BYLAWS OF THE TOWN OF GRANBY

VOLUME III

CHAPTER XXI - ZONING BYLAWS

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BYLAWS OF THE TOWN OF GRANBY

ZONING BYLAW

CHAPTER XXI

SECTION I - AUTHORITY, PURPOSE AND DEFINITIONS

1.0 Authority

The Town of Granby Zoning Bylaw is hereby adopted pursuant to the Zoning Act, Chapter 40A of the Massachusetts General Laws. The construction, alteration, location, use and extent of use of lands within the Town of Granby are hereby regulated as provided in this Bylaw.

1.1 Purpose

The purpose of this Zoning Bylaw is to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Granby, to protect the community and its natural resources, to conserve the value of land and buildings, to encourage the most appropriate use of land within the Town, to encourage housing for all income levels, to facilitate the adequate provision of public services, to secure safety from fire, flood and other dangers, and to provide the Town with the protection authorized by the Massachusetts General Laws, Chapter 40A, as amended.

1.2 Definitions

For the purpose of this Bylaw, the following words shall have the meanings given hereinafter: Where appropriate, the singular shall include the plural and the plural the singular; the words "used" or" occupied" include the words "designed", "arranged", intended", or "offered", to be used or occupied; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Subdivision Control Law shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary.

Accessory Building - A building customarily incidental to a principal building on the same lot or on an adjoining lot under the same ownership, and not attached to the principal building by any covered or roofed structure.

Accessory Use - The use of a building or premises which is customarily incidental to a principal permitted use.

Alteration - A change in or addition to a building or structure.
Aquifer - Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

Base Flood- the flood having a one percent chance of being equaled or exceeded in any given year.
Billboard - a sign not located at the point of sale, which advertises a business, organization, event, person, place or thing, unless such sign is more specifically defined herein.

Building - A combination of any materials forming a roofed enclosure intended for the shelter of persons, animals, or property, including any part of a building and porches and accessory buildings attached thereto.

Building Coverage - The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

Building Height - The vertical distance from the average finished grade at the front of the building to the highest point of the top story in the case of a flat or mansard roofs, including the top of a parapet, or to the mean level between the plate and ridge for gable, hip, or gambrel roofs.

Building Inspector - The Board of Selectmen or their duly authorized agent.

Building Setback Line - A line parallel to the street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the Town or by private covenant.

Camping Unit - Tent, collapsible tent trailer, motor home, pick-up camper, truck cap, and travel trailers of twenty-four (24) feet or less.

Club - A bona-fide membership organization established under provisions of the General Law.

Congregate Elderly and Handicapped Housing - A building or buildings arranged or used for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the Mass. General Laws, with some shared facilities and services.

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

Dwelling - A building occupied as a residence by one or two families.

Dwelling Conversion - The conversion of a one-family dwelling existing at the time of enactment of this bylaw into a two-family dwelling.

Dwelling, Multi-Family - A building containing more than two but not more than six dwelling units with separate sleeping, cooking and sanitary facilities.

Dwelling, Two-Family - A building containing two dwelling units. Only one such building shall be developed on any one lot.

Dwelling Unit - One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Family - Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than seven persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Farm - A parcel or parcels of land under one ownership or lease, said land being common and totaling not less than five (5) acres in area on which farming operations can be carried on to produce a minimum living income.

Fast Food Establishment - An establishment whose primary business is the sale of food for consumption on or

off the premises which is: a) primarily intended for consumption rather than for use as an ingredient or component of meals; b) available upon a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fences- An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. A retaining wall is not considered to be a fence.

Farm Business - Business established for the processing, display or sale of farm products, fifty percent (50) of which must have been raised or produced on the premises or elsewhere in the Town of Granby.

Flood Boundary and Floodway Map- an official map of a community issued by the Federal Emergency Management Agency (FEMA) that depicts, based on detailed analysis, the boundaries of the 100-year and 500-year floods and the 100-year floodway.

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

Frontage - The length of a front line, between the side lot lines, adjacent to a street, provided however that the minimum frontage required by this bylaw shall be satisfied by a continuous uninterrupted segment of such frontage.

On a corner lot the frontage will be the length of a front line, adjacent to the front street line, between the side lot line and the intersecting corner street line. The frontage shall meet the minimum frontage requirement with a continuous uninterrupted segment of such frontage.

Garage, Private - A building or part thereof used for the storage of motor vehicles and accessory to a principal building on the same lot.

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

Habitable Area - The floor area of the living space for the exclusive use of a single family in a dwelling or in a dwelling unit. Living space shall not include porches, breezeways, garage, basement, and any unfinished or community areas, and shall be measured as net area, or as gross area less twelve percent (12%) for partitions and walls. Any area with less than six and one-half feet (6 1/2 ft.) clear head room shall not be considered habitable.

Hazardous Waste - A waste which is hazardous to human health or the environment. Hazardous wastes have been designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, Massachusetts General Laws Chapter 21C.

Home Occupations - A use which is customarily and may properly be carried on for compensation entirely within a dwelling or accessory building.

Junkyard - An automobile graveyard or automobile salvage operation or any yard, field or other area used as a place of storage for discarded, worn-out or junked appliances, plumbing, heating supplies, furniture, lumber, metal or other similar items.

Livestock - Shall mean domestic animals, including horses, ponies, cows, sheep and goats.

Lot - A single area of land in one ownership defined by meets and bounds or boundary lines on a deed recorded in the Registry of Deeds, Hampshire County, or drawn on a plan approved under the Subdivision Control Law, or on a plan endorsed by the Planning Board stating "Approval not required under the Subdivision Control Law", or words of similar import.

Lot Coverage - The portion of a lot which is rendered impervious to rainfall, including but not limited to structures, pavement and permanent accessories.

Lot, Through - A lot other than a corner lot which extends all the way between and abuts two or more generally parallel streets.

Lot Line - The established division line between lots or between a lot and a street.

Lot Line, Front - The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

Lot Line, Side - The line or lines bounding a lot which extend from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot Line, Rear - The lot line opposite the front lot line.

Motel-Motor Hotel - A building designed and used for lodging transients in non-housekeeping units with not less than twelve units in any one building. One permanent housekeeping dwelling unit is permitted for occupancy of a manager or custodian. Rooms for assembly, a swimming pool for the use of guests, and the serving of food shall be deemed to be accessory uses.

New Construction – for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community

Non-Conforming Building - A building legally existing at the effective date hereof, but which does not conform to all of the applicable requirements of this bylaw regarding area and width of lot, frontage of lot, percentage of building coverage, required yards and parking facilities and building height limits.

Non-Conforming Use - A use of land, building, or premises which is not a use permitted by the provisions of this bylaw for the district in which such land, building, or premises are situated, but which was legally existing at the effective date hereof.

Outdoor Advertising Board - The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or official which may hereafter succeed to its powers or functions.

Person - Shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

Premises - The portion of a lot or building actually in use for the specific purpose or under consideration.
Primary Aquifer Recharge Area - Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward public water supply wells or potential sites for such wells.

Private Stable - A building or part of a building in which one or more horses or ponies are kept for the private use of the owner, and in which no horses or ponies are kept for sale, rent, hire, breeding, or for commercial cartage, trucking, or other business purposes.

Radioactive Waste - Any waste material or substance which is a source of ionizing or non-ionizing radiation.
Retaining Wall - A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Renewable or Alternative Energy - Sources of fuel, electricity or thermal energy that derive from natural sources or serve as an alternative to fossil sources of energy, such as: solar photovoltaic (PV) and solar thermal; Wind; Biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets, ultra-low emissions high efficiency wood pellet boilers and furnaces; Low Impact Hydroelectric and Hydrokinetic; Ocean thermal, wave or tidal; Geothermal; Landfill Gas; Fuels Cells that use Renewable Energy; Advanced biofuels; Combined Heat and Power; and Electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations

Sanitary Landfill - a landfill for the disposal of solid wastes which is operated in full compliance with all applicable state and federal regulations.

Screening - A method of visually shielding or obscuring one abutting nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback - The distance required from a street line to the nearest wall of a building.

Sign - Any object constructed of any material that is intended or designed to advertise or call the attention of the public to the premises, to a product made, displayed, or sold, and to services rendered thereon, or to identify the building or the occupants thereof, or any privately owned permanent or temporary device, billboard, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way or on private property within public view of a public way, public park or reservation.

Sign, Accessory - Any sign that advertises, or indicates the person occupying the premises on which the signs erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, Area of -

a. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.

c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.

d. In computing the area of signs, both sides of V-shaped signs, but only one side of back-to-back signs, shall be included.

Sign, Non-Accessory - Any sign not an accessory sign.

Sign, Temporary - Any sign, including its supporting structure, intended to be maintained for a continuous period of not more than one-hundred (100) days in any calendar year.

Sign, Standing - Any accessory sign that is not attached to a building.

Solar-Large-Scale Ground Mounted Solar Photovoltaic Installation (LSGMSPI) - A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250kwDC".

On Site Solar Photovoltaic Installation - A Solar Photovoltaic Installation that is constructed at a location where other uses of the underlying property occur".

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

Solar Photovoltaic Array - An arrangement of solar photovoltaic panels".

Street - A legal public way accepted by the Town giving access to private property and to which the public has access, but excluding an alley used for service access only.

Street Line - The dividing line between a street and a lot, and in the case of a public street, the street line established by public authority.

Structure or Accessory Structure - A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall for a structure, tent, reviewing stand, platform, bin, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Subdivision - Including re-subdivision, shall be as defined in the Subdivision Control Law.

Swimming Pool - A body of water eighteen (18) or more inches in depth below grade at any point in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with or by clubs, community associations, and motels.

Swimming Pool, Family - A swimming pool used or intended to be used only by the owner or lessee thereof and his family and by his friends invited or permitted to use it without payment of any fee.

Swimming Pool, Semi-Public - A swimming pool to be used by a non-profit organization of not more than two-hundred (200) persons living in the immediate vicinity of the pool.

a. A semi-public pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use of said pool from becoming objectionable to the abutter and neighbors, or a general nuisance.

b. Sufficient provision shall be made on the property in which the pool is located for off-street parking for all members or their guests.

Trailer - Any vehicle, or object on wheels and having no motive power of its own but which is drawn by or used in connection with a motor vehicle and which is so designed and constructed, or reconstructed, or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations and shall include a type of vehicle commonly known as mobile home, which shall be defined to mean a dwelling unit built on a chassis and containing electrical, plumbing, and sanitary facilities and designed to be able to be installed on a temporary or permanent foundation.

Use - The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

Yard - A required open space, unoccupied except as herein permitted, between a principal building and a street or a lot line.

Yard, Front - A yard extending between lot side lines across the front of a lot adjacent to each street the lot adjoins.

Yard, Rear - A yard adjacent to the rear lot line and extending between side lot lines.

Yard, Side - A yard adjacent to the side lot line and extending from the front yard to the rear yard.

SECTION II - ZONING DISTRICTS

2.0 Types of Districts

For the purposes of this Bylaw the Town of Granby is hereby divided into the following types of use districts:

RS ... .RESIDENTIAL - SINGLE FAMILY UNITS
RM .. ..RESIDENTIAL - MULTI-UNIT DWELLINGS
GB... .....GENERAL BUSINESS
I ....INDUSTRIAL DISTRICT
I-2.... .....INDUSTRIAL DISTRICT (LIMITED LANDFILL/SOLID WASTE MANAGEMENT AND RECYCLING USE)
VC……VILLAGE CENTER DISTRICT

OVERLAY DISTRICTS:
FLOODPLAIN DISTRICT – see Section 4.0
WATER SUPPLY PROTECTION – see Section 4.1
AGRICULTURAL PRESERVATION – see Section 4.2
MIXED USE DEVELOPMENT – see Section 4.4
BUSINESS PARK OVERLAY DISTRICT – see Section 4.5
PROFESSIONAL OFFICE OVERLAY DISTRICT – see Section 4.6

2.1 District Locations and Boundaries

The locations and boundaries of districts, except for the Water Supply Protection District, the Floodplain District and the Agricultural Preservation district, shall be shown on a map entitled Zoning Map of the Town of Granby, Mass. dated February 25, 1974 as amended from time to time by a vote of the Town Meeting. The Floodplain District is defined on maps described in Section 4.0. The Water Supply Protection District is defined on a map described in Section 4.1. The Agricultural Preservation District is defined on a map described in Section 4.2. All said maps are hereby deemed to be a part of this bylaw, the originals of which shall be on file with the Town Clerk.

1. Where boundaries are indicated in the right of way streets or watercourses, such boundaries shall be the centerline of the right of way.

2. Where boundaries approximately follow property lines and are not more than twenty-five feet (25 ft.) therefrom, the property line shall be the district boundary, with the exception of the Water Supply Protection District and the Floodplain District wherein boundaries shall always follow natural features and landscape contours shown on the maps.

3. Where boundaries are parallel to a street or road and fixed by dimensions on the zoning map, the distance shall be measured from the center line of such ways.

4. Where distances are not specified on the zoning map nor otherwise determined from the above provisions, the scale of the zoning map shall be used to determine the location of the district boundary.

5. Where the location of a boundary line is uncertain, the Building Inspector shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.

SECTION III - USE REGULATIONS

3.0 Schedule of Use Regulations

Except as provided elsewhere in this bylaw, no building or structure shall be erected or altered, and no building, structure or land shall be used for any purpose other than as provided for in this section.

The restrictions and controls intended to regulate development in each district are set forth in Table 1. Granby Schedule of Use Regulations. The following notations apply to the Schedule of Use Regulations:

Y	Yes - Use Permitted	N	No – Use Prohibited
PB	Planning Board	ZBA	Zoning Board of Appeals
S	Selectboard		
SP	Special Permit	SPA	Site Plan Approval
SP/PB	Use allowed by Special Permit from Planning Board	SPA/PB	Use allowed by Site Plan Approval from Planning Board
SP-SPA/PB	Use allowed by Special Permit with Site Plan Approval from Planning Board		
SP/ZBA	Use allowed by Special Permit from Zoning Board of Appeals	SP-SPA/ZBA	Use allowed by Special Permit with Site Plan Approval from Zoning Board of Appeals
SP/SB	Use allowed by Special Permit from Select Board		

Uses permitted and uses allowed by special permit or by site plan approval shall be in conformity with all density and dimensional regulations and any other pertinent requirements of this bylaw.

3.1 Prohibited Uses

Any use not specifically or generally listed herein or otherwise permitted in a district shall be deemed as prohibited. The following uses shall be prohibited in all districts:

a. Trailer camps or parks providing locations and service facilities for house trailers except as provided for in Section 3.2.8. An individual trailer may be located on a lot provided it is not used as living quarters while so located.
b. Junk yard and auto graveyard.
c. Billboards.

TABLE 1
SCHEDULE OF USE REGULATIONS

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS AND CONDITIONS	ZONING DISTRICT					
3.2	**AGRICULTURAL**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.2.0	Agriculture, horticulture, floriculture, viticulture		Y	Y	Y	Y	N	N
3.2.1	Commercial, livestock, dairy, poultry farm		Y	Y	Y	Y	N	N
3.2.2	Farm business, commercial greenhouse		Y	Y	Y	Y	N	N
3.2.3	Forestry, wood harvesting, tree farm, nursery		Y	Y	Y	Y	N	N
3.2.4	Conservation land		Y	Y	Y	Y	N	N
3.2.5	Commercial boarding stable, riding academy	Shall have not less than ten (10) acres of suitable land	SP-SPA/ PB	N	N	N	N	N
3.2.6	Commercial golf course		SP-SPA/ PB	SP-SPA/ PB	N	N	N	N
3.2.7	Commercial landing strip or heliport		N	N	N	N	N	N
3.2.8	Commercial recreational camping for transient guests	No camping unit shall be used for more than sixty (60) days in any ten month period	SP/ZBA SPA/PB	N	N	N	N	N
3.2.9	Commercial hunting, fishing or ski grounds	Shall preserve the open character of land situated easterly of Amherst Road/Street and northerly of Batchelor St. on the north, Porter St. on the west, Aldrich St. on the south and Amherst St. on the west.	SP/ZBA SPA/PB	N	N	N	N	N
3.3	**RESIDENTIAL**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.3.0	Single-family detached dwelling		Y	Y	N	N	N	Y
3.3.1	Single-family dwelling on estate lot	Subject to Section 5.4	Y	Y	N	N	N	Y
3.3.2	Multi-family dwelling	Subject to restrictions set forth in Section 5.0 - Special Use Regulations and performance standards for multi-family uses	SP-SPA/ PB	SP-SPA/ PB	SP-SPA/ PB	N	N	SP-SPA/ PB
3.3.3	Dwelling conversion		N	N	N	N	N	N
3.3.4	Mobile home, trailer, camper		N	N	N	N	N	N
3.3.5	Room rental	Taking of boarders and/or roomers not to exceed four persons by a resident family	Y	Y	N	N	N	Y
3.3.6	Congregate housing for the elderly or handicapped	Subject to restrictions set forth in Section 5.0 - Special Use Regulations for congregate housing	SP-SPA/ PB	SP-SPA/ PB	SP-SPA/ PB	N	N	SP-SPA/ PB
3.3.7	Open Space Community	Subject to restrictions set forth in Section 5.0 - Special Use Regulations for open space communities	SP-SPA/ PB	SP-SPA/ PB	N	N	N	N
3.3.8	Dwellings in the Industrial District	Residential uses permitted only where accessory to a permitted industrial or agricultural use, such as the quarters of a watchman	N	N	N	Y	N	N

3.3	RESIDENTIAL (cont.)		RS	RM	GB	I	I-2	VC
3.3.9	Dwellings and housekeeping facilities for employees and non-paying guests of owner or lessee in an accessory building		SP/ZBA	N	N	N	N	N
3.3.10	Bed & Breakfast		SP-SPA/ PB	N	N	N	N	SP-SPA/ PB
3.3.11	Age Restricted Housing Community	See Section 5.11 – Age Restricted Housing Community	SP-SPA/ PB	N	SP-SPA/ PB	N	N	N
3.4	**INSTITUTIONAL**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.4.0	Government administration building		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	SP-SPA/ PB *
3.4.1	Public utility administration building		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	SP-SPA/ PB*
3.4.2	Fire or police station		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	SP-SPA/ PB*
3.4.3	Municipal dog pound		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	N
3.4.4	Municipal highway department and accessory uses		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	N
3.4.5	Civil defense facility		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	N
3.4.6	Community center, facility for the elderly		SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	SP-SPA/ PB*	N	SP-SPA/ PB*
		* To apply to existing buildings on a rental/lease basis only and to be reviewed on a every three-year basis						
3.4.7	Public or non-profit educational institution		SPA	SPA	SPA	SPA	SPA	SPA
3.4.8	Church, parish house or other place of worship		SPA	SPA	SPA	SPA	SPA	SPA
3.4.9	Public library, museum		SPA	SPA	SPA	N	N	SPA
3.4.10	Public park, playground or recreation area		SPA	SPA	SPA	N	N	SPA
3.4.11	Philanthropic institution		SPA	SPA	SPA	N	N	SPA
3.4.12	Private school		SP-SPA/ PB	N	N	N	N	SPA
3.4.13	Neighborhood or community clubhouse, headquarters of fraternal organization	Shall serve primarily the residents of Granby	N	SP-SPA/ PB	N	N	N	SP-SPA/ PB
3.4.14	Private membership club, not conducted as gainful business		SP-SPA/ PB	N	N	N	N	N
3.4.15	Hospital, sanitarium		SP-SPA/ PB	N	N	N	N	N
3.4.16	Rest home, convalescent or nursing home		SP-SPA/ PB	SP-SPA/ PB	N	N	N	SP-SPA/ PB
3.4.17	Cemetery, crematory	Crematory use shall be restricted to the cemetery within which it is located	SP-SPA/ PB	N	N	N	N	N
3.4.18	Private museum, art gallery, craft center		SP-SPA/ PB	N	N	N	N	SP-SPA/ PB

