section 8.6. 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 8.3 and the Master Plan.

C. Arrangement of Lots

1. 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.
2. Lot, roadway, and driveway layouts, land alterations, and placement of structures shall follow applicable portions of the Rural Siting Principles in Section 9.3 and any design guidelines for Open Space Residential Development which may be adopted by the Planning Board.

9.3.11. Permanent Open Space

A. 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 9.3. The Planning Board may not require such open space land to be accessible to the public, unless a density bonus is allowed under Section 9.3.5. 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.

B. 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 non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31. All references to conservation restrictions in these Bylaws shall mean a conservation restriction meeting the requirements of G.L. 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.

C. Ownership of Open Space Land

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1. Protected open space land may be held in private ownership, owned in common by a homeowner's association (HOA), dedicated to the Town or State governments with their consent, transferred to a non-profit 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.
2. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
 - a. The HOA must be created before final approval of the development, and must comply with all applicable provisions of state law.
 - b. 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.
 - c. The HOA must be responsible for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
 - d. Property owners must pay their pro rata share of the costs in Subsection c above, and the assessment levied by the HOA must be able to become a lien on the property.
 - e. The HOA must be able to adjust the assessment to meet changed needs.
 - f. 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 Board of Selectmen, 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.
 - g. 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.
 - h. The HOA documents shall be reviewed by Town Counsel, at the applicant's expense, to assure that they satisfy the conditions in Subsections a through g above, and such other conditions as the Planning Board shall deem necessary.

D. Maintenance Standards

1. 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.
2. If the Board of Selectmen finds that the provisions of Subsection 1 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.

9.4. CAMPUS PLANNED DEVELOPMENT MASTER PLAN SPECIAL PERMIT

9.4.1. 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 9.4 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.

9.4.2. 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 9.4.

9.4.3. Basic Requirements

A. Use Regulations. The following uses may be proposed in a CPD:

1. Any use allowed as of right or by special permit in the Planned Development District in Section 5 of this Bylaw.
2. Elderly housing; retirement community
3. Hospital
4. Day surgery center
5. Urgent care facility
6. Professional offices
7. Research and development, including accessory manufacturing
8. Educational use, non-exempt
9. Health club or spa
10. Indoor recreation
11. Camp, day or overnight
12. Club, lodge, meeting hall

13. Community center

14. Hotel

15. Restaurant

B. Design and Performance Standards. The intent of the CPD is to provide for development in accordance with master plans that meet the following standards:

1. 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;
2. Preservation and use or reuse of buildings listed or eligible for listing on the National Register of Historic Places;
3. Preservation and integration of open spaces, wetlands, mature trees and other features of environmental significance into the design of the site;
4. 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);
5. Underground utilities shall be used, except for existing above ground electric and telephone lines;
6. 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 ground water, aquifers, surface water and, where applicable, the municipal sewer system;
7. Compatibility with uses of abutting properties, including aesthetic compatibility; or appropriate separation and buffers from such abutting property by plantings or terrain;
8. 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;
9. Costs and benefits to the Town of Northfield, showing net benefits;
10. 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

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11. 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.

C. Procedures.

1. CPD application requirements, including fees, shall be in accordance with the rules and regulations of the Planning Board and the following requirements.
2. 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 9.4 shall govern the development of the tract of land included therein, and shall be a public record.
3. 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 G.L. c. 40A, § 11. Review authorities shall forward their comments, in writing, to the Planning Board within 35 days of receiving a MPSP application for review.
4. 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.

D. Special permit decision criteria. The Planning Board shall approve a CPD/MPSP only upon its determination that:

1. The master plan meets all applicable requirements of this Bylaw;
2. 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 Section 3.4, where applicable; and
3. Any variances required from the Board of Appeals have been granted.

E. MPSP 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.

F. Lapse. An 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 G.L. 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.

9.4.4. Project Plan Submissions and Procedures.

- A. 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.
- B. For project plans submitted under an approved CPD, application requirements, review and decision procedures shall be in accordance with site plan approval under Section 3.5, except as follows.
 - 1. In addition to meeting the requirements of Section 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.
 - 2. 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.
 - 3. 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.
- C. Signs. Signs in a CPD shall be in accordance with Section 8.2 and this section. Where a conflict exists between this section and Section 8.2, this section shall govern.
 - 1. 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 sq. ft. in size nor 8 feet in height, nor be located less than 20 feet from the street line.
 - 2. 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 sq. ft. in size nor 12 feet in height, nor shall any lettering thereon exceed 8 inches in height. If such sign includes a locator map, at least two adjacent parking spaces shall be provided.
 - 3. 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 sq. ft. in size nor 12 feet in height, nor be pole mounted, but may be located in front of the building or mounted thereon.
 - 4. 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.

5. No signs shall be moving or flashing, but may be illuminated by non-flashing, non-blinking lights.

9.4.5. Regulations

To implement this Section 9.4, the Planning Board may adopt regulations consistent with the provisions herein, further specifying and defining submission requirements and procedures, fees, design guidelines, and procedures.

9.5. AGRICULTURAL TOURISM & FARM BUSINESSES

- A. Purpose. The purpose of this Section 9.5 is to promote and maintain local farming. Toward that end, this Section 9.5 provides for a variety of agriculturally related uses and farm-affiliated businesses that are not explicitly exempt under G.L. c. 40A, § 3 but which the Town of Northfield deems important for the preservation of a rural economy in order to:
 1. To maintain and promote agriculture and its related activities, such as agricultural tourism;
 2. To preserve open space and farmland;
 3. To maintain both an agricultural heritage and a rural character;
 4. To increase community benefits by having fresh, local produce for sale; and
 5. To 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 9.5 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:

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1. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is permitted if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
 2. Cider mill or winery selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 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 co-packing 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.

9.6. RECREATIONAL TOURISM BUSINESSES

- A. Purposes. The purpose of this Section 9.6 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 9.6 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 9.6 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.

9.7. WIRELESS COMMUNICATION 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 G.L. c. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. Section 332(c)(7)(A). A wireless communication 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 9.7, any wireless communications facility (WCF) as defined hereunder shall require a special permit from the Planning Board.
- C. Definitions. Where used in this Section 9.7, the following terms shall have the following meanings:

Wireless Communications Facility: A “wireless communications facility” (“WCF”) shall mean 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, 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.

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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 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.

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.

Eligible Facilities Request: any request for modification of an existing wireless tower or base station that involves collocation 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 4 types of mounts:

- **Roof-mounted:** Mounted on the roof of a building.
- **Side-mounted:** Mounted on the side of a building.
- **Ground-mounted:** Mounted on the ground.
- **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.

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

1. An application for a special permit for a WCF may be approved if the applicant satisfies the requirements of this section and Section 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.

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4. A locus plan at a scale of 1 inch equals 100 feet 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.
 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 2 years of the date of the grant, not including the time required to pursue or await the termination of an appeal under G.L. 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 2 years of the date of grant, except for good cause.
- E. Every special permit application for a WCF shall be made under the provisions of Section 3.4 and filed on the applicable application form available from the Planning Board.
1. An application for a special permit for a WCF may be approved if the applicant satisfies the requirements of this section and Section 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 1 inch equals 100 feet 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

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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.

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 2 years of the date of the grant, not including the time required to pursue or await the termination of an appeal under G.L. 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 2 years of the date of grant, except for good cause.

F. General requirements.

1. No WCF shall be placed, constructed or modified except in compliance with this Zoning Bylaw.
2. All WCFs shall be co-located, to the maximum extent practicable and technologically feasible, with 1 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 3 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 3 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

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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 1 monopole, tower or other structure for elevating an antenna or dish. No more than 1 WCF, except co-locators, shall be constructed on 1 lot. In no event shall any WCF be located closer than 1 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 1 year of the cessation of said use.
9. RFR 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 1st 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 1st 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.

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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 1 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 7 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 2 years and shall deliver a copy of said reports to the Town Engineer on July 1st. 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.
- G. 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 3 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 non-reflective 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 1 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.

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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. WCFs 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 (8) view lines shown in a one (1) mile radius from the site, beginning at true North and continuing clock-wise at 45° 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, 5 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.

H. 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 one hundred ten percent (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:
3. Be greater than 50 dB at any audible frequency measured at the WCF property line;
4. Be injurious, or be, on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or
5. Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

I. Exemptions.

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:

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1. 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 2 meters in diameter; and (2) not visible from any neighboring property or public way.
2. 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.
3. 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 Section 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 9.7 and the Spectrum Act Applications to modify Eligible Facilities shall be acted upon in accordance with the provisions of Section J.

J. 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 thirty (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 sixty (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

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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.