3.4	INSTITUTIONAL (cont.)		RS	RM	GB	I	I-2	VC
3.4.19	Accessory uses which are necessary in connection with scientific research, scientific development and related production	As provided under Mass. General Laws Chapter 40A, Section 9	SP-SPA/ PB	SP-SPA/ PB	SP-SPA/ PB	SP-SPA/ PB	N	SP-SPA/ PB
3.4.20	Accessory uses which are necessary specifically with renewable or alternative energy scientific research, scientific development and related production		N	N	N	SPA/PB	N	N
3.5	**RETAIL and SERVICES**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.5.0	Retail Store		N	N	SPA/PB	SPA/PB	N	SP-SPA/ PB
3.5.1	Bank, loan agency		N	N	SPA/PB	SPA/PB	N	SP-SPA/ PB
3.5.2	Office building		N	N	SPA/PB	SPA/PB	N	SP-SPA/ PB
3.5.3	Services		N	N	SPA/PB	SPA/PB	N	SP-SPA/ PB
3.5.4	Restaurant, tavern	For serving food or beverage to persons inside the building	N	N	SPA/PB	SPA/PB	N	SP-SPA/ PB
3.5.5	Fast food establishment	With drive-through	N	N	SP-SPA/ PB	N	N	N
3.5.6	Fast food establishment	Without drive-through	N	N	SP-SPA/ PB	N	N	SP-SPA/ PB
3.5.7	Telephone exchange		N	N	SPA - PB	SPA - PB	N	N
3.5.8	Auto service station, auto repair shop	Provided that all repair work shall be conducted in an enclosed building and no unregistered vehicles incapable of operation shall be stored in the open	N	N	SPA/PB	SPA/PB	N	N
3.5.9	Auto sales, motorcycle sales	Used car sales only where incidental to new car sales	N	N	SPA/PB	SPA/PB	N	N
3.5.10	Sale of used motor vehicles		N	N	SP/PB	SP/PB	N	N
3.5.11	Radio and electrical repairs shop		N	N	SPA/PB	SPA/PB	N	N
3.5.12	Funeral establishment		SP-SPA/ PB	N	SP-SPA/ PB	SP-SPA/ PB	N	N
3.5.13	Bowling alley		N	N	SPA/PB	SPA/PB	N	N
3.5.14	Theater	except drive-in theater	N	N	SPA/PB	SPA/PB	N	N
3.5.15	Printer		N	N	SPA/PB	SPA/PB	N	N
3.5.16	Medical or dental center or laboratory		SP-SPA/ PB	N	SPA/PB	SPA/PB	N	N
3.5.17	Veterinary establishment, place for boarding animals, or raising pets for gainful purpose		SP-SPA/ PB	N	SPA/PB	SPA/PB	N	N
3.5.18	Motel, motor hotel		N	N	SP-SPA/ PB	N	N	N
3.5.19	Outdoor display of goods and wares		N	N	N	N	N	N
3.5.20	Large Scale Ground Mounted Solar Photovoltaic Installation (LSGMSPI)	Subject to Section 6.2 & 6.3 Special Permit Planning Board with Site Plan Approval (SP-SPA/PB) and Section 5.99 (LSGMSVI) SP-SPA/PB	SP-SPA/ PB	N	N	SP-SPA/ PB	N	N

	RETAIL and SERVICES (cont.)		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.5.21	Mixed Residential/Business	Where uses are located in the same building	N	SP-SPA/ PB	SP-SPA/ PB	N	N	SP-SPA/ PB
3.5.22	Cannabis Retail Operation	Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the cannabis establishment is or will be located. No closer than 500 ft. property line to property line straight line to public or private school to include any licensed daycare. In any case, where the measurement is determined to be in question, the Planning Board may require verification of distances by a Registered Land Surveyor at the expense of the applicant.	N	N	SP/PB – SPA	N	N	N
3.5.23	Business Estate Lots	Subject to Section 5.13	N	N	Y	Y	Y	N
3.6	**WHOLESALE, INDUSTRIAL, TRANSPORTATION**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.6.0	Manufacturing, processing, fabrication, assembly and storage of materials, mechanical products or equipment	No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion	N	N	N	SP-SPA/ PB	N	N
3.6.1	Printing, publishing, packaging, data processing, and allied uses	No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion	N	N	N	SP-SPA/ PB	N	N
3.6.2	Research or development laboratory	No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion. No research or testing to be conducted outdoors unless expressly permitted by Special Permit.	N	N	N	SP-SPA/ PB	N	N
3.6.3	Lumber yard and similar operations requiring bulk storage of materials outside a structure		N	N	N	SP-SPA/ PB	N	N
3.6.4	Radioactive waste facility	A facility for disposal, burial or incineration of radioactive waste may be permitted after a public hearing by special permit from the Board of appeals in accordance with all of the provisions of this bylaw and Section 9, Ch. 40A, M.G.L. provided the special permit granting authority finds that the proposed use is in harmony with the intent and purpose of this bylaw. The special permit may impose such conditions and limitations on the use as the special permit granting authority may determine are necessary for the protection of public health, safety, and welfare.	N	N	N	SP-SPA/ PB	N	N

3.6	WHOLESALE, INDUSTRIAL, TRANSPORTATION (cont.)		RS	RM	GB	I	I-2	VC
3.6.5	Removal of soil. loam, sand, gravel, rock, quarried stone or other earth products	See Section 5.8 Earth Removal Bylaw	SP/SB	SP/SB	SP/SB	SP/SB	N	SP/SB
3.6.6	Sanitary landfill, solid waste management and recycling	Comply with all local, state and federal regulations applicable to sanitary landfills and solid waste management	N	N	N	N	SP-SPA/ PB	N
3.6.7	Research and Development Laboratory	For uses consistent of definition of Renewable or Alternative energy	N	N	N	SPA/PB	N	N
3.6.8	Manufacturing, Processing, fabrication, Assembly and storage of materials, mechanical products or equipment specifically related to renewable or alternative energy	For uses consistent with definition of Renewable or Alternative energy	N	N	N	SPA/PB	N	N
3.6.9	Commercial Growth/Operation	Distance shall be measured in a straight line form the nearest point of the property line in question to the nearest point of the property line where cannabis establishment is or will be located. No closer than 500 ft. property line to property line straight line to public or private school to include any licensed daycare. IN any case, where the measurement is determined to be in question, the Planning Board may require verification of distances by a Registered Land Surveyor at the expense of the applicant.	N	N	N	SP/PB – SPA	SP/PB – SPA	N
3.7	**ACCESSORY USES**		**RS**	**RM**	**GB**	**I**	**I-2**	**VC**
3.7.0	Home occupation	The use of a portion, not to exceed 35% of the available floor space of a dwelling, or one accessory building, not to exceed 800 sq. ft., by a resident engaged in a customary home occupation, which may be for gainful purposes, providing the materials and equipment used do not create a nuisance. Noise and other objectionable characteristics shall not extend beyond the limits of the lot.	Y	SP-SPA/ PB	SP-SPA/ PB	N	N	SP-SPA/ PB
3.7.1	Home professional office	The use of a portion, not to exceed 35% of the available floor space of a dwelling, or one accessory building, not to exceed 800 sq. ft., as the office of a doctor, dentist, lawyer, architect, engineer or as a studio for an artist, teacher of academic subjects, accountant, real estate or insurance agent residing on the premises, provided that not more than two persons, other than the residents of the premises, are regularly employed therein in connection with such use.	Y	SP-SPA/ PB	SP-SPA/ PB	N	N	SP-SPA/ PB
3.7.3	Home shop	The use of a portion of a dwelling or accessory building as an antique shop, gift shop, hobby shop when such use is clearly secondary to the use of the premises as a dwelling.	SP/ZBA SPA/PB	SP/ZBA SPA/PB	SP/ZBA SPA/PB	N	N	SP/ZBA SPA/PB

3.7	ACCESSORY USES (cont.)		RS	RM	GB	I	I-2	VC
3.7.4	Private garage or stables not exceeding one thousand two hundred (1200) feet in area	Provide that no business service or industry is conducted therefrom or therein.	Y	Y	Y	N	N	Y
3.7.5	Private garage or stables exceeding one thousand two hundred (1200) feet in area	Provide that no business service or industry is conducted therefrom or therein.	SP/ZBA SPA/PB	N	SP/ZBA SPA/PB	N	N	SP/ZBA SPA/PB
3.7.6	Parking of one large commercial vehicle over two tons capacity		Y	Y	Y	Y	N	Y
3.7.7	Parking more than one large commercial vehicle over two tons capacity	Vehicles used primarily for agricultural purposes on the premises are exempt.	SP/ZBA	SP/ZBA	Y	Y	N	N

3.2 Dimensional and Density Regulations

All permitted uses and uses allowed by special permit shall be in conformity with the dimensional and density regulations set forth in Table 2, Table of Dimensional and Density Regulations.

TABLE 2
TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

DISTRICT	RS	RM	GB	I	I-2	VC	FWD	WSP	AP
SINGLE FAMILY									
Minimum Lot Size (sq. ft.)	40,000	40,000				40,000	*	60,000	40,000
Minimum Frontage (ft.)	150	150				150	*	150	150
Minimum Front Yard (ft.)	40	40				40	40	40	40
Minimum Side Yard (ft.)	15	30				15	*	15	30
Minimum Rear Yard (ft.)	20	50				20	*	20	50
Maximum Height (ft.)	35	35				35	35	35	35
Maximum # of Stories	2	2				2	2	2	2
Maximum Lot Coverage	25%	25%				25%	25%	25%	25%
SINGLE FAMILY ESTATE LOT(S)									
Minimum Lot Size (sq. ft.)	80,000	80,000					*	80,000	80,000
Minimum Frontage (ft.)	40	40					*	40	40
Minimum Front Yard (ft.)	40	40					40	40	40
Minimum Side Yard (ft.)	15	15					*	15	15
Minimum Rear Yard (ft.)	20	20					*	20	20
Maximum Height (ft.)	35	35					35	35	35
Maximum # of Stories	2	2					2	2	2
Maximum Lot Coverage	25%	25%					25%	25%	25%
MULTIFAMILY									
Minimum Lot Size Per Dwelling Unit (sq. ft.)	40,000	40,000	40,000						
Maximum No. of Dwelling Units Per Structure	6	6	6						
Minimum Frontage (ft.) for 3 Dwelling Units	300	300	300						
Additional Frontage (ft.) Per Dwelling Unit Over 3	75	75	75						
Minimum Front Yard (ft.)	75	75	75						
Minimum Side Yard (ft.)	75	75	75						
Minimum Rear Yard (ft.)	50	50	50						
Maximum Height (ft.)	35	35	35						
Maximum # of Stories	2	2	2						
Maximum Lot Coverage	30%	30%	30%						
Required Open Space	40%	40%	40%						

TABLE 2
TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (cont.)

DISTRICT	RS	RM	GB	I	I-2	VC	FWD	WSP	AP
STRUCTURES OTHER THAN DWELLINGS									
Minimum Lot Size (sq. ft.)	40,000	40,000	40,000	40,000	40,000	40,000	40,000	60,000	40,000
Minimum Frontage (ft.)	150	150	150	200	200	150	*	150	150
Minimum Front Yard (ft.)	40	40	40	40	40	40	40	40	40
Minimum Side Yard (ft.)	15	30	30**	30**	30**	30**	30	15	15
Minimum Rear Yard (ft.)	20	20	20**	20**	20**	20**	20	20	20
Maximum Height (ft.)	35	35	35	35	35	35	35	35	35
Maximum # of Stories	2	2	2	2	2	2	2	2	2
Maximum Lot Coverage	25%	25%	70%	40%	40%	40%	25%	25%	25%

* Within the overlay district, the dimensional regulations of the underlying district shall remain in effect.
** Where a side or rear yard is adjacent to a residential area such yard shall be a minimum of 50 foot setback.

3.3 Existing Buildings/Non-Conforming Uses

3.30 Any non-conforming building, structure, or use, existing upon the effective date of this Bylaw may be continued, rebuilt or resumed within two (2) years if damaged or destroyed by fire or other causes.

3.31 A non-conforming use which has been abandoned or discontinued for a period of two (2) years, shall not be re-established and any future use shall conform with this bylaw.

3.32 A non-conforming structure may not be altered if such alterations exceed fifty percent (50%) of the existing square footage of the structure at the time of the application for approval.

3.33 Once changed to a conforming use, no structure or land shall revert to a non-conforming use, and no non-conforming use shall be changed to another non-conforming use except upon finding by the Board of Appeals that such change shall result in a use more in keeping with the character of surrounding properties.

3.34 Pre-existing non-conforming structures or uses may be extended or altered when the special permit granting authority makes a finding as designated by the ordinance or bylaw, that such change, extension or alteration is not substantially more detrimental than the existing non-conforming use is to the neighborhood.

SECTION IV - OVERLAY DISTRICT REGULATIONS

4.0 Floodplain District

4.00 Purposes

The purposes of the Floodplain District are;

1. To provide that lands in the Town of Granby subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupant thereof.

2. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town of Granby.

3. To assure the continuation of the natural flow pattern of the water course(s) within the Town of Granby in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

4. To eliminate new hazards to emergency response officials.

5. To prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.

6. Eliminate costs associated with the response and cleanup of flooding conditions.

7. Reduce damage to public and private property resulting from flooding waters.

4.01 Scope of Authority

The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the Granby Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, such regulations shall prevail.

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and the following:

Section of the Massachusetts State Building Code, which addresses floodplain high hazard areas (currently 780CMR 3107.0 “Flood Resistant Construction”);

Wetlands Protection Regulations, Department of Environmental Protection (DEP) currently (310CMR 10.00).

Inland Wetlands Restrictions, DEP (currently 302CMR 6.00);

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310CMR 15, Title 5)

Any variance from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

4.02 District Delineation

1. Floodplain District Boundaries

The District includes all special flood hazard areas designated on the Granby Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated January 2, 1980 as Zone A, A1-30 on the Town of Granby Flood Insurance Rate Maps (FIRM) panels 2501620005B, 2501620010B, 2501620015B and 2501520020B, effective January 2, 1980, and the FEMA Flood Boundary & Floodway Map (FBFM) dated January 2,1980, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year based flood elevation shown on the FIRM and further define by the Flood Insurance Study (FIS) booklet dated January 1979. The FIRM Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.

2. Base Flood Elevation and Floodway Data

a. Floodway Data. In Zone A, A1, and AE, along watercourses that have not had a regulatory designated, the best available Federal, State Local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the Town of Granby during the occurrence of the base flood discharge.
b. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4.03 Notification of Watercourse Alteration

Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

1. Adjacent Communities

2. Bordering States (optional)

3. NFIP State Coordinator
Massachusetts Office of Water Resources
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

4. NFIP Program Specialist
FEMA Region I, Rm. 462
J.W. McCormack Post Office & Courthouse
Boston, MA 02109

4.04 Other Use Regulations

1. In Zones A1-30, and AE, along watercourses that have a regulatory floodway designated on the FIRM, 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 discharge.

2. Review all subdivision proposals to assure that:

a. such proposals minimize flood damage;

b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. adequate drainage is provided to reduce exposure to flood hazards.

4.05 Permitted Uses

In the Floodplain District no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes except:

1. Conservation of water plants and wildlife.

2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.

3. Wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern on any water course.

4. Grazing and farming, including truck gardening and harvesting of crops.

5. Forestry and nurseries.

6. Dwellings lawfully existing prior to the enactment of this bylaw.

4.06 Uses by Special Permit

No structure or building shall be erected, constructed, substantially improved over 50 percent of assessed market value or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Zoning Board of Appeals.

Uses allowed by Special Permit from the Zoning Board of Appeals in accordance with Section 6.2 within the Floodplain District are described in Section 3.0 and shall be subject to the following additional restrictions:

1. The following requirements apply in the Flood Plain District:
   a. Within Zone A or Zones A1-30, where base flood elevation is not provided on the FIRM or FBFM, or within unnumbered A zones, the applicant shall obtain any existing base flood elevation data, and further the applicant may be required to determine base flood elevation based on engineering calculations. This data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

2. The following provisions apply in the Floodway designated on the FBFM:
   a. Within the Floodway designated on the FBFM, no encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels within the Town during the occurrence of a 100 year flood in accordance with the Federal Emergency Management Agency's regulations for the National Flood Insurance Program.
   b. Any encroachment in the Floodway meeting the above standard must also comply with the floodplain requirements of the State Building Code.

Prohibited Uses

The following uses are specifically prohibited and may not be allowed by special permit:

1. Solid waste landfills, junk yards and dumps.

2. Business and industrial uses, not agricultural, which manufacture, use process, store or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair.

3. The outdoor storage of salt, other de-icing chemicals, pesticides or herbicides shall be prohibited without suitable overhead protection from weather and an impervious containment area to hold the volume of stored chemicals.

4. Draining, dredging, excavation or disposal of soil or mineral substances, except as necessary for permitted uses or uses allowed by special permit, as specified in the Earth Removal Bylaw, Section 5.8.

4.07 Additional Special Permit Criteria

In addition to the Special Permit criteria specified in Section 6.2, the Zoning Board of Appeals may grant a Special Permit if it finds:

1. The proposed use will not create increased flood hazards which shall be detrimental to the public health, safety and welfare; and

2. The proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.

3. The proposed use is in compliance with all applicable state and federal laws, including the Massachusetts Building Code and the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40).

4.1 Water Supply Protection District

4.10 Purpose

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

4.11 Scope of Authority

The Water Supply Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the Granby Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

4.12 District Delineation

The Water Supply Protection District is herein established to include all lands within the Town of Granby lying within the primary recharge area of groundwater aquifers which now or may in the future provide public water supply. The map entitled "Water Supply Protection District, Town of Granby", on

file with the Town Clerk, delineates the boundaries of the district.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s), the Town may engage a professional hydrogeologist to determine more accurately the location and extent of an aquifer recharge area, and shall charge the owner for all of the cost of the investigation.

4.13 Permitted Uses

All uses permitted in the underlying Residential RS District shall be permitted, with the following exceptions:

1. Home occupations which involve the use or disposal of hazardous materials or wastes, including but not limited to furniture stripping, auto body repair, engine repair and photographic processing in commercial volumes, are prohibited.

4.14 Uses By Special Permit

1. Uses allowed by special permit from the Zoning Board of Appeals in accordance with Section 6.2 within the Water Supply Protection District are described in Section 3.0 and shall be subject to the following additional restrictions:

   a. The conversion of a one-family dwelling existing at the time of enactment of this bylaw into a two-family dwelling, provided that the dwelling has sufficient septic system capacity to meet the requirements of the Massachusetts Sanitary Code.

2. The Board of Appeals may grant the requested special permit only upon finding that the proposed use meets the following standards and those specified in Section 6.27 of this bylaw. The proposed use must:

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

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

4.15 Prohibited Uses

1. Underground storage and/or transmission of petroleum products excluding liquified petroleum gas, except that storage tanks within the basement of a building shall be permitted.

2. Outdoor storage of salt, de-icing materials, pesticides or herbicides shall be prohibited without suitable overhead protection from weather and an impervious containment area adequate to hold the volume of stored chemicals.

3. The use of septic system cleaners which contain toxic chemicals, including but not limited to methylene chloride and 1-1-1 trichlorethane.

4.16 Restricted Uses

1. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table. A monitoring well shall be installed by the property

owner to verify groundwater elevations. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.

a. Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site. All earth removal operations must comply with the provisions of Section 5.8 - Earth Removal Bylaw.
b. The use of sodium chloride for ice control shall be minimized, consistent with public highway safety requirements.
c. Commercial fertilizers, pesticides, herbicides, or other leachable materials shall not be used in amounts which result in groundwater contamination levels exceeding Massachusetts Drinking Water Standards or National Interim Primary Drinking Water Regulations.
d. Above ground storage tanks, including tanks within the basement of a building for oil, gasoline or other petroleum products shall be protected from the environment and placed on a diked impermeable surface to prevent spills or leaks from reaching groundwater. Floor faults shall be plugged to prevent discharges of leaks. No floor drains shall be allowed, only sump pumps to allow for pumped removal of any spilled materials.

4.2 Agricultural Preservation District

4.20 Purpose

The purposes of the Agricultural Preservation District are to:

1. Protect prime agricultural lands for future food production;

2. Maintain an adequate agricultural land base in Granby to ensure continued economic viability for local agriculture and the availability of agricultural support services;

3. Prevent excessive public service and infrastructure costs which would result from unplanned urban growth in areas more appropriate for agriculture;

4. Preserve scenic, historic and other farming-related values which help define the character of Granby's culture and landscape;

5. Allow landowners a reasonable return on the value of their holdings while protecting the majority of existing farm land for use by future generations;

6. Promote and protect the practice of farming in Granby.

4.21 District Delineation

The Agricultural Preservation District is defined as all lands designated on the map entitled "Agricultural Preservation District, Town of Granby", on file with the Town Clerk. All lands included in the district shall be included only upon prior written approval of the property owner.

4.22 Permitted Uses

1. Agricultural production, including raising of crops, livestock, poultry, nurseries, orchards, hay;

2. Normal agricultural practices, including but not limited to manure storage, farm machine operation and fertilizer and pesticide use as regulated by state and federal law.

3. Uses accessory to farm operations, including greenhouses, farm animal veterinary facilities, agricultural processing and storage facilities;

4. Farm-related dwelling units;

5. Single family homes on frontage lots not requiring approval under the Massachusetts Subdivision Control Law, M.G.L. Chapter 41, which comply with the Site Design standards in Section 4.29 of this bylaw.

4.23 Uses Permitted With Site Plan Review

All residential subdivisions which require approval under M.G.L. Chapter 41 shall be laid out in accordance with the Agricultural Land and Development Standards in Section 4.26 - 4.28 and the Site Design Standards in Section 4.29 of this bylaw, and shall require Site Plan Approval from the Planning Board. All applicants for Site Plan Approval shall comply with Section 6.3 of this bylaw.

4.24 Additional Requirements for Site Plan Approval

The applicant shall comply with the minimum requirements for site plan contents in Section 6.33 of this bylaw, and shall also submit to the Planning Board the following information:

1. Description or illustration of the physical characteristics within and adjacent to this site, including: prime agricultural soils, soils of state and local importance, other soils and soil characteristics, areas used for crop or other agricultural production.

2. Description of compliance with Agricultural Land and Development Standards in Section 4.26 - 4.28 and Site Design Standards in Section 4.29.

4.25 Criteria for Review

In addition to the criterion contained in Section 6.35, the Planning Board shall also consider the following criteria:

1. is in compliance with Agricultural Land and Development Standards;

2. will not interfere with farming operations on adjacent lands;

3. is situated on the portion of the site with soils least suitable for the production of crops or livestock;

4. is integrated into the existing landscape through features such as vegetative buffers, and through retention of open agricultural land.

4.26 Agricultural Land and Development Standards

1. Residential subdivision developments in the Agricultural Preservation District shall be laid out according to the Open Space Community standards set forth in Section 5.1 of this bylaw. All buildings and roads shall be located away from soils which are most suitable for agriculture (based on U.S. Soil Conservation Service classifications for prime farmland soils and soils of state and local importance) to the maximum practical extent. This provision does not apply to the location of on-site septic disposal facilities which must be placed in soils meeting the Massachusetts Environmental Code.

2. All roads, drainage systems and utilities shall be laid out in a manner so as to have the least

possible impact on agricultural lands and uses.

4.27 Maximum Number of Dwelling Units

1. The maximum number of dwelling units permitted in an open space community in the Agricultural Preservation District shall be calculated based upon one unit per acre for the net developable acreage remaining once the area of all wetlands and all areas unsuitable for on-site sewage disposal have been subtracted from the total acreage of the property.

2. Under the supervision of the Conservation Commission and in accordance with the provisions of the wetlands Protection Act, M.G.L. Chapter 131, Section 40, all wetlands shall be identified, and their area subtracted from the net developable acreage of the total parcel.

3. Under the supervision of the Board of Health, and in conformance with Title V, percolation tests shall be conducted for all lots in the total acreage of the property which would be developed in a standard subdivision layout. The area of those lots which is determined to be not suitable for on-site sewage disposal shall be subtracted from net developable acreage of the total parcel.

4.28 Required Open Land

1. At least fifty (50) percent of the net acreage remaining after the area of all wetlands have been subtracted shall be retained as open agricultural land. Remaining open agricultural land shall have appropriate acreage, configuration and access to enable continued farming operations.

4.29 Site Design Standards

All residences developed either on frontage lots or within an open space community shall comply with the following standards:

1. All buildings, homes and structures shall be located a minimum of 100 feet from agricultural land and shall be separated by a 50-foot wide buffer strip of trees and fencing sufficient to minimize conflicts between farming operations and residences.

2. Each structure shall be integrated into the existing landscape on the property so as to minimize its visual impact and maintain visibility of adjacent agricultural lands from public ways through use of vegetative and structural screening, landscaping, grading and placement on or into the surface of the lot.

4.30 Protection of Open Agricultural Land

The following standards shall apply to open agricultural land to be protected as part of the development of an open space community:

1. Farmland owners are not required to sell the part of their property which is to become permanent agricultural open space, provided that they do convey the development rights of that open space in a conservation easement prohibiting future development of this property to any of the official bodies named in Section 4.30(2) below.

2. All remaining open agricultural land shall be permanently protected by either:
   a. A permanent conservation easement or deed restriction conveyed to the Town of Granby with Town approval or to a non-profit farmland trust or conservation organization whose principal purpose is to conserve farmland and open space. At a minimum, such an easement or restriction shall entail the use of management practices that ensure existing fields or pastures

will be plowed or mowed at least once every year.

b. Ownership in fee simple conveyed to the Town of Granby with Town approval or to a non-profit farm trust, open space or conservation organization as a gift or for a consideration.

4.31 Relationship to Agricultural Incentive Area

All land which is enrolled in the Agricultural Preservation Zoning district shall become eligible for enrollment in the Granby Agricultural Incentive Area and, once enrolled in the Incentive Area, shall receive any and all benefits and incentives included therein.

4.3 (RESERVED FOR FUTURE USE)

4.4 MIXED USE DEVELOPMENT OVERLAY DISTRICT

4.40 Scope

To regulate Mixed Use Development in appropriate areas of the Town and to protect the public health, safety, and general welfare in the Town of Granby by establishing controls that will facilitate flexible development while protecting the public interest.

4.41 Purposes

The purpose of this bylaw is to foster a greater opportunity for creative development by providing guidelines which encourage a mix of uses compatible with existing and neighboring properties; to provide housing and business uses in locations where a variety of town services are available; to promote utilization of existing buildings and property, and to encourage the provision of open areas. The intent, furthermore, is to encourage interaction among activities located within a Mixed Use Development, to enhance business vitality, reduce vehicular traffic, provide employment and shopping opportunities for residents close to home, ensure the compatibility with each other of the commercial and residential uses, ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located by:

1. Allowing a diversity of uses in close proximity in the district within a limited area, including residential, retail and office,

2. Accommodating mixed-use buildings with neighborhood-serving retail, service and other uses on the ground floor and residential units above;

3. Encouraging development that exhibits the physical design characteristics of pedestrian-oriented storefront-style shopping streets;

4. Promoting the opportunity for people to work, meet, shop and utilize services in the vicinity of their residences,

5. Providing opportunities for the development of affordable housing,

6. Providing opportunities for a mixture of uses in the same building,

7. Promoting a positive pedestrian and bicycling environment in the district,

8. Facilitating integrated physical design,

9. Promoting a high level of design quality,

10. Encouraging the development of flexible space for small and emerging businesses,

11. Facilitating development proposals responsive to current and future market conditions, and

12. Encouraging the development of open spaces and parks within the district to accommodate workers, residents, pedestrians and shoppers.

4.42 Establishment and Administration

1. The Mixed Use Overlay District is an overlay district that is superimposed over the underlying zoning districts and is shown on the Zoning Map as set forth on the map entitled "Granby Mixed Use Overlay District" prepared by Pioneer Valley Planning Commission. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

2. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Mixed Use projects undergoing development pursuant to this Section 4.4. Within the boundaries of the Mixed Use Overlay District, a developer may elect either to develop a Project in accordance with the requirements of the Mixed Use Overlay District, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

3. An applicant may seek development of a Project located within the Mixed Use Overlay District in accordance with the provisions of this Section 4.4, including a request for a Special Permit and/or Site Plan Approval.

4. The provisions of this Section 4.4 shall be administered by the Planning Board, except as otherwise provided herein.

4.43 Definitions

The following definitions shall apply to all mixed use applications under these zoning bylaws.

1. Assisted Living: Housing for older adults, with services provided, such as meals, laundry, and housekeeping.

2. Mixed Use Development: The development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional or entertainment uses in a compact village form, with vehicular access to an accepted public way.

3. Mixed Use Infill: Within the General Business and Industrial Districts, the development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, entertainment uses in a compact village form. A proposed Mixed Use Infill development shall have no minimum area requirements other than those imposed by dimensional requirements of the Granby Zoning Bylaws but shall occur only on parcels of land less than five (5) acres in size.

4. Business Services: Services used in the conducting of business and commerce, including only:
   a. Consumer and mercantile credit reporting;
   b. News services;
   c. Research, development and testing;
   d. Business management and consulting;

e. Insurance company service offices;
f. Real estate offices.

5. Driveway: A space, located on a lot, built for access to a garage or off-street parking or loading space.

6. Fast Food Restaurant: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers.

7. Municipal Facilities: Facilities utilized in the provision of services normally provided by municipalities such as schools, parks, playgrounds, municipal office buildings, and maintenance buildings.

8. Personal Services: Establishments primarily engaged in providing services involving the care of a person or his/her apparel, including but not limited to:
   a. Laundering, dry cleaning and garments services not exceeding 5,000 square feet of floor area per establishment;
   b. Coin operated laundries;
   c. Shoe repair;
   d. Photographic services;
   e. Beauty and barber shops;
   f. Apparel repair and alteration;
   g. Funeral services;
   h. Steam baths;
   i. Reducing salons and health clubs;
   j. Clothing rental.

9. Professional Services: Services performed by professional persons for business and personal use, including, but not limited to:
   a. Medical and health offices and clinics not exceeding 5,000 feet of floor area per office or group of offices;
   b. Planning;
   c. Engineering and architectural;
   d. Accounting;
   e. Auditing and bookkeeping;
   f. Educational and scientific.

10. Sit-Down Restaurant: An eating establishment of high quality and with turnover rates generally of at least one hour or longer serving food intended for consumption on the premises.

11. Live-work Units: A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

4.44 Use Regulations

1. Uses Allowed By-Right with Site Plan Approval in a Mixed Use Development:
   a. Retail Uses;
   b. Quality Restaurants;
   c. Cafes and outdoor dining areas;
   d. Multi-family Residential uses;

e. Home Occupations;
f. Professional Service Offices;
g. Personal Service Establishments;
h. Municipal Uses;
i. Banks or financial institutions (includes ATMs);
j. Health clubs;
k. Townhouses (single family dwellings connected by one or more walls);
l. Cinema, theatre, or auditoriums;
m. Park, recreation or playgrounds;
n. Artist studio/residences;
o. Assisted living residential uses;
p. Artisan manufacturing or production (hand tools only, e.g. jewelry or ceramics);
q. Civic uses;
r. Live/work units;
s. Multiple Uses in the same structure;
t. Bars and cocktail lounges

2. Uses permitted by Planning Board Special Permit and Site Plan Approval:
   a. Hotel
   b. Dry cleaning, linen cleaning, or diaper services which clean clothing articles on site.
   c. Animal hospitals;
   d. Drive-up service windows associated with banks, pharmacies or restaurants

3. Uses not permitted:
   a. Industrial uses;
   b. Motor vehicle sales, maintenance and repair facilities;
   c. Gasoline filling stations;
   d. Adult entertainment uses;
   e. Automobile or truck sales;
   f. Junkyards
   g. free standing buildings used for:
      i. Fast food restaurants
      ii. High turnover sit-down restaurants
      iii. Banks/ATMs.

4. Same-structure/On-site Mixed Use:

   There shall be no restriction on combining different categories of use within the same building except any imposed by the State Building Code or other federal, state, or local regulations.

5. Special Permit Criteria for all Mixed Use Developments:

   a. All Mixed Use Developments must meet the Special Permit and Site Plan Approval requirements in Sections 6.2. and 6.3
   b. All Mixed Use Developments must meet the following additional Special Permit criteria:
      i. The project complies with the additional performance standards specific to Mixed Use Developments in Section 4.45 below.
      ii. The project is consistent with the purposes of this bylaw, as stated in Section 4.4.1.

6. Dimensional Requirements:

The dimensional requirements applicable to the Mixed Use Overlay District are shown in the Table of Dimensional and Density Regulations below:

Zoning District	***Minimum Lot Area***	***Minimum Frontage***	***Minimum Front Yard***	***Minimum Side Yard***	***Minimum Rear Yard***	***Maximum Height***	***Maximum Lot Coverage***
Mixed Use Overlay (with Town Water and Sewer)	***45,000 s.f.***	***200 feet***	***10 feet***	***20 feet***	***20 feet***	***35 feet/ 2.5 stories***	***60%***

4.45 Performance Standards for Mixed Use Developments:

To the extent feasible, all Mixed Use Developments must meet all of the Performance Standards below.

No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes odor, noise, vibration or excessive light under standards set forth in the performance criteria in this chapter.

Any other performance standards of the town shall also apply to uses conducted under this Section of the Granby Zoning Bylaws

1. Access and Traffic Impacts:
   a. Traffic and safety impacts to the existing and proposed roads shall be minimized.
   b. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.
   c. Pedestrian and vehicular traffic shall be separated; walkways shall be provided for access to adjacent properties and between businesses.
   d. Plans must illustrate provisions for automobile, pedestrian and bicycle circulation. Provisions must be made for motor vehicle, bicycle, and pedestrian circulation connections to adjacent lots.
   e. The Planning Board shall require a detailed traffic study for high volume traffic generating uses with a trip generation rate over 350 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation); for the construction of new Mixed Use Development structure of more than 25,000 square feet in gross floor area; and for any external enlargement that brings the Mixed Use Development total to 25,000 square feet gross floor area for all structures. The Planning Board may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 25,000 gross floor area threshold. The traffic impact statement shall contain:
      i. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
      ii. The proposed traffic flow pattern for both vehicles and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
      iii. An assessment of the Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site;
      iv. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour

and peak hour traffic levels, road capacities and impacts on intersections. Existing daily and peak hour traffic levels and road capacities shall also be given;

v. A parking lot vehicle traffic and pedestrian circulation plan shall be designed to minimize conflicts and safety problems.

2. Noise:
   a. In order to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the inhabitants of Granby through the reduction, control, and prevention of such loud or raucous noise that unreasonably disturbs, injures, or endangers the comfort, privacy, repose, health, peace or safety of reasonable persons, all noise levels, measured at a height of four feet (4') above the ground surface at all property lines, using a sound meter which meets the most current American National Standards Institute's Specification for Type II Sound Level Meters, must not exceed the following standards:

Time of Day	Max. Sound Level (dBA)
7:00 a.m. to 7:00 p.m.	65
7:00 p.m. to 10:00 p.m.	50
10:00 p.m. to 7:00 a.m.	45

   These standards shall not apply to power tools and equipment (i.e. lawn mowers, leaf blowers, sweepers, etc.) used in the normal maintenance of the site's outdoor areas (i.e. lawn, garden, parking, etc.). Such outdoor maintenance shall be limited to between the hours of 8:00 am 7:00 pm.
   b. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning devices, parades, or other special circumstances.
   c. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.
   d. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.
   e. Residential units shall be constructed so that interior noise levels do not exceed an Ldn of 45 dB in any habitable room.
   f. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

3. Vibration, Smoke and Heat:
   a. Vibration shall not be discernible to any human's sense of feeling for three minutes or more in any one hour for a total of 15 minutes in any one day, or produce an acceleration of more than 0.1 G.
   b. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringleman Smoke Chart.
   c. Heat and glare shall not be discernible from the outside of any structure.
   d. Odor, dust, and fumes shall be effectively confined to the premises or so disposed as to avoid air pollution.

4. Emissions/Nuisance odors
   a. Emissions and odors shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located. No emissions are permitted which can:

i. cause any damage to health of humans, animals or vegetation
ii. cause excessive soiling
iii. result in odorous gases or odoriferous matter in such quantities as to be offensive

b. The determination of what emissions are in violation of this provision shall be made by the zoning Enforcement Officer taking into consideration all of the following:
   i. the level of the odor;
   ii. the nature of the odor is usual or unusual;
   iii. the origin of the odor is natural or unnatural;
   iv. the level of the ambient odor;
   v. the proximity of the odor to living/sleeping facilities;
   vi. the nature and zoning of the area from which the odor emanates and the area where it is received;
   vii. the duration of the odor; and
   viii. whether the odor is recurrent, intermittent, or constant.

5. Lighting/Glare:
   a. Lighting systems should be designed, constructed, and installed in a manner that controls glare and light trespass, minimizes obtrusive light, conserves energy and resources while maintaining safety, visibility, security of individuals and property and curtailing the degradation of the nighttime visual environment. Evenly distributed lighting throughout a site will minimize impacts on surrounding neighborhoods and increase efficiency. By directing light where it is needed and only the intensity necessary to serve the intended purpose, these standards will prevent glare and its harsh shadows and blind spots. All lighting shall comply with the following:
      i. Except for approved exterior lighting, operations producing glare shall be conducted entirely within an enclosed building. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as welding shall be permitted beyond its lot lines onto neighboring properties, or onto any street.
      ii. Exterior lighting, including but not necessarily limited to lighting of exterior walls of buildings from an external light source, lighting of parking areas, and lighting of walks and drives shall be done in such a manner to direct light away from adjacent lots and public ways.
      iii. All outdoor light fixtures and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent light trespass beyond the property line, and light above a ninety-degree horizontal plane. If necessary, an applicant may need to provide photometric plans and/or manufacturing specification sheets to show conformance with these standards
      iv. All nonessential lighting, including display, parking, and sign lighting, shall be turned off after business hours, leaving only the lighting necessary for site security.
      v. Site lighting shall conform to the following output standards:

Maximum (footcandle)	Site Average (footcandle)	Footcandle at Property Line
5	2.5	0

   b. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
   c. Lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. The glare from the installation of outdoor lights and illuminated signs shall be contained on the property and shall be shielded from abutting properties. Lighting structures shall be integrated with the site and surrounding uses.

d. An exterior lighting plan is required for all mixed use development applications. A

lighting plan shall include the following items plus any additional information required by the Planning Board if needed to determine compliance with these provisions:

i. existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires.
ii. descriptions and diagrams of physical configuration and photometric data, such as those available from manufacturers, indicating fixtures, lamps, reflectors and filters and showing the angle of light cut-off and light distribution patterns.

e. All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public. Such illumination shall provide not less than 0.2 average maintained horizontal foot-candles, and an illumination ratio (brightest/darkest) of not more than 4:1. However, the Planning Board may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

f. To avoid lighting impacts, outdoor lighting fixtures shall be mounted no higher than fifteen (15) feet, directed inward to the extent feasible, or otherwise oriented and shielded to avoid glare on adjoining premises and plantings or other screening used to block headlight glare from drives and parking lots onto adjacent properties or roadways.

6. Exterior Storage:
All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.

7. Waste Disposal:
   a. Waste disposal shall follow state and town Board of Health regulations.
   b. Storage of waste and waste facilities shall be screened from view from public ways and neighboring properties.
   c. Appropriate provisions shall be made for the disposal of trash, which may include, but shall not be limited to, the provision of trash compactors within the building or on site, as well as a signed annual contract for rubbish removal.

8. Loading/Unloading:
The Planning Board may require that operations, including loading and unloading shall be limited to weekdays between the hours of 8AM and 7PM only.

9. Walkways:
   a. For public convenience, a pedestrian and/or bicycle way shall connect all uses and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system. These uses include, but are not limited to residential, parking, transit, bicycling, industrial, recreation, and commercial uses.
   b. Walkways must conform to requirements of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).
   c. Sidewalks are required along all town streets.
   d. The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g. attractive sidewalks and benches).

10. Vehicular Access, Parking and Loading, and Shared Parking Requirements:
   a. The project shall meet all parking requirements of Section 5.6 of the Granby Zoning Bylaw.
   b. The minimum number of parking spaces required for Office Uses is 1 space per 200

square feet of floor space.

c. The minimum number of parking spaces required for Retail and Consumer Establishments is 1 parking space per 100 square feet of floor area.
d. The minimum number of parking spaces required for Public Assembly uses is 1 space per every 15 seats.
e. The minimum number of parking spaces required for Restaurant, Entertainment and Recreation Facilities is 1 space per 300 square feet of customer floor area
f. The minimum number of parking spaces required for each Dwelling Unit is .5 space per unit and must be within 300 feet of the unit (excluding on-street parking)
g. Parking shall be located to the side or rear of buildings. In no case shall parking be allowed in the planting strip adjacent to the sidewalk or within the front setback of any lot.
h. Parking spaces may be located either on or off the lot. Applicant must show proof of space, its location relative to the dwelling unit, and must indicate if the space is owned or leased.
i. Buildings that do not have frontage on a street must provide access for emergency and service vehicles through the layout and design of driveways, interior service roads, or pedestrian and bicycle circulation corridors.
j. Where there is more than one category of use, then the number of parking spaces required shall be 70% of the sum of required spaces for each category of use.
k. The Planning Board may reduce the number of required parking spaces for the commercial portion of the building by 50%.
l. Off-street loading requirements are:
    i. multi-family residential, office, retail, consumer service, and public assembly uses require one bay per every 50,000 square feet of floor area.
m. The Planning Board may allow shared parking in a mixed use development as part of the Special Permit approval. The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other procedures approved by the Planning Board. A formal parking study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.

11. Development Standards:

    a. New construction design shall be in harmony with the existing neighborhood or district.
    b. Buildings or structures that are listed or eligible for inclusion on the National Register of Historic Places and/or the Massachusetts Register of Historic Places or within a local historic district as established by M.G.L. Chapter 40C, shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on, or eligibility for inclusion on the State or National Register of Historic Places.
    c. Every effort should be made to meet the design standards of this bylaw and the GRANBY COMMERCIAL/MIXED USE DESIGN GUIDELINES adopted by the Planning Board to ensure that new development is compatible with the unique characteristics of the district. and sense of place. Applicants requiring a Special Permit and/or Site Plan Approval shall indicate how the proposed development addresses the design issues referenced in the GRANBY COMMERCIAL/MIXED USE DESIGN GUIDELINES.

12. Signs:
    Signs shall conform to the existing bylaws of the Town of Granby.

13. Landscaping Requirements:
    a. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
    b. Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, (American Standards Institute, Inc.), and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
    c. The landscaped perimeter area shall be at least five feet wide.
    d. Landscaping shall be provided for interior vehicular use areas within the site to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular traffic.
    e. The interior parking area within the site shall be landscaped with, in the opinion of the Planning Board, sufficient shade trees. .
    f. The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
    g. Completion of the landscaping requirements may be postponed due to seasonal weather conditions for a period not to exceed six (6) months from the time of project completion.
    h. Applicants shall reference the landscaping recommendations of the Granby Design Guidelines Handbook when preparing a proposed landscape plan.