4. 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 2 meters in diameter; and (2) not visible from any neighboring property or public way.
5. 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.
6. 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 Section 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 10 and 47 U.S.C. Section 1455(a). Applications to modify eligible facilities shall be acted upon within 60 days of the filing date or they shall be deemed granted.

9.8. ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS

9.8.1 Purpose and Intent

The purpose of this Bylaw is to allow for the siting of state-licensed Marijuana Establishments in appropriate locations consistent with M.G.L. 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 non-medical 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,

9.8.2 Special Permit Granting Authority & Site Plan Review

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Marijuana Establishments shall be permitted only in accordance with this Zoning Bylaws 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.

9.8.3 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.

9.8.4 Establishment

- A. 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.
- B. MOD Uses:
 - 1. 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.
 - 2. 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.

9.8.5 Location and Dimensional Controls

- A. Marijuana Establishments may be permitted only in the MOD and the designated locations set forth in the Schedule of Uses, Section 5.4 of this Zoning Bylaw.
- B. Marijuana Establishments shall not be located within 500 feet of any existing public, parochial, or private school, providing K-12 education, or state-approved day care center. The distances under this section 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.
- C. Marijuana Establishments shall be located only in permanent buildings and not within trailers, cargo containers, motor vehicles or other similar nonpermanent, movable enclosures.
- D. No Marijuana Establishment shall be permitted to provide a drive-through service.

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- E. Unless explicitly stated otherwise, Marijuana Establishments shall meet the setback requirements of this Section 7.1 and all other dimensional requirements of the appropriate district as specified in these Bylaws.
- F. 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.
- G. 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 require any artificial lighting system to employ only LED components equipped with deflectors in order to mitigate potential light pollution.

9.8.6 Site Development, Permitting Standards & Application

In addition to the Special Permit requirements found in Section 3.4 and the Site Plan Review requirements found in Section 3.5 of these Bylaws, the following shall also apply to all Marijuana Establishments:

- A. **Site Screening:** Rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening shall be determined per site plan review.
- B. **Signs:** All signs for a Marijuana Establishment must meet the requirements of Section 8.2 of this Bylaw and the State Regulations (935 CMR 500.000 et. seq.).
- C. **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. Buildings for Marijuana Establishment shall not exceed 10,000 square feet in total area.
- D. **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.
- E. **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.
- F. **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 Section 3.4 Special Permit, the application shall also include:

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1. The name and address of the legal owner and Licensee of the Marijuana Establishment;
2. The name and address of all persons having lawful, equity or security interests in the Marijuana Establishment;
3. The name and address of the Manager of the Licensed Marijuana Establishment;
4. The number of proposed employees;
5. Proposed security precautions;
6. 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;
7. A Site Plan that includes the following information:
 - a. 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 Bylaws;
 - b. 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;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - d. 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;
 - e. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site;
 - f. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - g. Adequacy of water supply, surface and subsurface drainage and light.
8. 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 clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

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9. 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;
 10. 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; and
 11. Evidence that the Applicant has executed a Host Community Agreement with the Town of Northfield for the Marijuana Establishment.
- G. 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.
- H. Change of Ownership: A Special Permit issued under this Article 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 Section 3.4 (Special Permit) and Section 3.5 (Site Plan Review) of these Bylaws.
- I. Conditions: The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, 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:
1. Hours of Operation shall be required for all Retail Marijuana Establishments.
 2. 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.
 3. 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.

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4. 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.
 5. The Special Permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
 6. The Special Permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission.
- J. 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, public infrastructure or services, 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.
- K. Outside Consultants: The Planning Board may hire professional consultants at the applicant's expense pursuant to G.L. 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.

9.8.7 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 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.

9.8.8 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 Massachusetts General laws Chapter 138, Section 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.

9.8.9 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.

9.8.10 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.

9.8.11 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.

SECTION 10. SPECIAL DISTRICT REGULATIONS

10.1. FLOOD PLAIN OVERLAY DISTRICT

- A. Purposes. The purposes of the Flood Plain 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 Flood Plain Overlay District shall be deemed to be superimposed over other districts in this Zoning Bylaw. In the event any regulations of this Flood Plain 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 flood-proofing 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 non-structural activities, whether permitted by right or by special permit, shall comply with G.L. 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 proposal.
- 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, foot, bicycle, or horse paths.
 6. Temporary non-residential structures used in connection with fishing, 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.