14. Maintenance of Landscaping and Screening:
    a. All landscaping and screening shall be maintained by the property owner.
    b. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
    c. Shrubs or trees that die shall be replaced within one growing season.
    d. If the property owner fails to maintain the landscaping and screening, the town reserves the right to maintain the landscaping and screening after notifying the owners, agents, renters, or lessees by certified mail at their last known address or at the subject property address, that it shall be removed or trimmed within seven days of the notice by the Director of Public Works.
    e. The town shall assess the owners, agents, renters, or lessees for the cost of trimming or removal plus an additional amount of up to 20% of the charges for administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property.
    f. If any property owner fails or refuses to pay when due any charge imposed under this section, the Director of Public Works may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Town Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected as provided by the Town of Granby.

15. Appearance/Architectural Design:
    a. Architectural design shall be compatible with the historic character and scale of building in the neighborhood and the Town of Granby through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Applicants should consult the Granby Design Guidelines Handbook for specific guidance on design issues.
    b. Variations in architectural detail, form and siting shall be used to provide visual interest and avoid monotony.
    c. Existing buildings subject to reconstruction or rehabilitation and proposed buildings shall be compatible with the historic character and scale of contiguous buildings within the

immediate neighborhood vicinity.

d. Proposed buildings should relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.
e. Buildings shall be designed so that only retail, restaurant, and personal service establishments shall be located on the ground or below grade building levels.
f. The entire building façade must be oriented to front and side street property lines and must be located within ten feet of such property lines, with sidewalks in front of buildings.
g. Public open spaces, such as plazas and pocket parks, are encouraged within the development.
h. In rendering its decision, the Planning Board may consider whether the building design is compatible with the following design guidelines:
    i. exterior facades are faced with wood, metal, or vinyl clapboards, or stone or brick;
    ii. exterior facade treatment is compatible on all four sides;
    iii. rooflines are peaked;
    iv. facades facing town streets have windows facing the street.

4.46 Optional Affordable Housing Bonus

1. At least ten (10%) percent of the total dwelling units in a mixed use development may be designated as affordable housing. Affordable housing will be defined as those residential units affordable to a household earning up to eighty percent (80%) of the median income in Granby's statistical area.

2. The affordable housing units shall include resale, lease or rental controls that will ensure continued affordability by future low and moderate income households. Deed restrictions or similar devices shall be used to limit future sale or rental prices for these purposes.

3. The affordable units may be located in an existing structure if their construction constitutes a net increase in the number of dwelling units in the development.

4. A bonus of twenty-five percent (25%) additional dwelling units – over and above the allowable density - may be awarded if the above criteria are met.

5. Mixed Use Infill developments shall not qualify for this Affordable Housing Bonus.

4.5 Business Park Overlay District

4.5.1 <u>Purpose</u>: to provide areas for office, research and low intensity light-industrial activities, warehousing, wholesaling and similar activities.

4.5.2 <u>General Requirements</u>: All uses permitted in the Research & Development Park District must comply with all of the following:

a) all activities must take place wholly within an enclosed building
b) all activities must be capable of operating in such a manner as to control the external effects of the manufacturing process such as noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation, emissions and other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of the premises
c) all lots and uses shall comply with the Industrial District requirements in the Table of Dimensional and Density Regulations
d) shall have a maximum building area of 60,000 sf,
e) shall comply with the requirements of Section 5.3 Commercial Development and Landscaping
f) all permitted uses must receive a Special Permit and Site Plan approval from the Planning Board

4.5.3 Permitted Uses

LAND USE CLASSIFICATION	STANDARDS AND CONDITIONS
Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services to the general public in person on the premises	For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" services predominantly by appointment mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) services predominantly by shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or appointment to the public in person annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, on the premises. visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.
Administrative business office or similar business or professional office not providing services to the general public in person on the premises	• For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means. • Uses shall be located on parcels served by town water and sewer. • When a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.
Medical or dental laboratory	
Medical office	A Medical, dental, or psychiatric practice offering medical or dental services on an outpatient basis and including a total of no more than the full time equivalent of three (3) principal health care providers and two (2) other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.
Medical group practice	A Medical, dental, or psychiatric practice larger than a medical office, including principal health care providers, other medical or dental professionals, and administrative or clerical staff, providing services on the premises. A medical group practice and its principal health providers shall offer medical services within one area of medical practice (ex., general practice, orthopedics, cardiology, obstetrics and gynecology, oncology, etc.) or within a small number of closely related areas of medical practice, and may also contain in-house diagnostic testing facilities, medical counseling services, and similar services, or may be associated with other similar accessory or complementary principal uses in the same building.

Medical center	Two (2) or more medical group practices, or medical offices, or combination thereof, operating in the same building or on the same property, which may also contain associated principal or accessory uses such as diagnostic testing facilities, physical therapy, therapeutic or counseling services, pharmacies, medical supply retailers, and similar uses. A medical center shall not include medical residential facilities.
Auction gallery for exhibition, sale by auction	• All operations of the facility must be inside a building (including stock). No outside storage is permitted. • This principal use does not include tag sales or flea markets.
Enclosed building for the storage, distribution or wholesale marketing of material, merchandise, products or equipment.	Such use not to be hazardous by reason of potential fire, explosion, or radiation.
Lumber yard, fuel storage plant, contractor's yard, or other open-air establishment for the primary storage, distribution, or sale at wholesale or retail of merchandise, products or equipment.	Salvage materials not included.
Research and Development or Testing Facility	• Uses shall include research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This shall include but not be limited to activities conducted in laboratory settings. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. • All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. • No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line. • No operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reasons of potential fire, explosion, radiation, or chemical or biological hazard, including hazards resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. No research or testing shall be conducted outdoors unless a Special Permit is granted for this purpose by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw.

Publishing, data processing, light manufacturing, light assembly including computer hardware and software, and scientific products .	• Uses shall include those which involve the limited light manufacture or production, principally from previously-prepared materials, of finished products or parts. This may include processing, fabrication, assembly, treatment, and packaging of such products as well as incidental storage and distribution of such products and associated offices. These uses may also include the on-site production within enclosed structures of custom goods fabricated principally by hand through the use of hand tools and small-scale mechanical equipment. • No mass manufacturing, processing, or fabrication normally conducted under "Manufacturing, assembly and processing, including associated offices and distribution facilities" (below) nor any on-premises sale of products shall be permitted in association with uses under this section, except that the on-premises sale of custom-made goods produced by hand manufacturing may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw. • All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. • No operation shall create noise, vibration, dust, fumes, or odors, that are a nuisance
	beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.
Manufacturing, assembly and processing, including associated offices and distribution facilities.	• Uses include those involving the manufacture, assembly and/or processing, from extracted or raw materials or from previously-prepared materials, of finished materials, products, or parts. These uses may include processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage and distribution of such products and associated offices. These uses may involve the production and/or storage of volumes of toxic or hazardous, flammable, or explosive materials under appropriate safeguards and conditions, as determined by the Special Permit Granting Authority under the requirements of this section. • The on-premises sale of products shall not be permitted in association with any uses under this section. • All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. • No operation shall create noise, vibration, dust, fumes or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production, or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. All operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

4.6 Professional Office* Overlay District

4.61 Purpose

The Professional Office Overlay District is to provide, through the specific provisions of the Special Permit and Site Plan Approval process, a method of applying for the use of a structure to house professional offices for occupants who provide useful labor, and maintain the rural residential

character of the neighborhood, but shall not include the manufacture of tangible goods or provide motor vehicle services.

4.62 Authorization

The Professional Office Overlay District shall be located as shown on the Granby Zoning Map and be superimposed on the other underlying districts established by this bylaw. All regulations of the underlying shall remain in effect, except where the provisions of this section supersede.

Uses authorized in this district are subject of the issuance of a Special Permit and Site Plan Approval from the Planning Board.

4.63 Uses permitted by Special Permit and Site Plan Approval

Professional Offices* for physician, funeral director, surgeon, dentist, lawyer, chiropractor, chiropodist (podiatrist), accountant, architect, psychologist or engineer, practicing individually or in a group, insurance offices, consultants, financial services, administrative offices and real estate offices and similar professional offices of a similar nature which generate similar impacts.

4.64 In order to encourage sound and attractive mixed residential/business development which will maintain the residential character and integrity of the district, the following special requirements and conditions shall apply:

1. Applications
   a. The applicant must be the proprietor of the Professional Office.
   b. Each application for a Professional Office Special Permit/Site Plan Approval shall be considered on its own merit and in no case shall raise a presumption in favor of any case.

2. Use/Buildings/Structures
   a. The Planning Board may permit the sale or rental of goods subject to the following conditions:
      i. Such sales or rentals must be explicitly permitted in the Special Permit for each permitted Professional Office.
      ii. The sale or rental of goods must be part of, and subordinate to, the Professional Office. Accordingly, the sale or rental of goods must be carried out as a subordinate or accessory use or function of the Professional Office.
      iii. The sale or rental of goods may not be carried out by a business entity separate from the Professional Office.
      iv. No more than 35% of the gross floor area, excluding storage space, shall be used for the sale or rental of goods.
      v. As part of the application, the applicant shall provide a floor plan which delineates the portion of the building to be used for the sale or rental of goods.

   b. The use must be conducted within an existing structure which the Board may permit to be altered or expanded. All new construction, additions or exterior alterations to a structure must maintain its residential character and, as far as practicable, resemble residential buildings in style, materials and landscaping.

   c. The development of new structures shall be in harmony with the historic, scenic and/or agriculture/residential nature of the Town.

   d. The Planning Board shall prohibit any proposed use involving a building or buildings with a cumulative total floor area equal to or greater than 4,000 square feet. This requirement applies to both new uses and buildings, and to alterations/extension/expansions of existing

uses and buildings whose cumulative total square footage meets or exceeds this threshold.

e. All aspects of the office use, other than the signage and parking, shall be completely enclosed within a building. No outside storage or displays shall be permitted.

f. Trash receptacles such as dumpsters or trashcans shall either be fully enclosed or screened from public view.

3. Signage

Wall Signs

a. one Wall Sign is permitted for each establishment in the structure, provided:
   i. it shall be attached and parallel to the main (frontage) wall of the building;
   ii. it shall not project horizontally more than twelve (12) inches therefrom;
   iii. the maximum surface area shall not be larger than 2 square feet, and said sign must be displayed on said wall area;
   iv. if lighted, it shall be illuminated internally, or by indirect method with white light only;

Ground Signs. One (1) lighted, non-interior illuminated or non lighted ground sign may be permitted by a special permit issued by the Planning Board. Any sign permitted under this section must meet the following requirements:

a. The type, size, scale, location character and design of the sign must be consistent with and complementary to the character of the neighborhood.
b. Such sign may not have more than two (2) faces and such faces must be configured back to back.
c. Each sign face may not exceed eight (8) square feet in area, including framing.
d. Such sign may not exceed four (4) feet in height to its tallest point, including support structures.
e. Such sign shall be setback at least 20 from the front lot line.
f. The Planning Board may approve a setback of less distance that the minimum required provided that it finds:
   v. That said distance is not less than half the distance between the front lot line and the front of the building located thereon.
   vi. That the location of such sign will be consistent with and complementary to the character of the neighborhood.

g. The Planning Board may approve a setback of less distance that the minimum required provided that it finds:

The Planning Board may also permit one (1) additional sign per Office (not to exceed one (1) square foot in area) to be located on the exterior of the building.

4. Off-Street parking/loading shall be provided in accordance with Section 5.6, the cumulative total being based on the use of each portion of the building. No off-street parking shall be located between the front of the principal structure and any street or front lot line unless the Planning Board specifically finds that such parking location would result in a better project and still be consistent with and maintain the purpose of the District.

5. Area and Height Regulations. The dimensional and density regulations of the underlying district shall apply, except for the following additional criteria:
   a. Minimum Open Space – forty (40) percent
   b. Open Space shall be that portion of the lot that is not covered by buildings, structures, pavement, parking, driveways or walkways
   c. In its issuance of a Special Permit/Site Plan Approval for a use permitted by this

overlay district, the Planning Board may permit:

i. a larger maximum lot size
ii. increased building height
iii. increased building coverage
iv. decreased open space

where they find that the proposed use, and the structures and appurtenances located thereon, are of a type, size, scale, location character and design that is consistent with and complementary to the character of the neighborhood and purpose of this overlay district and would result in a better project.

6. Special permits issued under this section are issued to the applicant and are non-transferable.

7. Any approved Special Permit shall expire when the professional relinquishes the use for which the Special Permit was granted for a period of one (1) year.

SECTION V - SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS

5.0 Multi-Family Dwellings

5.00 Multi-family dwelling units shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board as specified in Sections 6.2 and 6.3 of this bylaw, and in accordance with the additional requirements specified herein.

5.01 Additional General Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all multi-family units:

1. Multi-family structures shall have access on roads having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the site.

2. More than one dwelling may be placed on a lot, but no principal structures shall be placed closer to each other than 50 feet and must be visually separated by trees and plantings. In addition, each dwelling must be provided with access, drainage and utilities functionally equivalent to that provided under the Planning Board's Subdivision Rules and Regulations.

3. Parking areas shall not be located within a required front,rear or side yard as specified in Table 2 and shall be screened from public ways and adjacent or abutting properties by building location, fencing or planting. No individual parking area shall contain more than fourteen (14) spaces. Two parking spaces shall be provided for each dwelling unit. One additional space for visitor parking shall be provided for every ten resident parking spaces.

4. No building shall be floodlit. Drives and parking areas shall be illuminated only by shielded lights not higher than fifteen (15) feet.

5. Multi-family structures shall be separated from adjacent properties by buffer strips consisting of trees and/or fencing sufficient to minimize the visual and noise impacts of the development.

6. A minimum of 40% of the area of each lot shall be permanently reserved as open space. All open space lands shall be permanently protected by the donation of a conservation restriction to the Town of Granby, duly recorded on the property deed. A minimum of 50% of land reserved as open space shall be grassed or landscaped land available for active and passive recreation.

7. Connecting walkways shall be provided between structures and parking areas within the site.

5.02 Additional Utility Requirements

1. For dwellings to be served by on-site water and waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the special permit application. No septic system serving the project shall exceed 2,000 gallons per day sewage flow. More than one septic system may serve the site in order to meet this requirement.

2. Dwellings with on-site waste disposal systems shall be allowed only upon demonstration by the applicant that the groundwater quality of the boundaries of the lot will not fall below the standards established by the Massachusetts Department of Environmental Quality Engineering in Drinking Water Standards of Massachusetts," or by the U.S. Environmental Protection Agency in "National

Interim Primary Drinking Water Regulations", or where groundwater quality is already below these standards, upon determination that the activity will result in no further degradation. Where compliance is in doubt, the Planning Board may hire a Professional Engineer to analyze and certify groundwater quality impacts, and may charge the applicant for the cost of such analysis.

3. The required minimum lot size per dwelling unit specified in Section 3.2 may be reduced by a maximum of fifty percent(50%) provided that the applicant can demonstrate to the Planning Board's satisfaction that the site and soil conditions will permit such increased density of on-site waste disposal systems without violation of the drinking water standards described in Section 5.02 above.

5.03 Community Association

1. If a multi-family development is owned by more than one person or converted to ownership of more than one person, a non-profit, incorporated community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement of covenant shall be submitted with the special permit/site plan approval application guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.

2. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

5.05 Elderly or Handicapped Congregate Housing

Congregate elderly or handicapped dwelling units shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board, as specified in Sections 6.2 and 6.3 of this bylaw, and in accordance with the additional requirements specified here.

5.06 Additional Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all congregate elderly or handicapped housing units:

1. The applicant shall comply with all requirements of Sections 5.01 and 5.02 of this bylaw.

2. Congregate elderly and handicapped dwellings shall comply with all dimensional regulations for multi-family dwellings contained in Section 3.2 of this bylaw.

3. The maximum number of elderly or handicapped occupants per structure shall not exceed six.

5.1 <u>Open Space Communities</u>

5.10 Open Space Communities shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board, as specified in Sections 6.2 and 6.3 of this bylaw, and in accordance with the additional requirements specified herein.

5.11 General Description

An "Open Space Community" shall mean a single family residential development in which the houses are clustered together into one or more groups on the lot and separated from each other and adjacent properties by permanently protected open space.

5.12 Purposes

The purposes of open space community development are to:

1. allow for greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than what is normally allowed in the district;

2. encourage the permanent preservation of open space, agricultural lands and other natural resources;

3. maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;

4. facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;

5. encourage a less sprawling form of development that consumes less open land.

5.13 Additional General Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all open space communities:

1. The development shall include single family dwellings only.

2. The minimum land required for a cluster development shall be five (5) acres and the parcel shall be held in single ownership or control at the time of application.

3. Each lot shall have adequate access on a public or private way.

4. Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

5. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking.

6. The site plan shall identify the location and extent of all wetlands on the site as determined by the Conservation Commission under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

5.14 Additional Utility Requirements

1. All structures which require plumbing shall be connected to a public sanitary sewer, if available, or to a communal septic system at no expense to the municipality.

2. For dwellings to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating

the location of water supply wells with the special permit application. No communal septic system serving the development shall exceed sewage flow of 2,000 gallons per day. Septic systems shall be placed in the development to maximize the distance between systems and shall be placed within common areas rather than on individual lots. Maintenance of communal septic systems shall be the responsibility of the homeowners association specified in Section 5.18.

No cluster development shall be approved unless the applicant can demonstrate to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed open space community development than would be expected from a conventional subdivision with single family houses on lots meeting the normal lot size requirements located on the same parcel. Where necessary, the Planning Board may hire a Professional Engineer to analyze and certify groundwater quality impacts, and may charge the applicant for the cost of such analysis.

5.15 Dimensional and Density Requirements

1. A one-family detached dwelling, or lawful accessory building, may be constructed on a lot with an Open Space Community development although such lot has less area and frontage than normally required, as herein specified.

2. The maximum number of dwelling units permitted in an open space community shall be calculated based upon one unit per acre for the net developable acreage remaining once the area of all wetlands and all areas unsuitable for on-site sewage disposal have been subtracted from the total acreage of the property.

3. Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, all wetlands shall be identified, and their area subtracted from the net developable acreage of the total parcel.

4. Under the supervision of the Board of Health, and in conformance with Title V, percolation tests shall be conducted for all lots in the total acreage of the property which would be developed in a standard subdivision layout. The area of those lots which is determined to be not suitable for on-site sewage disposal shall be subtracted from net developable acreage of the total parcel.

5. Lot sizes shall not be less than one-half (50%) of the minimum lot size normally required in the district, or twenty thousand (20,000) square feet per lot.

6. In no instance shall a designated lot have less than 100 feet of frontage on a public or private way.

7. Minimum front, rear and side yard setbacks shall be the same as normally required in the district.

8. All residential structures and accessory uses within the development shall be set back from the boundaries of the development by a buffer strip of at least fifty (50) feet in width which shall include trees and shall be kept in a natural or landscaped condition.

5.16 Common Open Space Requirements

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

2. The total area of common open space shall equal or exceed the area by which all single-family dwelling lots are reduced below the basic minimum lot area normally required in the zoning district.

3. The following lands shall not be used to meet the common open space requirements:

   a. Lands within the floodplain district;

   b. Lands identified as wetlands in accordance with the Massachusetts Wetlands Protection Act;

   c. Lands with slopes greater than twenty-five percent (25%)

4. Further subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

5.17 Common Open Space Ownership

1. All common open land shall be either:

   a. conveyed to a community association owned or to be owned by the owners of lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;

   b. conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;

   c. conveyed to the Town, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.

   d. If the parcel is located in an agricultural district, farmland owners are not required to sell the part of their property which is to become permanent agricultural open space, provided that they convey the development rights of that open space in a conservation easement prohibiting future development of the property in accordance with Section 4.30.

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

5.18 Community Association

1. A non-profit, incorporated community association shall be established, requiring membership of each lot owner in the open space community. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement of covenant shall be submitted with the special permit/site plan approval application guarantying continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.

2. Such agreements or covenants shall provide that in the event that the association fails to maintain the

common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

5.19 Procedures and Pre-Application Review

1. Applicants for Open Space Communities shall follow the Special Permit procedures specified in Section 6.2 and the Site Plan Approval procedures specified in Section 6.3.

2. To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a Preliminary Plan for review by the Planning Board prior to the application for a special permit. Such Preliminary Plans shall comply with the Town's Subdivision Control Regulations.

   The Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve a related Definitive Plan for subdivision, nor reduce any time periods for Board consideration under that law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under law, adopt regulations establishing procedures for submission of a combined Site Plan/Development Plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

   A Site Plan/Development Plan shall be submitted to the Planning Board with the application for a special permit. Following approval of the special permit, a Definitive plan shall be submitted to the Planning Board consistent with their Subdivision Regulations and in substantial conformity with the approved Site Plan/Development Plan, except where the Cluster Development does not constitute a subdivision under the Subdivision Control Law.

5.2 <u>Performance Standards for Business, Industrial and Residential Uses</u>

5.20 Purpose and Applicability

The purpose of environmental performance standards is to ensure that any use allowed by right or special permit in any district is conducted in a manner which does not adversely affect the surrounding natural or human environment by creating a dangerous, injurious or objectionable condition. The following environmental controls shall be enforced by the building inspector and shall apply upon issuance of a building occupancy permit and throughout the life of the use or structure.

5.21 Lighting

1. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.

2. No light shall be taller than twenty-five (25) feet.

5.22 Noise

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness or intermittence.

2. The maximum permissable sound pressure level of any continuous, regular or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line of the

sound source:

Source Pressure Level Limits Measured in dB (A's)

District	7 a.m.-10 p.m.	10 p.m.-7 a.m.
Gen. Business	80	70
Industrial	85	75
Residential	75	60

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to show response. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound".

3. Sound levels specified above shall not exceed 80 dba time weighted average in any 8-hour period of the day as measured with an audio dosimeter. Measurements must be in accordance with accepted industrial hygiene practice and be done by a Certified Safety Professional (CSP) or a Certified Industrial Hygienist (CIH) or a Certified Industrial Hygiene Technician (CIHT).

4. Sound levels specified shall not be exceeded for more than 15 minutes continuously in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning devices, parades or other similar special circumstances.

5. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 10 p.m. of one day and 7 a.m. of the following day.

5.23 Storm Water Runoff

The rate of surface water run-off from a site shall not be increased after construction. If needed to meet this requirement and to maximize groundwater recharge, increased runoff from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of detention ponds. Dry wells shall be used only where other methods are infeasible and shall be used only where other methods are infeasible and shall require oil, grease and sediment traps to facilitate removal of contaminants.

5.24 Erosion Control

Erosion of soil and sedimentation of streams and waterbodies shall be minimized by using the following erosion control practices:

1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.

2. During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using stacked bales of hay or sedimentation traps.

3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.

4. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or be stabilized by a retaining wall.

5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

5.25 Water Quality

All outdoor storage facilities for fuel, hazardous materials or wastes, and potentially harmful raw materials shall be located within an impervious, diked containment area adequate to hold the total volume of liquid kept within the storage area.

5.26 Explosive Materials

No highly flammable or explosive liquids, solids or gases shall be stored in total amounts exceeding 100 gallons liquid or 800 pounds solid above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way or interior roadway or
40 feet from lot line for underground tanks; plus all relevant federal and state regulations shall also be met. Propane gas tanks in 100 lb. cylinders (or smaller) shall be exempt from these safety regulations.

5.27 Screening and Buffer Zones

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations and areas used for the storage or collection of discarded automobiles, auto parts metal or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse visual impact on surrounding properties (a dense evergreen hedge 6 feet or more in height). All such plantings shall be maintained as an effective visual screen; plants which die shall be replaced within one growing season. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

5.28 All new housing or other buildings that may create a danger to life and property from fire shall be consistent with the town-wide comprehensive fire protection code. The Fire Chief may make recommendations for fire prevention measures including but not limited to fire ponds, dry hydrants, sprinkler systems, and alarm systems per the National Fire Prevention Association Standards.

5.3 <u>Commercial Development and Landscaping</u>

5.30 Purposes

1. To promote highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly and efficiently;

2. To promote an attractive and viable commercial district and expand the commercial tax base of the Town;

3. To protect the rural character, aesthetic visual qualities and property values of the Town and neighboring properties;

4. To discourage unlimited commercial "strip development and curb cuts along Route 202, and encourage growth in nodes and clusters;

5.31 General

Commercial developments shall be permitted in accordance with the Schedule of Use Regulations -

Section 3.0, the Table of Dimensional and Density Regulations - Section 3.2, and with the additional requirements specified herein.

5.32 Access

1. The number of curb cuts on Route 202 and on local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:

   a. Access via a common driveway serving adjacent lots or premises. b. Access via an existing side street.
   c. Access via a cul-de-sac or loop road shared by adjacent lots or premises.

2. One driveway per business shall be permitted as a matter of right. Where deemed necessary by the Planning Board, two driveways may be permitted as part of the Site Plan Approval process, which shall be clearly marked "entrance" and "exit".

3. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.

4. All driveways shall be designed to afford motorists exiting on to Route 202 with safe sight distance.

5. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic.

5.33 Landscaping

1. A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 2" caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard.

2. Large parking areas shall be subdivided with landscaped islands, so that no paved parking surface shall extend more than 80 feet in width. At least one tree (minimum 2" caliper) per 35 parking spaces shall be provided.

3. Any commercial use shall be screened from view from any neighboring residence in a residential district by dense, hardy evergreen plantings or by earthen berms, wall or tight fence, complemented by evergreen plantings.

4. Any outdoor area for storage or utilities shall be screened from view from neighboring properties and streets using materials described in 5.33 (3) above. Where there exists any potential safety hazard to children, physical screening shall prevent children from entering the premises.

5. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

5.34 Parking

To the extent feasible, parking areas shall be located to the side or rear of the structure, and be shared with

adjacent businesses.

5.4 Single Family Dwelling on Estate Lot(s)

5.40 Single family dwellings on Estate Lots shall be permitted in the RS, RM, WSP and AP districts. They are subject to the dimensional and density regulations as stipulated in Section III, Table 2 - Table of Dimensional and Density Regulations, and in accordance with the additional requirements specified below.

5.41 No more than two (2) estate lots may be adjacent to each other at the street line without Site Plan Approval. Additional estate lots up to a total of five (5) consecutive estate lots require Site Plan Approval.

5.42 The area of each estate lot, excluding the access strip, shall be a minimum of 80,000 square feet.

5.43 Any estate lot created must be held in common and contiguous ownership with the front access strip.

5.44 The estate lot(s) shall have a minimum street frontage of not less than forty (40) feet and an access width of not less than forty (40) feet from the front lot line to the principal structure.

5.45 The front width of the lot where the principal building is to be constructed shall be one hundred fifty (150) feet minimum and parallel to the street line. The forty (40) foot building set back line is to be measured from the point of the lot where the one hundred fifty (150) foot minimum has been satisfied.

5.46 The access strip shall begin at the street line and end where the one hundred fifty (150) foot minimum width has been satisfied. Acceptable examples are shown as Illustrations Type 1-4 in Appendix A.

5.5 Sign Bylaw

5.51 Purpose:

The purpose of this by-law is:

- to ensure that signage protects and enhances the visual environment and character of this Town
- to maintain and enhance the aesthetic environment and the Town's ability to attract and maintain sources of economic development
- to improve pedestrian and traffic safety
- to enable fair and consistent enforcement of these sign regulations

5.52 Definitions

AREA OF AN AWNING - The total area of the space used for sign purposes, including the space between open-type letters, figures, numbers or symbols and including the ground structure or other decoration which is an integral part of the sign, but excluding the supports.

AREA OF A SIGN AND AWNING - The total area of the space used for sign purposes, including the spaces between open-type letters, figures, numbers or symbols and including the ground structure or other decoration which is an integral part of the sign, but excluding the supports. The area for a double-faced sign shall be computed on the basis of one side only, and, in the event that the areas of the sides are unequal, the area of the larger side shall be used in determining the permitted area.

AWNING - Any canvas- or vinyl-covered frame, which may or may not convey any word, letter, symbol, number or combination of the above, which can be seen from the street and which is in the nature of an announcement, direction or advertisement.

AWNING SIGN - A sign painted or secured to an awning, including such signs which are attached to

sun protection devices or canvas or metal coverings over windows.

BILLBOARD SIGN - Any notice or advertisement, pictorial or otherwise, used as an outdoor display not related to a use on a lot, regardless of its size or dimensions. This includes signs advertising a product or service not sold on the premises, signs advertising or directing attention to another premises and any other signs unrelated to the premises on which the sign is erected.

ELECTRONIC VARIABLE MESSAGE SIGN- An electrically activated sign or portion thereof whose alphabetic, pictographic or symbolic informational content can be changed or altered at intermittent intervals on a fixed display surface by means of computer-programmed electronic impulses, remote control or similar technology.

FREESTANDING SIGN - Any sign mounted at or immediately above the ground on a structure erected, such as uprights or braces, and not attached to any building, wall or fence. Monument signs are ground signs.

ILLUMINATED SIGN - A sign illuminated by lighting of any kind, including but not limited to lighting along the border of the sign, within the sign itself, in the rear of the sign, on the ground or on poles.

INTERNALLY LIT (BACKLIT) SIGN - An illuminated sign in which the illumination comes from within the sign itself.

MARQUEE SIGN - A sign painted on, attached to or hung from a marquee, canopy or other covered structure extending from and supported by the building.

MESSAGE BOARD SIGN - A ground or wall accessory sign of permanent character, but with removable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained.

OFF-PREMISES ADVERTISING SIGN - A sign, including a billboard, on which advertisement is displayed which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises upon which such sign is located.

OVERHANGING SIGN - A sign attached perpendicular to an exterior facade of a building.

PENNANT/FLAG - A flag or similar device hung on a pole or on the face of a building, decorated with graphics, designs, artwork, symbols and/ or lettering. Pennants that contain no commercial advertising messages, logos or symbols are not considered signs under this bylaw. Bunting and patriotic flags, such as United States, Massachusetts or Town flags, are not considered signs and are exempt from this bylaw.

POLITICAL SIGN - A sign of a nonpermanent nature relating to a candidate for public office, an issue to be voted on at a town meeting or an election, or some other issue which may be of general concern, interest or controversy.

PROJECTING SIGN - A sign attached to a building, any part of which extends more than 12 inches from the building.

ROOF SIGN - A sign located above, or projected above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof or parapet wall.

SIGN - Any device, structure or object, including painted wall signs for visual communication, that is used for the purpose of advertising the property or establishment upon which the display is exhibited,

but not including any flag of any public or religious group. A sign consists of one (1) or more items of information.

SIGN AREA - The maximum projected area of the shape which encloses the sign, device or representation. In the case of lettering attached to building facades, the "sign area" shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

SIGN BAND AREA - The sign band area on a building is located on the front elevation of that building. The height of a sign band area shall not exceed five (5) feet, and shall be further limited by the following criteria: It shall be located above the horizontal line created by window or doors, including any architectural or ornamental elements above windows and doors, on the ground level of the building, and shall extend to the lowest horizontal sill line of the windows of the second story or to below a horizontal line of the lowest architectural or ornamental elements below the lowest sill line of the window of the second story. For single story buildings, the sign band areas shall be located above the horizontal line created by window or doors, including architectural or ornamental elements above windows and doors, on the ground level of the building, and shall extend to below the roof line, parapet level or to below the horizontal line of the lowest architectural or ornamental elements at the roof or parapet line. If a building has frontage on two (2) streets, one (1) sign may be installed on each elevation, as required above, except if the second elevation of the building fronting on a street has no door or windows on the ground level or windows on the second level, than a sign is not permitted on the wall.

SPECIAL EVENT SIGN - A temporary noncommercial promotional sign displayed for special events sponsored by religious, governmental or legitimate charitable organizations, which maybe in the form of a poster, banner or other nonpermanent or flexible device.

TEMPORARY SIGN - A sign intended for a limited period of display, including decorative displays for holidays or public demonstrations.

WALL SIGN - A sign painted on or attached to an exterior wall surface of a building, no part of which extends more than 12 inches from the building.

WINDOW DISPLAY SIGN - A sign located within a building and visible through a window but not attached to the window or exterior structure of the building.

WINDOW SIGN - A sign painted or otherwise attached to the inside or outside of a window.

5.53 General Provisions:

(1) Any signs not specifically permitted are hereby prohibited.

(2) No signs, except special events signs, shall be placed on private or public property except for the purpose of identifying the use or uses actually conducted upon the premises upon which such sign are erected and for no other purpose.

(3) No sign shall be located in such a manner as to materially impede the view of any street or intersection.

(4) Except where otherwise provided, no sign or any part thereof shall be located closer than twenty (20) feet to any lot line.

(5) All height limitations shall be measured from ground level to the highest part of the sign or its

supporting structure, whichever is higher.

(6) The maximum height for freestanding signs, unless otherwise provided, shall not exceed fifteen (15) feet above ground level.

(7) Except where specifically prohibited, freestanding and projecting signs may be double-faced, and the maximum sign area shall apply to each side. The area of the sign shall include each and every part of the sign, including moldings and frames. Where the sign is supported by a post or pylon whose surface is being used for advertising purposes, the area of this post, pylon or other supporting members shall be considered as part of the total area and items of information.

(8) Wherever the message on a wall sign is divided between a number of panels or parts, the total area of all of the panels or parts shall be considered as one (1) sign, and where a sign consists of individual numbers or letters, the area of the smallest rectangle or rectangles which can collectively enclose all of the letters or numbers shall be the total sign area.

(9) Wall signs erected flat against the side of a building shall be within the sign band area.

(10) No marquees shall be permitted

(11) Unless specifically prohibited, all signs shall be illuminated as provided for in subsection G. below.

(12) Whenever a parcel is bordered by more than one (1) street, additional signage may be permitted, in accordance with the standards of this section, for each major street upon which the parcel fronts. Wall signage shall be permitted in accordance with the sign band.

(13) Signs shall not be painted on buildings or affixed to water towers, storage tanks, smoke stacks or similar structures.

(14) Each commercial and industrial use shall be required to place their street address number(s) in four (4) inch high numbers on the entrance door. Such signage shall be excluded from the items of information at that location.

(15) Items of information allowed:

(a) Each land use is entitled to display one (1) principal sign containing up to ten (10) items of information on each street or highway to which it has access. However, if the name and trade of the proprietor occupying the building and its premises contains more than ten (10) items of information, the name and trade may be displayed on each street frontage provided that no other sign is displayed on the building or its premises to that frontage except as otherwise permitted. Additional signs shall be permitted if the principal sign does not contain more than ten (10) items of information.
(b) An “item of information” means any word, syllable, initial, abbreviation, telephone number, ad number, symbol or geometric shape.
(c) Provided that the items of information allowance authorized by this section is not exceeded, signs may be displayed as freestanding or ground signs, wall signs, projecting signs or awning signs within the limitations and restrictions as further provided by this chapter.
(d) Street numbers displayed at less that four (4) inches in height affixed to entry doors, and hours of operation displayed at less than two (20 inches in height shall be excluded from the items of information, provided they meet the requirements of the other sections herein.

5.54 Permits

(1) No sign or advertising display shall be erected, altered or enlarged until a Sign Permit has been issued by the Building Inspector. Such permit shall only be issued if the sign complies or will comply with all applicable provisions of these bylaws. The permit and/or permit number shall be affixed to the sign in the manner prescribed by the Building Inspector. A Sign Permit is not required in residential districts nor for signs exempted in Section H.

5.55 Nonconforming signs

(1) Continuance:
Except as otherwise provided in this section, the lawful use of any sign existing at the date of the adoption of this chapter may be continued, although such sign does not conform to the regulations specified by this section for said sign, provided that:

[1] Changes to a nonconforming sign shall not be enlarged, extended or increased or changed in material, character, location or illumination, except as provided for under these bylaws.

(2) Abandonment:

[1] Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months of more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

[2] Whenever there is a change in the occupancy of a building or premises, including any vacancy of such building or premises, the message of any sign or signs which identify or advertise an individual, business, service, product or other item that is no longer present or available in the building or on the premises shall be removed within thirty (30) days of the building/premises becoming vacant. Any new message must comply with the provisions of the Bylaw.

(3) Restoration:
If any nonconforming sign shall be destroyed by reason of windstorm, fire, explosion or any other act of god or the public enemy to the extent of its true value, said sign shall not be rebuilt or reconstructed except in conformance with the provisions of this section if not reconstructed within two years of said event.

(4) Reversion:
Nonconforming signs shall not, once changed into a conforming sign, be changed back into a nonconforming sign.

5.56 Maintenance
All signage and supports shall be maintained in like new condition. The Building Inspector/Zoning Enforcement Officer is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, poses a danger; is in disrepair or which is erected or maintained contrary to the sign bylaws.

5.57 Illumination

(1) Signs may be illuminated by external direct (shining directly on the sign) white lighting which is directed and shielded so as to prevent glare from the light source onto any public street or adjacent property.

(2) Signs illuminated internally and in excess of nine (9) square feet are only permitted by a Special Permit issued by the Planning Board.

(3) Where illuminated signs are permitted, illumination may be provided by incandescent floodlights, spotlights, or ordinary incandescent bulbs, fluorescent tubes, mercury vapor, or metal halide, quartz, or high pressure sodium lamps. Neon lights are specifically prohibited. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic, pedestrians, and so as not to cause a nuisance to residents or the area. Intensity of illumination shall be in accordance with he following:

[1] For the purposes of determining the maximum illumination of a sign or signs, existing area are classified as either low or high illumination areas. A low illumination area is defined as a place where at night the average maintained foot candle (fc) level is equal to or less than one and five tenths (1.5) foot candle. A high illumination area is defined as a place where at night the average maintained foot candle level is greater than one and five tenths (1.5) foot candle.

[2] For externally lighted signs, the following shall apply:

	Maximum Illumination (watts per square foot)	
Lamp Type	Low-Illumination Area	High Illumination Area
Incandescent	7.1	14.3
Quartz	7.1	14.3
Fluorescent	2.1	4.2
Mercury Vapor	2.1	5.7
Metal Halide	1.6	3.2
High Pressure Sodium	1.4	2.9

(4) Colored floodlights or indirect floored illumination is prohibited.

5.58 Signs Permitted Without A Town Sign Permit

The following signs shall be permitted in any zone in the Town of Granby without a town sign permit:

(1) Non-illuminated directional signs identifying parking areas, loading zones, entrances, exits and similar locations. The sign may include a logo, business name or professional name but shall not include an advertising message and shall not exceed three (3) square feet.

(2) Temporary and permanent traffic signs and signals installed by the township, county or state for the purpose of directing and regulating the flow of traffic. Temporary traffic signs installed by a utility for the purpose of directing and regulating the flow of traffic while performing work in the right of way.

(3) Signs indicating public transportation stops when installed by the township or a public transportation utility.

(4) Historical tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government agencies or civil or religious organizations.

(5) Warning and no-trespassing signs, not exceeding three (3) square feet in area or as prescribed by a Town Department or State requirement.

(6) Flags or emblems of religious, educational, civic or governmental organizations flown from supports on the buildings or grounds occupied by the organization and the American Flag whenever and wherever flown in accordance with the laws and rules and promulgated by the federal government.

(7) The name and number plates identifying residents and affixed to a house, apartment or mailbox.

(8) Lawn signs identifying residents, not exceeding three (3) square foot in area for each side. The sign shall not contain any advertising message and shall not be illuminated, except by a light which is an integral part of a lamppost if used as a support.

(9) Signs posted by governmental agencies or pursuant to governmental statute, order or regulation, not to exceed 10 square feet.

(10) Signs which are an integral part of vending machines, including gasoline pumps, milk machines, soda machines and ATM machines, provided that they do not exceed the height and width of the machine on which they are located. No additional signs shall be provided at the facility or added to the machine beyond the height or width of the machine.

(11) Real estate signs, announcing the sale, rental or lease of the premises on which the sign is located, such sign not to exceed six (6) square feet in area. If double-faced the sign shall not exceed twelve (12) square feet of area for both sides. The sign shall be non-illuminated. Such signs shall not be located closer to other such signs than one (1) in every one hundred fifty (150) feet, measured either along the front of the lot or along the depth of the lot.

(12) Temporary sale signs attached to a window shall be removed at the expiration of the event sale for which it was erected or posted. Temporary signs may be erected or posted up to fourteen (14) days prior to the event or sale. Temporary sales signs must identify the sale date start and end. No more that fifteen (15) percent of the square footage of any single window or single window display area shall be devoted to signs or other advertising material attached thereto or otherwise exposed to the public view.

(13) Temporary signs for advertising public functions or fundraising events for charitable or religious organizations shall be permitted for a period of twenty-one (21) days prior to and during the event and shall be removed within five (5) days after the event. The sign shall be non- illuminated, not larger than sixteen (16) square feet in area, not exceeding eight (8) feet in height and may be erected flat against a building or freestanding. This does not apply to banner signs.

An A-Frame "sandwich board" may be used to announce any event or promotion and may be displayed 14 days prior to the event or promotion and removed no later then 48 hours after the event or promotion.

(14) Temporary political signs shall be permitted provided such signs comply with the following:

i. In Residential Districts such signs:

(a) shall not exceed one sign per candidate/cause per lot frontage

(b) shall not exceed a size of six (6) square feet on each side, excluding incidental supporting frames or structures,

(c) shall not be any closer than ten (10) feet from any lot line,

(d) shall not be any higher (the top) than three (3) feet from the ground,

(g) shall not be illuminated or light emitting

ii. In all Business and Industrial Districts such signs:

(a) shall not exceed one ground sign and one wall sign per candidate/cause per lot frontage,
(b) must comply with the requirements for signs in that district

iii. In all districts such signs:
(a) that are different but substantially equivalent for the same candidate/cause shall be considered the same sign,
(b) shall not contain moving elements,
(c) shall not be displayed more than three (3) months prior to the event,
(d) shall not be displayed more than three (3) months in any calendar year,
(e) shall be taken down within three (3) days following the event date,
(f) shall not be located in an area or manner that would prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic,
(g) shall not be posted on public property

(15) Path marking signs for garage sales, provided that not more than two (2) signs not exceeding two (2) square feet in size are posted no earlier than two (2) days before the beginning of the sale, are removed the day following the sale and are not otherwise prohibited in Subsection G., below, and all signs for path marking to garage sales shall be provided with the address of the garage sale.