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

1. Zone 1: All land within four hundred (400) horizontal feet of the Strowbridge Well.
2. Zone 2: All land greater than four hundred (400) horizontal feet but less than 2,640 horizontal feet of the Strowbridge Well, per State Div. of Water Supply, June 1982.

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3. Zone 3: Within the Wait Brook Watershed, all land upgradient of the Wait Brook Well, and all land within a four hundred (400) foot radius of the well.
 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 the five hundred (500) feet east of East Street on the west, Maple Street on the south, and Zones 5 and 6 on the east.
- 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 G.L. c.40A, §5.
- D. All uses and other provisions of Northfield's Zoning By-laws applying to existing districts shall remain in force and effect, except that where this District imposes greater or additional restrictions and requirements, those restrictions and requirements shall prevail. Potential pollution sources such as on-site wastewater disposal system, and any activities or uses not permitted within the District, shall to the degree feasible, occur on that portion of the lot that is outside the District, and at a distance of at least 100 feet from its boundary. Existing by right, permitted, and non-conforming uses can continue.
- 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; non-intensive agricultural uses (pasture, light grazing, hay), provided that pesticides are not applied; where the application of fertilizers is made, the groundwater quality resulting from such application shall not fall below the standards established by the Drinking Water Standards of Massachusetts, 310 CMR 22.
 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;

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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 above ground 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 semi-pervious materials, including driveways, paving, buildings, and structures to a degree greater than 25% of total lot area.
- F. Site Plan Review, as required under Section 3.5, shall be a prerequisite to all Special Permits issued pursuant in the Water Supply Protection District. Uses requiring a Special Permit from the Board of Appeals in Zones 2 through 7 are:
- 1. Replacement of an underground fuel storage system, with evidence of compliance with the provisions of 527 CMR 9.00 (Mass. Fire Regulations).
 - 2. Business and industrial activities other than agricultural.
 - 3. Uses which generate sewage flow as defined in 310 CMR 15.02, which exceed 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 one hundred (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 one hundred (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.

10.3. SOLAR OVERLAY DISTRICT

A. Purposes

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 to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this Section 10.3 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 10.3, 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 5 acres of land on one or more adjacent parcels in common ownership (including those separated by a roadway) proposed to be constructed in the Solar Overlay District are permitted as-of-right, subject to Site Plan Review under Section 3.5 and this Section 10.3. All other proposed Large-Scale Ground-Mounted Solar Photovoltaic Installations require a Special Permit and Site Plan Review in accordance with this By-law.

D. Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. Such development is subject to Site Plan Review. Projects conforming to this By-law, including

this Section, cannot be prohibited, but can be reasonably regulated by the Building Commissioner.

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

Building Inspector: The person designated by Section 1.A of this By-law 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 Section 10.3.B of the Bylaw, where Large-Scale Ground-Mounted Solar Photovoltaic Installations may be sited as-of right. Said locations are shown on the Town's Official Zoning Map, which is on file in the Office of the Town Clerk.

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

Site Plan Review: Review by the Northfield Planning Board in accordance with this Section 10 and Section 3.5.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

10.3.2. 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.

- A. **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.
- B. **Building Permit.** No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed, or modified without first obtaining a building permit.
- C. **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.
- D. **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 Section

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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.

- E. **Setback and Height Requirements.** For Large-Scale Ground-Mounted Solar Photovoltaic Installations, including Appurtenant Structures and parking areas, setbacks shall be at least 100 feet from any property boundary; the minimum setback areas are not included in the calculation of the 5-acre maximum specified in this Bylaw. The height of a Large-Scale Ground-Mounted Solar Photovoltaic Installation or any Appurtenant Structure, shall not exceed 20 feet.
- F. **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.
- G. **Design and Performance Standards.**
 - 1. **Lighting.** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 - 2. **Signage.** Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with Section 8.2 of this Bylaw. A sign consistent with the Bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.
 - 3. **Utility Connections.** Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - 4. **Roads.** Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources.
 - 5. **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.
 - 6. **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.

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

8. Safety and Environmental Standards

H. 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.

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

10.3.3. Monitoring, Maintenance, and Reporting

A. 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.

B. 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.

C. Annual Reporting. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this By-law and the approved site plan, including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Selectboard, Planning Board, Fire Chief, Emergency Management Director, Building 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.

10.3.4. Abandonment or Decommissioning

A. 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.

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B. Decommissioning shall consist of:

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

C. Abandonment

1. 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.
2. 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 G.L. 139, Section 3A as a tax lien on the property.

10.3.5. Financial Surety

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