(16) Artisan's signs: Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed sixteen (16) square feet in area. Such signs shall be removed promptly upon completion of the work.

(17) Private driveways. Signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet.

(18) Street numbers placed on entry doors in commercial and industrial zones provided lettering is no more than four (4) inches in height.

5.581 Prohibited Signs - The following signs are prohibited in all zones in the town:

(1) No sign, or its illumination, of any type may be erected or maintained which by reason of its location, shape, size, or color interferes with traffic or presents a hazard (as determined by the Zoning Enforcement Officer after consultation with the town Engineer and Chief of Police:
i. being confused with or interfering with the effectiveness of any official traffic sign, traffic signal, or traffic marking, and/or
ii. preventing the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.

(2) Moving or revolving signs and signs using blinking, flashing, vibrating, flickering, tracer or sequential lighting. This shall not include clocks and signs indicating time and/or temperature which are permitted in non-residential districts.

(3) Signs using any material that sparkles or glitters. There is nothing herein contained that is intended to prohibit the use of reflective paint or signs directing traffic or identifying various locations within a lot or parcel.

(4) Roof signs.

(5) Signs or advertising matter of an indecent or obscene nature.

(6) Signs using words, such as “stop”, “look”, “danger”, etc., which are placed in a manner or position which in the judgment of the Chief of Police, constitutes a traffic hazard or otherwise interferes with the free flow of traffic.

(7) Signs which intend to imitate or otherwise cause confusion with existing signs erected by any governmental board, body or agency.

(8) Billboards or other advertising signs. Fixed or portable display shall be prohibited in all districts.

(9) Signs causing interference with television or radio reception.

(10) Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.

(11) Strings of plastic flags, strings or banners, pinwheels, sidewalk signs, curb signs and similar advertising devices.

(12) Any commercial sign or banner spanning a public street, except for banners spanning a public street publicizing town sponsored or supported events.

(13) Signs placed or attached or supported on awnings, trees, fences, utility poles or light poles, signs attached to other signs and signs placed upon motor vehicles which are continuously or repeatedly parked in conspicuous location to serve as a sign. Nothing herein contained is intended to prohibit the placement of signs directing traffic or identifying various locations within a lot or parcel on light poles and utility poles erected therein.

(14) Any series of two (2) or more signs placed along a street or highway carrying an advertising message, part of which is contained on each sign except for where publicizing a town sponsored or supported event.

(15) A sign on motor vehicle, truck or trailer, whether or not operational and whether or not self-propelled, which is used or parked or designated to be parked for advertising or political purposes. Specifically exempted from this section are those signs, nameplates or letters affixed to or printed on commercial vehicles regularly used in the course of business for regular deliveries, pickups or other such purposes and/or in compliance with the provisions of the Massachusetts Commercial Drivers License Laws. Specifically included are signs on vehicles, trailers and the like which have as their prime purpose the advertising of goods, wares and services of a business which are maintained in a stationary manner at one (1) or more locations for extended periods of time.

(16) Signs located within sight triangles.

(17) Banners, except for commercial and institutional activities supported or sponsored by the township, located in corner buildings two (2) or more stories in height. Banners may be twice the size of projecting signs and may project three (3) feet from a wall which includes a space of one (1) foot between the wall and the banner.

(18) Backlit or internally illuminated signs over nine (9) square feet, except by a Special permit issued by the Planning Board.

(19) Temporary window signs.

5.59 Specific Zone Permitted Signage

(1) <u>All residential zones (RS and RM)</u>

i. One (1) non-illuminated residential nameplate sign situated within the property line and not exceeding one (1) square foot in area on any one (1) side.
ii. One (1) non-flashing, non-illuminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding four (4) square feet in area on any one (1) side. The sign must be removed from the premises within two (2) days after the property is sold.
iii. One (1) non-flashing, non-illuminated wall or free standing sign identifying a school, church, public park or other such permitted use located no less than ten (10) feet from any street or property line and not exceeding ten (10) square feet in area on any one (1) side.
iv. No freestanding sign shall be erected closer than ten (10) feet to any front or side lot.

(2) General Business (GB) and Mixed Use Development Overlay zones

i. Signs as permitted in the Table of Basic Design Elements or elsewhere in this chapter
ii. One (1) wall sign shall be permitted for each permitted business use in a single use building or for each tenant in a shopping center and may be an illuminated business sign, provided that the total areas of all signs meets the Table of Basic Design Elements and elsewhere in this chapter. Such signs shall be displayed as not to project more than eighteen (18) inches from the surface of the building or extend beyond the ends of the building. The surface area of each sign shall not be larger than 10% of the total wall area of the facade of one story which is occupied by the business establishment or 25 square feet, whichever is less, and said sign must be displayed on said wall area;
iii. Freestanding Sign
The Planning Board may issue a Special Permit for one freestanding sign for each lot for each street frontage, provided that the Board finds that:
1. there must be unique features to the structure, the orientation of the structure, the location or setback of the structure, or the location of establishments in the structure, especially affecting such structure or establishment, but not generally affecting the zoning district, which restrict the visibility of wall sign(s) otherwise allowed by this Ordinance.
2. said ground sign is be located on the same lot as the structure or establishment being advertised.
3. said ground sign does not exceed a height of twenty (20) feet, nor have a surface area greater than twenty-five (25) square feet, though the Board may require a lesser height or size.
4. if lighted, it shall be illuminated internally, or by indirect method with white light only

Shopping Center Identification Signs. If a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one ground sign not to exceed a maximum size of twenty-five (25) square feet. When said sign is two sided back to back, each side may meet the maximum size. The sign may not exceed a maximum height of twenty (20) feet. All signs shall be setback from all property lines a distance at least equal to the signs height. Said sign may only include the names of the individual businesses on the lot, a name for the shopping center if one exists, and a message board and shall have letters nineteen (19) inches high.

The Planning Board may issue a Special Permit permitting additional signs (but no more than one per individual street) where they find that such additional streets generate traffic flows substantial enough to provide additional primary access to the site, and where such larger signs will be consistent with the character of the general area.

iv. Directional signs (ingress). One (1) freestanding sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises and which relates only the name of the use or facility and appropriate traffic instructions. Such signs shall not exceed three (3) square feet in area for each of the two (2) faces, and shall not extend more than three (3) feet above ground level.

v. Directional signs (egress). Freestanding signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, which shall not exceed three (3) square feet in area on each of two (2) sides, and shall not exceed more than three (3) feet above the ground.

vi. Traffic control signs. Freestanding signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided that the number and location of such signs are approved by the Planning Board. Such signs shall not exceed three (3) square feet and shall not exceed a height of eight (8) feet.

vii. Parking lot signs. Freestanding signs may be erected within the parking areas to identify particular areas or sections of the parking lot, provided that not more than one (1) sign shall be permitted for each forty thousand (40,000) square feet of parking area, and further provided that such signs shall not exceed an area of three (3) square feet on any face nor exceed a height of eight (8) feet. In addition, freestanding signs may be erected at each end of a parking aisle for identification purposes, provided that such signs shall not exceed one (1) square foot in area nor exceed a height of eleven (11) feet. All of the above described signs must be mounted not less than seven (7) feet above the ground. None of the above signs shall contain any advertising logo or identification message.

viii. One (1) non-flashing, non-illuminating temporary sign pertaining to the sale or lease of the same lot or building upon which it is places, situated within the property lines and the premises to which it relates and not exceeding ten (10) square feet in area on any one (1) side. The sign must be removed from the premises within two (2) days after the property has been sold.

(3) (Reserved for Future Use)

(4) <u>Industrial and Business Park Zones</u>

i. One (1) illuminated, non flashing wall sign shall be permitted for each permitted business use in a single use building or for each tenant in a business complex/park. Such signs shall be displayed as not to project more than eighteen (18) inches from the surface of the building or extend beyond the ends of the building. The surface area of each sign shall not be larger than 7.5% of the total wall area of the front facade of the portion of the building which is occupied by the business establishment, and said sign must be displayed on said wall area;

ii. No sign shall be located within twenty-five (25) feet of the street line or property line.

iii. One (1) freestanding sign is permitted for each lot. Said sign shall not have a surface area greater than twenty-five (25) square feet. Each side of a two sided back-to-back sign may meet the maximum size. If lighted, it shall be illuminated internally, or by indirect method with white light only

If a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one ground sign not to exceed a maximum size of twenty-five (25) square feet. When said sign is two sided back to back, each side may meet the maximum size. The sign may not exceed a maximum height of twenty (20) feet. All signs shall be setback from all property lines a distance at least equal to the signs height. Said sign may only include the names of the individual businesses on the lot, a name for the shopping center if one exists, and a message board and shall have letters nineteen (19) inches high.

iv. The Planning Board may issue a Special Permit permitting additional signs (but no more

than one per individual street) where they find that such additional streets generate traffic flows substantial enough to provide additional primary access to the site, and where such larger signs will be consistent with the character of the general area.

Additional Sign Design Guidelines

(1) In addition to compliance with the design guidelines contained in this bylaw, every effort should be made to meet the design standards of this bylaw and the GRANBY COMMERCIAL/MIXED USE DESIGN GUIDELINES adopted by the Planning Board.

(2) When there is a change in property ownership or a new tenant the new owner or new tenant must remove all message items (items of information) not in compliance with these sign bylaws and effectuate conformance with the article provided such non-compliant items are determined not to be valid pursuant to the Town of Granby's Zoning Bylaws.

(3) All property owners and tenants are responsible for the care and maintenance of signage on their property and must effectuate conformance with the provisions of section E.

Wall Signs

(1) 1 Subject to the requirements of this bylaw, any business may display wall signs, provided the total items of information displayed from all signage does not exceed ten (10) items or as otherwise permitted. Wall signs may be attached flat or pinned away from the wall and may not project from the wall by more than three (3) inches. Wall signs painted on the walls are prohibited.

(2) Sign able area.

i. The permitted area of wall signs is shown in the Table of Basic Design Elements, which indicates the percentage of the sign able area of the building or structure which may be utilized for wall signs. "Sign able area" of the building means an area of the facade as defined by the sign band area. Activities located above the ground floor may display signs on the glass area of the windows only and are limited to twenty-five percent (25%) of the glass area and a maximum of ten (10) items of information. Illuminated signs are not permitted in windows or on the walls above the ground floor sign band area.

ii. Activities located above the ground floor may also display signs on their ground floor door. Activities located below the ground floor may display sign on their ground floor door and projecting signs up to six (6) square feet in area. All door signs are limited to ten percent (10%) of the door area.

(3) Wall signs are subject to the following height limitations:

i. Wall signs placed in the space between windows may not exceed in height more than two-thirds (2/3) of the height of the sign band area.

ii. Wall signs are to be located in the sign bands above the storefront display window or transom whenever a sign band is part of the existing façade. Wall signs shall not extend beyond the width of the storefront display window or transom.

iii. Letters can be a maximum of nineteen (19) inches in height if they are carved into or securely attached in such a way that they are an architectural detail of the building, provided that:

a. They are indirectly illuminated, are not made of a reflecting material and do not contrast

sharply with the color of the building.

b. They do not exceed one (1) inch in thickness.

iv. Individual letters may be used on wall signs on buildings which front on the sidewalk or roadway but shall not be larger than seven (7) inches in height.

v. Internally illuminated letters are to have a matte finish and must be compatible with the building colors.

vi. Individual letters not more than nineteen (19) inches in height on walls of buildings set back one hundred (100) feet or more from the right of way are permitted.

Projecting Signs

(1) Any commercial or institutional activity may display one (1) projecting sign on each street frontage, providing the total items of information displayed from all signage does not exceed ten (10) items or as otherwise permitted. The permitted area of projecting sign is shown in the Table of Basic Design elements.

(2) The following additional regulations apply to projecting signs:

i. Projecting signs must clear sidewalks or parking areas by at least eight (8) feet and may project no more than four (4) feet from the building.

ii. Projecting signs must be at least six (6) inches away from the wall in which they are located.

iii. Projecting signs are not permitted at the intersection of corners except at right angles to a building front.

iv. No projecting signs may extend to above the sign band height of a building, if the building consists of two (2) or more stories. No projecting sign shall extend above the roof line of any single story building.

v. No projecting sign may be displayed unless the building to which it is attached is fourteen (14) feet or more in width, and no projecting signs may be closer than fifty (50) feet to any other projecting signs.

vi. No projecting sign can be located on buildings with an awning or which contains a wall sign.

Window And Window Display Areas

(1) Window display areas. All windows exposed to public view shall be kept clean and free of marks and foreign substances. Except when necessary in the course of changing displays, no storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view.

(2) Window signage.

i. The window sign must follow the Table of Basic Design Elements. Only (1) permanent window business sign per street elevation only shall be allowed, provided the total items of information displayed from all signage does not exceed ten (10) items or as otherwise permitted.

ii. Telephone numbers shall be permitted on a window but not to exceed four (4) inches in height. Names of partners or company officers shall be permitted on windows but shall not exceed two (2) inches in height.

iii. Hours of operation shall be permitted only on entry doors and shall not exceed two (2) inches in height. All allowable signage on doors shall be painted on doors or applied with stencil letters. No permanent window signs shall be comprised of posters, plaques, banners, etc.

iv. Window signs whether temporary or permanent shall be done professionally.

Special Situations

(1) The Planning Board may issue a special Permit allowing more than the number of signs herein permitted and/or for signs of a larger size or height then herein permitted provided that:

i. signs are located only where they are otherwise permitted in the district; and

ii. the Board determines that the architecture of the building, the location of the building or the land or nature of the use being made of the building or land is such that additional signs or signs of a larger size would not detract from the character of the neighborhood and should be permitted in the public interest.

iii. additional ground signs shall only be approved if there are exceptional circumstances to warrant their approval and if all effort are undertaken to keep additional ground signs as small and low as possible.

iv. the Board specifies in the permit the exact sign permitted, the size and location of the sign or signs, and if applicable, imposes other restrictions. Any change in said signs requires a new or revised Special Permit unless the Special Permit specifies types of changes allowed.

(2) Off-street parking. Street signs may be displayed on the side or rear of a building adjacent to the off-street parking area if the off-street parking area is forty (40) feet or more in width. However, the side or rear of the building adjacent to the off-street parking area may not be included when calculating the sign able wall area allowable to wall signs under this section.

Auxiliary Design Elements

(1) Awnings

i. Permanent awnings with signs are permitted for all activities in all areas, except in residential districts, providing the total items of information displayed from all signage does not exceed ten (10) items or as otherwise permitted. However, any letters over seven (7) inches in height which are displayed on a permanent awning are prohibited, except for uppercase script letters may be twelve (12) inches when used with lowercase script letters which are less than seven (7) inches. Logos and symbols can also be larger than seven (7) inches, provided they are limited to ten percent (10%) of the awning area. The items of information allowance established by the general provisions apply to signs on awnings. Permanent awnings shall not extend beyond four (4) feet beyond the vertical plane formed by the curb. Retractable awnings with signs that are concealed when retracted are not to be included in the calculations of items of information allowed. Retractable awnings may extend six (6) feet from the vertical plane of the building measured at grade, and shall not encroach on a plane that is three (3) feet behind the vertical plane formed by the curb. Awnings are to be a minimum of six (6) feet nine (9) inches above the ground level. Awnings shall be located within the width of the frame of the

first floor display windows or door and may not extend above the storefront window or transom by more than one (1) foot.

ii. Security gates are not allowed on store fronts in any zone.

iii. Street numbers are permitted on the fringe of awnings if they are a maximum of four (4) inches in height, include the street name and are centered above the main entry door. Street numbers are recommended centered on doors and/or transom windows above doors. Phone numbers on awnings are not permitted.

(2) Temporary window signs. Temporary window signs are permitted for all except industrial activities in all commercial area. They may not exceed more than twenty five percent (25%) of the area of the window in which they are displayed. Temporary window graphics are not debited against the items of information allowance established in the General Provisions section.

(3) Colored lights. White is the only color of light which is permitted:

(4) In area designated as institutional or residential or adjacent to such areas; or

(5) For institutional or residential activities.

(6) Color lights may be used for seasonal holidays.

(7) Indirect illumination, i.e. a light source not directly seen, is the only approved method for illuminating a wall sign or projecting sign unless the individual illuminated letters are used and they are a maximum of seven (7) inches in height.

(8) Floodlight illumination is permitted to light a building façade, provided that the color is white and the floodlight is positioned so that none of the light shines onto an adjacent property or in the eyes of motorists or pedestrians.

5.6 <u>Off-Street Parking/Loading</u>

5.61 General

It is the intention of this bylaw that all structures and land uses have a sufficient amount of off-street automobile parking to meet the needs of persons employed at, or making use of, such structures or land uses. No permit for the erection or substantial alteration of a structure, or for the development of a land use, shall be issued unless off-street automobile parking facilities shall have been laid out in a plan in accordance with the appropriate requirements for structures and uses set forth in this bylaw and approved by the Building Inspector.

The substantial alterations referred to are defined in this bylaw as follows:

Substantial alterations shall be deemed to be involved when the cost thereof, including all materials and labor as determined by the Building Inspector is found to be in an amount equal to, or in excess of forty percent (40%) of the last town valuation for the building in question. Any extension or any enlargement of a building which increases the floor area by fifty percent (50%) shall also constitute a "substantial alteration" regardless of the costs of such extension or enlargement.

5.62 Effect on Existing Uses

Structures and land uses in existence at the time this bylaw becomes effective or structures and uses for

which building permits have been approved at the time this bylaw becomes effective shall not be subject to the requirements set forth in this section provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they may not be reduced below such requirements.

5.63 Regulations

Minimum Areas Required: Unless parking facilities are otherwise specifically approved by the Board of Appeals, they shall contain not less than the following minimum parking spaces, with unobstructed driveway access to each space:

1. For single and two-family houses - one space for each dwelling unit.

2. For single and two-family houses renting rooms - one space for each rented room in addition to dwelling unit requirements.

3. For professional offices and roadside stands - two spaces not limited to location in addition to dwelling unit requirements.

4. Parking spaces for dwellings may be provided in a garage or as open parking spaces.

5. In neighborhood office and shopping plazas - one space for each hundred (100) square feet of floor space devoted to the principal use, exclusive of storage and service areas.

6. Except as provided above, the following schedule shall govern parking requirements for other land uses:

    a. For a theater, assembly hall, or auditorium - one parking space for each four legal occupants.

    b. For other places of public assembly, public recreation, and for industrial plants - one parking space for each three legal occupants.

    c. For a motel, inn, or tourist home - one space for each rental unit or guest room, plus two spaces.

    d. For condominium or apartment - two spaces for each dwelling unit.

    e. For a hospital or convalescent home - one parking space for each two beds.

    f. For business offices and financial institutions - one parking space for each one hundred and sixty (160) square feet of building floor space, above the basement, excluding storage areas and stairs.

    g. For any other business or industrial use - one parking space for each two hundred (200) square feet of ground floor area, and one parking space for every four hundred (400) square feet of floor area or fraction thereof above the first floor.

7. A required parking space shall contain not less than one hundred and eighty (180) square feet in the case of a parking lot, or at least one hundred thirty (130) square feet in the case of garage parking, with free access to each space.

8. Provision shall be made for the loading and unloading of all trucks off the street and highway

right-of-way and without encroachment of required parking areas. The adequacy of space and suitability of location shall be determined, among other things, by expected volume, building use, and relation to streets and access driveways.

9. Not less than one loading space, ten feet by twenty-five feet (10 ft. x 25 ft.) with fourteen (14) feet height clearance, shall be required for a building with gross floor area of ten thousand (10,000) square feet or more.

10. Surfacing: Required parking and loading areas and access driveways shall have an adequate all-weather surface capable of allowing free and safe movement of all vehicles customarily using the facility. Nothing herein shall require the use of a hard surface on the parking space or driveway required for dwellings.

5.7 Scenic Roads

5.71 General

No repair, maintenance, reconstruction, or paving work that involves or includes the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof shall take place on the following streets except with the prior written consent of the Planning Board:

1. Batchelor
2. Center
3. Cold Hill
4. Ferry Hill
5. North
6. Parish Hill Road
7. Taylor
8. West

5.8 Earth Removal Bylaw

5.80 Definitions

For the Purpose of this Bylaw:

1. "Earth Material" shall include soil, sod, loam, peat, clay, sand, gravel or quarried stone and other natural earth materials.

2. "Board" shall mean the Board of Selectmen of Granby.

5.81 Procedure

1. The removal of earth material from any land in the Town not in public use shall be done pursuant to a special permit therefor issued by the Board.

2. All applications for such special use permits shall be submitted to the Board and accompanied by exhibits and documents set out below:

   a. Name and address of the legal owner of the land in question. b. Name and address of petitioner, if different.
   c. Names and addresses of all owners of property within two hundred feet (200 ft.) of the land.

d. An accurate description of the land from which the earth material is to be removed.
e. A full statement as to the purposes of the earth removal.
f. A plan in three (3) copies prepared by a registered engineer or land surveyor showing lot lines, tract boundaries, adjacent streets and roads, the original topography by five foot contours and the proposed final contours after the completion at five foot intervals.
g. Within ten days after receipt of the application for the special permit for the removal of earth material, the Board shall transmit a copy to the Planning Board, Conservation Commission and the Building Inspector, together with a copy of the plan which shall be required. The above mentioned boards may, at their discretion, investigate the matter and report their recommendations to the Board of Selectmen.
h. A public hearing will be held by the Board. The public hearing may be held prior to receipt of the recommendations from the above three boards, but no decision shall be made by the Board until after the receipt of such recommendations from the above three Boards or until the lapse of thirty (30) days from the date of filing of the application with the Board.

5.83 Limitations

1. A special permit granted hereunder by the Board shall impose reasonable conditions designed to safeguard the neighborhood and the Town, and shall include specific conditions pertaining to any or all of the following conditions:

   a. Method of removal.
   b. The type and location of temporary structures.
   c. The hours of operation.
   d. Rules for transporting the material through the Town.
   e. The area and depth of excavation.
   f. The distance of excavation to street and lot lines.
   g. The steepness of slopes excavated.
   h. Re-establishment of ground levels and grades.
   i. Provision for temporary and permanent drainage.
   j. Disposition of boulders and tree stumps.
   k. Fencing and signs necessary for public safety.
   l. Replacement with loam or topsoil of four inches (4") or pre-existing topsoil condition, whichever is greater, over the area of removal.
   m. Planting of the area to suitable cover, including trees.
   n. Provision for proper access and egress to and from site to highway or local streets. o. Inspection of the premises at any time by the Board or its representative.

2. The Board shall require, as a condition to the granting of a special permit for the removal of earth material, that the applicant for the permit furnish cash, certified check, surety bond or other security in a sum sufficient to insure compliance with the conditions stipulated in such permit.

3. A special permit granted hereunder shall be issued for a period of not more than one (1) year. Such permit may be renewed by the Board without a public hearing.

4. Upon petition of the permit holder or abutters or upon its own initiative, the Board shall hold a public hearing to reissue or modify a special permit for removal of earth material or to order suspension or revocation of such permit, if the Board finds any violation of conditions stipulated in such permit. The suspension or revocation of the special permit shall not relieve the permit holder of his obligations thereunder except at the discretion of the Board.

5.84 Exceptions

1. No special permit shall be required for the following:

   a. When such removal is not more than fifteen cubic yards in the aggregate in any year from one parcel of land.
   b. When such removal is at the site of, incidental to, and in connection with the construction and alteration of a building or structure for which a building permit has been issued and to the installation of walks, driveways and similar appurtenances to said building or structure.
   c. When such removal is incidental to the transfer of earth material from one part of a parcel of land to another part of the same parcel or to an adjacent parcel in the same ownership for the improvement of the property, provided that the area involved is suitably graded and planted thereafter.
   d. When such removal is incidental to the operation of a farm and farming, stock and dairy farms, poultry farms, greenhouses, nurseries, market gardens, tree farms, orchards, forests and woodlots.
   e. When such removal is for any municipal purpose by, or on behalf of, any department of the Town of Granby.
   f. When the removal is in conjunction with the continued operation of a sand or gravel pit in lawful operation on the effective date of this bylaw and until such operation is abandoned for a period of twelve (12) consecutive months, provided that in the course of such continued operation:
      (1) The depth of excavation is not increased below the grade of the lowest point excavated on the date this bylaw is adopted.
      (2) The total area of excavation is not increased by more than 10% over its area on such date.
      (3) The amount of material removed per day does not exceed the maximum removed during any daily operation during the twelve months preceding the effective date of this bylaw.
   g. When such removal is incidental to the construction and development of a subdivision being conducted under the contractual supervision of the Planning Board as provided in the Rules and Regulations Governing the Subdivisions of Land in the Town of Granby, Massachusetts.
   h. The conditions stated herein under which a special permit is not required shall not include removal of earth material from the premises when major topographical changes or soil stripping or loam stripping activities are involved.

5.85 General Provision

1. Penalty

   Any person, firm or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this bylaw shall be prosecuted under the terms of General Laws, Terr. Ed. Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than fifty dollars ($50) for the first offense, not more than one hundred dollars ($100) for the second offense, and not more than one hundred dollars($100) for each additional day. Each day of non-compliance shall constitute a separate offense. The board may revoke or suspend the permit of any person, firm or corporation holding a permit under this bylaw if such person, firm or corporation violates, disobeys or fails to comply with any of the provisions of this bylaw.

5.95 Swimming Pool Bylaw

5.96 Definitions

For the purposes of this bylaw:

1. Swimming Pool: A body of water eighteen (18) or more inches in depth below grade at any point in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with or by clubs, community associations, and motels.

2. Family Pool: A swimming pool, used or intended to be used only by the owner or lessee thereof and his family and by his friends invited or permitted to use it without payment of any fee.

3. Semi-Public Pool: A swimming pool to be used by a non-profit organization of not more than two hundred (200) persons living in the immediate vicinity of the pool.
   a. A semi-public pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use of said pool from becoming objectionable to the abutters and neighbors, or a general nuisance.
   b. Sufficient provision shall be made on the property in which the pool is located for off-street parking for all members or their guests.

5.97 Restrictions

1. All family swimming pools when installed in the rear yard shall be placed no less than fifteen (15) feet from the rear and/or side lot line.
2. No swimming pool shall be placed less than forty feet (40 ft.) from the front lot line.

   2. Semi-Public Pools shall be placed so that the fencing around them shall be no less than forty feet (40 ft.) from the front lot line, and twenty feet (20 ft.) from the rear and/or side lot line.

5.98 Fences

5.98.1 Applicability

Fences, walls, or other enclosures shall be considered accessory structures and shall be permitted within the required front, side, and rear yards subject to the conditions and requirements of Sections 5.981 through Section 5.98.6.

5.98.2 Fence Height

a. In all zoning districts:

Fences or other enclosures shall not exceed four (4) feet in height along the front lot line and that portion of the side lot lines between the front lot line and the minimum front setback line in all zoning districts.

b. In all residential districts:

Fences and other enclosures shall not exceed six (6) feet in height along the portion of side lot line between the minimum front yard setback line and rear lot line, and along the rear lot line in all residential districts.

c. In all business and industrial districts:

Fences and other enclosures shall not exceed eight (8) feet in height along the portion of side lot lines between the front lot line and the minimum front setback line and along the rear lot line in all business and industrial districts.

5.98.3 Fence Setback

a. In all zoning districts:

All fences in residential districts shall be located no closer to the sidewalk, street right-of- way or front property line than three (3) feet.

Fences, walls or any similar structure in residential districts, which are more than four (4) feet high and more than one-quarter (1/4) solid, except retaining walls, shall be erected not less than three (3) feet from any lot line.

Fences associated with agricultural uses on parcels of land of five (5) acres or larger are exempt from the regulations of Section 5.98. Razor fences are prohibited.

In residential districts, plant materials for vegetative hedges, buffers or screening shall be placed so that the central trunk or stem at the soil line is not closer than three feet to any lot line.

b. In all business and industrial districts:

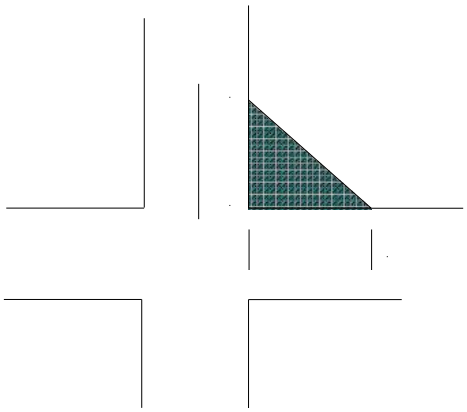
Fences or other enclosures within the side or rear and exceeding six (6) feet in height shall be set back a distance equal to their height, unless subject to Site Plan Review and/or Special Permit requirements

5.98.4 Fence Placement

Fences shall be placed with the most attractive side (e.g., in the case of a picket fence, the side without horizontal members) facing the street and neighbors properties. Exceptions due to site layout and abutting properties may be allowed as approved by the Building Inspector.

5.98.5 Corner Lot Fences:

A fence, hedge, wall or other enclosure shall be maintained on a corner lot. No structure or vegetation shall be over three and one-half (3 ½)feet in height within the “sight triangle”. The “sight triangle” is defined as the area within a triangle formed by two (2) lines measured along the center of the nearest lane of traveled way of intersecting streets from the point of intersection for a distance of twenty-five (25) feet, and a third line connecting the points on the two (2) legs



sight
triangle

5.98.6 General

Fences, except living fences, higher than six (6) feet shall require a Special Permit from the Planning Board.

Fences shall be of a safe, non-hazardous construction, not likely to endanger the health or safety of the public.

No landscape plantings shall intrude into or over a public sidewalk for a height of eight (8) feet above the sidewalk.

All fences, including temporary construction fences, but accepting agricultural fences as defined in Section 5.98.3, shall require a building permit.

Any specific, more stringent provision in any other section of this bylaw relating to fences, hedges, walls, or other enclosures shall prevail over provisions of this section.

Temporary fences on construction sites may be a maximum of eight (8) feet to protect the site, providing the fence meets the requirements of Section 5.98.4. The Building Inspector, upon the issuance of a building permit, may set a limit as to the length of time the fence may remain erected.

5.99 <u>Large-Scale, Ground-Mounted Solar Photovoltaic Installations</u>

5.99.1 Purpose

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

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

5.99.1.c Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Granby Planning Board.

5.99.1.d Zoning Enforcement Authority: For purposes of this bylaw, Zoning Enforcement Authority refers to the Granby Building Inspector.

5.99.2 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment, throughout the useful life of the system or where alterations may impact abutters.

5.99.3 General Siting Standards

3.a Lot Requirements

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be permitted on parcels larger than two (2) acres located within the Residential Single Family (RS), Industrial (I) & (I-2) and Municipal (MD) Zoning Districts.

3.b Setbacks

See Section III – Use Regulations-Table of Dimensional and Density Regulations.

3.c All appurtenant structures shall abide by setbacks as stated within Section III-Table of Dimensional and Density Regulations.

5.99.4 General Requirements for all Large Scale Solar Power Generation Installations

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

5.99.4.a Compliance with Laws, Ordinances and Regulations

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

5.99.4.b Building Permit and Building Inspection

No large scale photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

5.99.4.c Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

5.99.5 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

5.99.5.a General

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

5.99.5.b Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(1)A site plan showing:

(i) Proposed lines and physical features, including roads, for the project site;

(ii) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

(iii) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures

(iv) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

(v) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

(vi) Name, address, and contact information for proposed system installer;

(vii) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

(viii) The name, contact information and signature of any agents representing the project proponents; and

(2) Documentation of actual or prospective access and control of the project site (see also Section 3.99.6)

(3) An operation and maintenance plan (see also Section 3.99.7)

(4) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

(5) Proof of liability insurance, and

(6) Description of financial surety that satisfies Section 5.99.12.c.

(7) Any portion of Section 5.99.5 may be waived if in the opinion of the Planning Board, the materials submitted are sufficient for the Planning Board to make a decision.

(8) All material modifications to a solar photovoltaic installation made after final approval shall require approval by the Planning Boar.

5.99.6 Site Control

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

5.99.7 Operation & Maintenance Plan

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

5.99.8 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been

given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5.99.9 Design Standards

5.99.9.a Lighting

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

5.99.9.b Signage
Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

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

5.99.9.c Utility Connections
Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.99.9.d 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 bylaws.

5.99.9.e Facility Access and 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 photovoltaic installation and any access road(s), unless accepted as a public way.

5.99.9.f Appurtenant Structures

All appurtenant structures to large-scale, ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

5.99.10 Safety and Environmental Standards

5.99.10.a Emergency Services
The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperates 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 inquires throughout the life of the installation.

5.99.10.b Land Clearing, Soil Erosion and Habitat Impacts
Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

5.99.11 Monitoring and Maintenance

5.99.11.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 photovoltaic installation and any access road(s), unless accepted as a public way.

5.99.12 Abandonment or Decommissioning

5.99.12.a Removal Requirements
Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(1) Physical removal of all large-scale ground-mounted solar photovoltaic installations, 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 Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

5.99.12.b Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. 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 may enter the property and physically remove the installation.

5.99.12.c Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, 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 proponent. Such surety will not be required for municipally-or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

5.99.13 Large-Scale Ground-Mounted Solar Energy Systems Moratorium

Notwithstanding any other provision of the Zoning or General Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or build structures for large-scale ground-mounted solar energy systems that are at least 40,000 square feet in area or over 250 kW of energy production. The moratorium shall be in effect through January 31, 2020, or until such time as the Town adopts Zoning or General Bylaw amendments that regulate large-scale ground-mounted solar energy systems, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of large-scale ground-mounted solar energy systems in the Town, consider the Massachusetts Department of Energy Resources' Guidance for Regulating Solar Energy Systems, and shall consider adopting new Zoning and General Bylaws in response to these new issues.

5.10 VILLAGE CENTER DISTRICT

5.10.1 INTENT - The intent of the Village Center District is to foster well-planned, mixed-use, compact developments in the village center in Granby, in keeping with the character of traditional New England villages, in order to create a place with a unique and positive local identity, and provide opportunities for development to expand the town's economic diversity and vitality.

Development within this district should provide commercial, civic, residential uses and public open space within easy, safe walking distance of each other. Vehicular circulation should be safe and well organized, with the use and visual impact of cars minimized. There should be tree lined streets, sidewalks, well-designed architecture, and common interconnected open public spaces. Property developers are encouraged to provide amenities such as protected open space, increased landscaping, street furniture, public spaces, and greater integration of mixed uses.

5.10.2 PURPOSE - The purposes of this bylaw are to encourage vital, innovative, development projects and uses in the village center that:

1. Provide for the location of a mix of low or moderate-intensity residential, office, retail commercial, civic and institutional uses, including a mixture of uses in the same building. The commercial uses serve village residents and those in the vicinity. Commercial and institutional development is directed to this district, so that more rural areas' environment and the natural resources are protected and preserved.

2. Exhibit the design features of traditional villages and small towns in New England;

3. Facilitate more efficient provision and maintenance of public services and infrastructure;

4. Blend well with the existing landscape and help preserve sensitive environmental features;

5. Provide an activity center for the town where residents and others can gather, work, shop, entertain and reside.

6. Preserve and restore the overall character of the village center;

7. Promote a pedestrian-friendly environment in the village center,

8. Encourage the growth of the local economy and jobs, including development of flexible space for small and emerging businesses,

9. Encourage the development of open spaces and parks within the village center to accommodate workers, residents, pedestrians and shoppers.

10. Provide for a range of commercial uses and services to meet the everyday needs of residents, to provide goods, services, and lodging for travelers and tourists to the area.

11. Provide for limited development in scale with the existing character of the neighborhood. The village districts' growth shall be consistent with historic patterns of modest scale.

12. Sustain this District's distinctive character and community identity through careful planned development. Every effort should be made to meet the design standards to ensure that new development is compatible with the unique characteristics and sense of place within the District. The scale and density of new development should conform to the character of the traditional New England village.

5.10.3 DESIGN STANDARDS

1. New development and redevelopment should use traditional New England village development as a guide when determining the height, setbacks, bulk, and form of proposed structures within the Village Center District.

2. Every effort should be made to meet the design standards of this bylaw and the GRANBY COMMERCIAL/MIXED USE DESIGN GUIDELINES adopted by the Planning Board to ensure that new development is compatible with the unique characteristics and sense of place

3. New development should be designed and built to reflect existing neighborhood characteristics such as shape, height, massing, roof shapes, and door and window placement and proportions.

4. Buildings should be oriented such that the principal face of the building faces the most dominant adjacent street.

5. Multi-story buildings with commercial use(s) and residential uses are encouraged:
    a. provided all residential units are located above the first floor/street level of the building or in first floor portions of the building that do not front or access on the street frontage.

6. Garage and service doors for commercial development should not be oriented to the primary public street.

7. Roadside sidewalks should be provided when sites are developed or redeveloped. Sidewalks linking adjacent parcels along the primary street should be provided wherever practical.

8. Lots and uses shall comply with the Single Family requirements in the Table of Dimensional and Density Regulations except as follows:
    a. Building Massing and Bulk
        i. The overall form of proposed buildings, such as height, front and side yard setbacks, roof pitch, and length of building frontage should be similar to the surrounding buildings in order to maintain a consistent pattern and texture in the built environment.
        ii. Where the standards in the Table of Dimensional and Density Regulations cannot be met, front, side, and rear setbacks should be based upon facing and adjacent lot averages
        iii. A maximum height of two ½ stories or 35 feet, whichever is shorter, unless it can be demonstrated that a majority of neighborhood structures exceed those heights.
        iv. Community or institutional buildings may be granted increased height allowances for architectural features that signify the function or importance of the building to the community.
        v. Commercial buildings should not exceed a maximum footprint of 3,500 square feet.
        vi. Building designs with flat roofs, large expanses of undifferentiated facades, and long plain wall sections shall be discouraged.

9. Provision for safe and convenient pedestrian access shall be incorporated into all Plans. Concrete or brick walkways shall be provided throughout the site. Pedestrian amenities are encouraged, such as: public art; fountain; tables, chairs, or benches; bike racks or lockers;

10. Service, Loading, and Refuse Areas shall be designed so that they may be used without blocking or otherwise interfering with the use of through streets, parking facilities, or pedestrian circulation and shall be screened from streets, parking areas, and residential lot lines by architectural elements or landscaped buffers.

11. Landscaping - Street trees, have a minimum caliper of 2.5" (measured at a height of 4.5' from ground level) at the time of planting, shall be planted a minimum of 40 feet and a maximum of 50 feet on center within the right-of-ways parallel to the street along all streets. Parking areas with:
    a. 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties.
    b. 10 or more spaces shall provide effective screening of the parking area from adjacent streets or properties and provide a minimum of 10 percent of the total parking area as landscaped open space.
    c. 25 or more spaces shall provide effective screening of the parking area from adjacent streets or properties, provide a minimum of 10 percent of the total parking area as landscaped open space and provide landscaped islands of a minimum width of four feet for the purposes of :
        i. defining parking lot entrances,
        ii. defining the ends of a portion of the parking aisles,
        iii. defining the location and pattern of primary internal access drives,
        iv. separating parking spaces within long rows of spaces, and
        v. separating some of the rows of parking spaces from other rows.

vi. The Planning Board may waive or permit a reduction in these standards where they specifically find that such reduction would result in a better project and still be consistent with and maintain the Intent of the District.

12. Lighting - Any outdoor lighting fixture newly installed or replaced shall be designed so that it does not produce a strong, direct light beyond the property boundaries

13. All lighting shall follow a uniform lighting system.

14. Lighting fixtures shall be decorative, pedestrian-scaled fixtures.

5.10.4 PARKING - The purpose of this section is to establish flexible regulations designed to ensure that adequate parking is provided for the Village Center District. This section balances the need for providing adequate parking with the need to maintain the character and fabric of Granby's village center. With the clustering of uses and buildings in the District creative alternatives can be utilized to reduce the number of parking spaces required, but still meet the parking demand, strengthening the center's economy and improving its appearance. These alternatives provide an opportunity for landowners and developers to work with the town to arrive at innovative parking solutions.

1. Parking should be located to the rear and/or side of buildings. Parking lots should not create long expanses of empty street frontage. This is intended to maintain the pedestrian friendly orientation and the historic character of the District.

2. Parking shall be provided in accordance with Section 5.6 Off-Street Parking/Loading, except for the following:
   a. Shared Parking - The Planning Board may issue a Special Permit permitting the use of parking spaces for more than one use on the same parcel or on a lot that is in the same ownership as, and located within, five hundred (500) feet of the uses when they find that the applicant has submitted an adequate Parking Management Plan (including supportive documentation) showing that:
      i. the peak parking demand generated by the uses occur at different times, and
      ii. there will be adequate parking for the combined uses at all times

      Shared Parking can also be provided on a lot that is not under the same ownership in conjunction with the requirements of this Section provided that it also receives a Special Permit and complies with the requirements of this Section.
   b. Off-Site Parking - The Planning Board may issue a Special Permit permitting the providing of required parking for a use on a lot that is not under the same ownership when they find that the applicant has submitted an adequate Parking Management Plan (including supportive documentation) showing that:
      i. that the parking spaces are also located in the Village Center District.
      ii. the parking is suitably located in the neighborhood in which it is proposed
      iii. the parking has adequate paving, landscaping, screening, lighting, curbing or wheel stops, and provides for safe vehicular and pedestrian circulation on the site and at all curb-cuts with abutting streets
      iv. the applicant has submitted sufficient legal documentation (approved by the Planning Board and shall be included as an enforceable condition of any Building Permit, Site Plan approval, or Special Permit) guaranteeing access to, use of, and management of designated shared parking spaces on the parcel.

It should be noted that said Special Permit is contingent upon the continued ability to legally use the off-site facility and that said Special Permit, and any uses dependent on it, shall terminate upon the termination of any legal agreements permitting the use of said off-site parking. The use for which the parking was being provided at the off-site facility shall cease upon the termination of said Special Permit until such time as adequate parking is provided in accordance with the requirements of the Zoning Ordinance.

c. Reduction of Required Parking - The Planning Board may issue a Special Permit permitting a reduction of up to 20% in the number of required parking spaces in Section 5.6 where the applicant can provide a Parking Management Plan demonstrating that a reduction is warranted as a result of the utilization of transportation demand management measures which reduce automobile use, which may include:
    i. The availability of public transportation
    ii. the subject property lies within walking distance from shopping, employment, restaurants, housing, schools, and other trip destinations
    iii. the provision of bicycle storage facilities to encourage bicycling
    iv. the applicant demonstrating the need for fewer parking spaces due to the uniqueness of the use, availability of on-street parking, community/shared parking, or other means.

d. Shared Driveways/Curb-Cuts - Abutting property owners are encouraged to coordinate access to their lots including utilizing common curb-cuts and driveways under reciprocal easements. The Planning Board may issue a Special Permit permitting shared driveways/curb-cuts and can waive setback and related requirements to achieve this where the applicant demonstrates that the curb-cut and access driveway design improves traffic circulation and reduces the number of turning movements onto State Street. Said Special Permit shall not become effective until the easement has been recorded, notwithstanding the provisions above.

e. Combined Parking Lots - Abutting property owners are encouraged to coordinate parking layouts, including combining and connecting, with adjacent parking lots. The Planning Board may issue a Special Permit for the combining of parking lots and can waive setback and related requirements to achieve this where the applicant demonstrates that the parking design improves traffic circulation and provides better utilization and higher occupancy rates and minimizes trips onto State Street.

f. Parking Management Plans - All Parking Management Plans (including supportive documentation) shall be prepared by a Registered Land Surveyor, Engineer, Landscape Architect, Architect or Transportation Planner licensed (where required) to practice in Massachusetts. The Planning Board may permit said Parking Management Plan to be prepared by others in cases where they find that because of the size or nature of the project the above level of expertise is not required.

5.10.5 SIGNAGE

2. Wall Signs
    a. one Wall Sign is permitted for each establishment in the structure, provided:
        i. it shall be attached and parallel to the main (frontage) wall of the building;
        ii. it shall not project horizontally more than twelve (12) inches therefrom;
        iii. the surface area shall not be larger than 10% of the total wall area of the facade of

one story which is occupied by the establishment or 10 square feet, whichever is less and said sign must be displayed on said wall area;

iv. if lighted, it shall be illuminated internally, or by indirect method with white light only;

3. Ground Signs. One (1) lighted, non-interior illuminated or non lighted ground sign may be permitted by a special permit issued by the Planning Board. Any sign permitted under this section must meet the following requirements:
   a. The type, size, scale, location character and design of the sign must be consistent with and complementary to the character of the neighborhood.
   b. Such sign may not have more than two (2) faces and such faces must be configured back to back.
   c. Each sign face may not exceed twelve (12) square feet in area, including framing.
   d. Such sign may not exceed six (6) feet in height to its tallest point, including support structures.
   e. Such sign shall be setback at least 12 feet from the front lot line.
   f. The Planning Board may approve a setback of less distance that the minimum required provided that it finds:
      i. That said distance is not less than half the distance between the front lot line and the front of the building located thereon.
      ii. That the location of such sign will be consistent with and complementary to the character of the neighborhood.

5.11 Age Restricted Housing Community

5.11.1 Purpose. This bylaw is established to achieve the following public purposes:

- to encourage the development of affordable and market-rate housing for individuals aged fifty- five and over

- to allow for a greater variety of building types at a higher density than would normally be allowed

- to allow greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reduces demands on municipal services

- to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

5.11.2 Definition Age Restricted Housing. A planned development of land consisting of multiple structures on a common lot constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older, as permitted by M.G.L. Chapter 151B, Section 4, Subsection 6 (as amended), who are able to maintain an active, independent lifestyle without the help of additional on-site support services.

1. Not more than three (3) residents shall occupy any dwelling unit.

2. All occupants of a dwelling unit shall be age fifty-five (55) or older except as follows:
   a. A spouse or cohabitating partner of an occupant age fifty-five (55) or older;
   b. An occupant who survives his or her spouse or partner;
   c. A spouse where the occupant has entered into a long-term care facility;
   d. Not more than one child residing with his or her parent(s), provided said child is eighteen

(18) years of age or older;

e. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care;

f. A paid caregiver providing medical or health care to an occupant or spouse.

3. The owner of the development shall publish and follow policies and procedures that demonstrate the intent to be housing for persons fifty-five (55) and older including federal Housing and Urban Development (HUD) rules for verification of occupancy.

5.11.3 Allowed Uses

1. Single family detached dwellings

2. Two family detached dwellings

3. 3-6 unit multi-family dwellings

4. Accessory uses customarily incidental and subordinate to the principal uses listed above, (i.e. recreational uses and community facilities such as parks, gardens, swimming pools, tennis courts, clubhouses and community buildings) but expressly excluding any commercial or retail enterprises.

5. Retail, professional office and business services serving the residents of the Age Restricted Housing Community and surrounding neighborhoods

5.11.4 Site Requirements

1. Minimum Tract Area*
   - 5 contiguous acres

   * Excludes: land under permanent water bodies (measured at the average high water mark) and bordering vegetated wetlands as defined under M.G.L. c. 40, Sec. 131 and certified by the Conservation Commission; land within public ways, and land within private ways and right-of-ways where the general public has the right of access by automotive vehicles; and land with a slope in excess of 33% (as determined by the Town's Geographic Information System, or by a registered land surveyor's equivalent topographic plan).

2. Residential Density - 4 units/acre (of Minimum Tract Area minus area dedicated to retail, professional office and business services)

3. Maximum number of units/project - 80 units

4. Frontage - 150 feet

5. Retail, professional office and business services, and their related appurtenances, may not occupy more than 20% of the Minimum Tract Area.

5.11.5 Building Requirements - In order to achieve a development that reflects the residential character of the neighborhood in which it is located, the following minimum building and design standards shall be applied to all structures constructed in an Age Restricted Housing Community development.

1. Minimum Setbacks:

	Front	Side	Rear	Access Drive
	50 feet	50 feet	50 feet	30 feet

2. Maximum Height - 2 stories/35 feet

3. No dwelling unit shall contain more than 2 bedrooms

4. The front facade of all structures shall be oriented either toward the access drive serving the premises, or the street frontage.

5. Building location and orientation shall reflect:
   a. the character of the neighborhood or area that it is in;
   b. relationship to street line and to other buildings in the development if in close proximity, in order to protect privacy and create visual coherence;
   c. views, solar access and access to common open space in order to enhance occupant's interest;
   d. organization of large developments into recognizable subareas in order to provide scale and identity;
   e. avoidance of major topography changes and destruction of significant natural site features including removal of native trees or vegetation in order to preserve and protect the environment;
   f. reduction of visual intrusion into abutting properties in order to protect existing character to the extent practicable.

6. An architectural theme shall be carried out throughout the entire development. While it may feature varied facades, there shall be common or complimenting architectural styles, building materials, color, exterior detailing, bulk and/or roof lines. Design characteristics and facade elevations shall be provided in the development application which shall require Town Council approval.

7. All egress stairways are to be contained within the building structure proper.

8. A minimum of twenty-five foot (25') separation between buildings shall be provided which shall be landscaped.

9. Garages, if provided, shall be attached to and made an integral part of the principal structure.

10. Community Facility. Unless waived by the Special permit Granting Authority, the development shall establish a community room or facility for use by the residents. Such facility may provide community space for mail, indoor recreation, meetings, and other functions held by the residents.

11. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.

5.11.6 <u>Infrastructure and Utility Requirements</u>

1. General:
   a. All access drives, pedestrian/biking facilities and all associated infrastructure and utility improvements shall be designed and constructed in accordance with the Rules and Regulations Governing the Subdivision of land in Granby.
   b. All access drives, pedestrian/biking facilities and all associated infrastructure and utility improvements shall be considered private, under the ownership and maintenance responsibility of the property owner and/or a homeowners association established pursuant to MGL, Chapter 183A, and shall not be owned or maintained by the Town of Granby.

2. Access Drives

a. All structures located within an Age Restricted Housing Community shall be accessed by the proposed private access drive. Direct access to any proposed structure from an existing public or private street shall be prohibited.

3. Parking
   a. A minimum of two off-street parking spaces shall be provided per residential unit.
   b. A minimum of two parking spaces shall be provided for postal delivery accessory structures.
   c. No parking spaces or parking areas shall be located within the required minimum front, side or rear yard setback requirements for principal structures from property lines.
   d. No parking areas, parking lots or access drives shall be located within the minimum separation area between structures.
   e. All parking lots shall be screened from abutting properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet in height and five feet in width.
   f. Parking for retail, professional office and business services uses shall be in accordance with Section 5.6 Off-Street Parking/Loading.

4. Sewer/Water
   a. All dwelling units shall be serviced by a public water supply deemed adequate for fire protection and domestic use.
   b. All dwelling units shall be connected to the public sewer system. All systems shall comply with all local, state and federal requirements.

5. Outdoor Lighting - All outdoor lighting in the development shall be:
   a. integrated into the architectural style of the development designed to improve visibility, safety and a sense of security while minimizing energy use, operating costs, glare and light pollution
   b. appropriately shielded and designed to minimize misdirected or excessive artificial light and glare from creating a nuisance to abutting properties and street
   c. designed so building areas shall not be floodlit
   d. designed so access drives, parking areas, walkways and other public areas shall be illuminated only by properly positioned, high-efficiency, “full cutoff shielded” lighting fixtures not higher than fifteen (15) feet in height.

5.11.7 <u>Landscape Buffers, Common Open Space and Natural Resources</u>

1. Landscaped Buffers
   a. A coordinated landscape design for the entire project area including landscaping of structures, parking areas, driveways and walkways, and buffer strips shall be submitted for approval by the Special Permit Granting Authority.
   b. Wherever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
   c. Proper maintenance of the landscaping, including the buffer strip, shall be the responsibility of the owner, and shall be a condition of conformance with the Zoning Bylaws.
   d. Minimum landscaped/naturalized buffer along parcel property lines - 25 feet
   e. The landscaped buffer shall consist of the retention of natural vegetation supplemented with the planting of evergreen trees and shrubs.
   f. Additional buffering may be required in sensitive areas at the discretion of the Special Permit Granting Authority.
   g. A 6 foot high, five foot deep landscaped buffer shall be planted along the abutting road where the rear yard of the residential units abut the road sufficient to screen the rear yard areas from the road.

h. The Special Permit Granting Authority may modify or waive the buffering requirement where variations in topography, natural features and vegetation, or compatible land uses obviate the need for such a buffer.

2. Common Open Space
   a. All land within the Age Restricted Housing Community which is not covered by buildings, drives, driveways, parking areas or other development, or which is not set aside as private yards, patios or gardens for the residents, shall be common open space. The area of the common open space shall equal at least thirty percent 30% of the total Tract Area of the Age Restricted Housing Community. Such land shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by all the residents of the development.
   b. Such Open Space shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with existing or potential conservation or open space areas on adjacent parcels.
   c. A maintenance plan shall be implemented to ensure the long-term protection of open space areas.
   d. All significant features such as trees of over 12" Diameter Breast High (DBH), identified Heritage features, water courses, one hundred year flood plains, wetlands, ponds and other water bodies, marshes, stone walls, scenic points, and historic sites are encouraged to be preserved in the following manner:
      i. stone walls should be preserved by locating propertyboundaries along the existing line of the walls.
      ii. scenic points as identified in the Massachusetts Landscape Inventory and historic sites identified by the Massachusetts Historical Commission should be preserved by incorporating them within open space or recreational areas.
      iii. trees greater than 12" DBH in size should be preserved, if reasonably possible, by retaining natural grades and locating houses to minimize tree removal.
      iv. wetlands and water bodies should be incorporated into nature trails and other passive recreational uses.
   e. Suitable and usable outdoor recreational area or areas shall be provided for the use of tenants. At least 1,000 square feet per dwelling unit must be usable open space for active and passive recreation (this amount may be included in the thirty percent (30%) common open space requirement set forth above). Usable open space may be defined to include land for community gardens, hiking/jogging paths, tennis courts, swimming pools or similar facilities.
   f. Further subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities shall be prohibited.
   g. Provision shall be made so that the common open space shall be owned in common and readily accessible to the owners and residents of all units in the development or by membership corporation, trust or association whose members are the owners and residents of the units, in all cases the common open space shall be subject to a perpetual restriction running to or enforceable by the Town which shall be recorded in respect to such land. Such restriction shall be in such form and substance as the Special Permit Granting Authority shall prescribe, and may contain such additional restrictions on development as the Special Permit Granting Authority may deem appropriate.

5.11.8 <u>Signage/Project Identification</u>

1. As a condition of its approval, the Special Permit Granting Authority may permit, to be permanently affixed at each entrance to the development, a sign which:
   a. displays the project name
   b. displays the project's street number sufficient for identification by emergency services

c. is designed to be compatible with the character of the development and the surrounding neighborhood.
d. shall not exceed twenty-four (24) square feet in size (for each sign)
e. shall not be more then five (5) feet in height
f. may be illuminated with projected lighting, but it shall not be backlit or internally illuminated.

2. Signs for the retail, professional office and business services uses shall comply with the requirements of Section 5.5 Sign Bylaw.

3. The Special Permit Granting Authority may permit the naming of individual access drives. If so permitted, all access drives shall be posted with standard street signs and all drive names shall be approved by the Special Permit Granting Authority.

4. All access drives shall be posted with a standard street sign (colored blue) stating that this is a private drive,

5. All residential and commercial units must display street numbers.

5.11.9 Community/Unit Owner's Association - An owners' association shall be established requiring membership of each unit owner in the Age Restricted Housing Community. The association shall be responsible for the ownership, liability and maintenance of the Age Restricted Housing Community including all properties, access drives, pedestrian/ biking facilities and all associated infrastructure and utility improvements and facilities.

1. All association agreements/covenants and documents shall be submitted with the application, and are subject to the approval of the Special Permit Granting Authority, and shall become a part of any Special Permit/Site Plan approvals granted.

2. Such agreements/covenants shall provide that in the event that the association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement/covenant, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable value of the properties within the development and to prevent the common land from becoming a public nuisance. The agreements/covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

5.11.10 Submission Requirements – In addition to the materials required for a standard Special Permit and Site Plan Approval Application, the following shall also be submitted:

1. all community unit/owner association agreements/covenants and documents;

2. a Development Statement listing the development team, setting forth the development concept including in tabular form the number of units, type, size (number of bedrooms, amount of living space, gross floor area), ground coverage and summary showing the area of residential development and common open space as percentage of the total area;

3. a Development Site Plan of the entire tract in accordance with the requirements of this section and meeting, to the extend applicable the requirements set forth for a definitive plan in the Granby Subdivision Rules and Regulations;

4. architectural rendering of the site plans and typical structures including floor plans and facade elevations;

5. a traffic study performed by a Professional Engineer registered in the Commonwealth of Massachusetts. It may include, at the discretion of the Special Permit Granting Authority, analysis of existing and proposed traffic conditions, driveway design, traffic signal warrant analysis, parking lot size and layout recommendations, a description of impacts on local and regional traffic due to the development, including an area and for a build-out time period as prescribed by the Special Permit Granting Authority. Depending on the location of the proposed curb cut, existing traffic characteristics and the volume of traffic generated by the proposal, a traffic signal may be warranted at the one or all points of access. Any traffic control devices to serve the development would be designed, funded, and constructed by the project proponent at the time of the initial development or by the "homeowners's association" in the future. If, as a result of the traffic study, off-site traffic remediation is determined to be warranted, it shall be the responsibility of the project proponent. If the number of parking stalls required in the parking analysis exceed the number required in the Town Code, the larger number shall be required;

6. an engineering report regarding the adequacy of sewage disposal, water supply and storm water drainage including the impact of the proposed design on the existing municipal utility infrastructure of the Town;

7. marketing and management information including unit selling prices, construction schedule, phasing schedule, and drafts of policies and procedures that demonstrate the intent to be housing for persons fifty-five (55) and older.

8. a Market and Feasibility Study conducted by, in the opinion of the Special Permit Granting Authority, a qualified professional documenting the need for the number of units proposed, and the economic viability of the project.

5.11.11 Approval Findings – In addition to the standard Findings required for Special Permits and Site Plan Approval Applications, in approving an Age Restricted Housing Community the Special Permit Granting Authority must also find that such project:

1. is likely to result in a financially stable, soundly and attractively constructed and well managed and maintained project, and

2. conforms to the specific provisions of this Bylaw including the design guidelines of this section, and

3. provides for visual and noise buffering of the development to minimize impact to abutting properties, and

4. provides for the long-term preservation and maintenance of open space and recreation areas, and

5.11.12 Waivers - The Special Permit Granting Authority may waive, reduce or increase the standards and requirements of Section 5.11.4, 5.11.5, 5.11.6, 5.11.7 and 5.11.8 of this Section where they specifically Find all of the following:

1. that there are compelling reasons of safety, aesthetics or site design issues, and

2. that it will result in an improved project in conformance with the purpose and intent of this Article, and

3. that it is in the best interest of the Town

5.12 Cannabis Retail/Growing and Distribution

5.12.1 Cannabis retail/commercial will only be allowed in General Business (GB)

5.12.2 Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the cannabis establishment is or will be located. No closer than 500 feet property line to property line straight line to public or private school to include any licensed daycare. In any case, where the measurement is determined to be in questions, the Planning Board may require verification of distances by a Registered Land Surveyor at the expense of the applicant.

5.12.3 All cannabis retail/commercial operations are subject to special permit and site plan approval by the Planning Board.

5.12.4 Commercial growth/operation shall be indoor facilities only and allowed only in Industrial (I) and Business Park Overlay District with special permit and site plan approval by the Planning Board.

5.13 Business Estate Lots

5.13.0 Business Estate Lots shall be permitted in the GB, Mixed Use, Industrial and Limited Industrial Districts. They are subject to the dimensional and density regulations as stipulated in Section III, Table 2 – Table of Dimensional and Density Regulations, and in accordance with the additional requirements specified below.

5.13.1 All estate lots under this section 5.13 shall require site plan approval there shall be no more than 5 consecutive estate lots.

5.13.2 The area of each Estate Lot, excluding the access strip, shall be a minimum of 80,000 square feet.

5.13.3 Any estate lot created must be held in common and contiguous ownership with the front access strip.

5.13.4 The Estate Lot(s) shall have a minimum street frontage of not less than forty (40) feet and an access width of not less than forty (40) feet from the front lot line to the principal structure.

5.13.5 The front width of the lot where the principal building is to be constructed shall be one hundred fifty (150) feet minimum and parallel to the street line. The forty (40) feet building set back line is to be measured from the point of the lot where the one hundred fifty (150) feet minimum has been satisfied.

5.13.6 The access strip shall begin at the street line and end where the one hundred fifty (150) feet minimum width has been satisfied. Acceptable examples are shown as Illustrations Type 1-4 in Appendix A.

SECTION VI - ADMINISTRATION AND ENFORCEMENT

6.0 Board of Appeals

6.00 Definition

There shall be a Board of Appeals of five (5) members and two (2) associate members. They shall be appointed by the Board of Selectmen as provided in Section 12 of Chapter 40A, M.G.L. The Board of Appeals shall have and exercise all the powers granted to it by Chapter 40A, Section 14 and by this bylaw including:

6.01 Appeals

The Board of Appeals shall hear and decide on an appeal taken by:

1. Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under provisions of Chapter 40A, M.G.L.;

2. The Pioneer Valley Planning Commission; or

3. Any person including an officer or Board of the Town, or an abutting city or town, aggrieved by an order or decision of the Building Inspector, or other administrative official, in violation of any provision of this bylaw or Chapter 40A, M.G.L.

6.1 Building Inspector

6.10 This bylaw shall be enforced by the Building Inspector who shall have the power to grant all permits allowed by this bylaw and any permit authorized by the special permit granting authority.

6.11 An application in writing for a permit shall be made by the owner or his agent to the Building Inspector whenever a new building is to be constructed, or an enlargement, extension or substantially different use of an existing building or lot is to be made. Applications for permits pertaining to single family dwellings in the RS-Residential District shall be accompanied with a plan or a clearly written description giving the location and dimensions of the lot and proposed buildings. All other permits shall be accompanied by a prepared site plan as described in Section 6.3 - Site Plan Approval.

6.2 Special Permits

Special permits are requested for certain uses, structures or conditions as specified in Section 3.0, Schedule of Use Regulations.

6.20 Purpose

Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic, utility systems, and the character of the Town, among other things. The Special Permit review process is intended to insure a harmonious relationship between proposed development and its surroundings, and insure the proposals are consistent with the purpose and intent of this bylaw.

6.21 Special Permit Granting Authorities

The definition of Special Permit Granting Authorities shall be in accordance with Table 1 Schedule of Use Regulations.

6.22 Special Permit Procedures

Special permits may be issued by special permit granting authorities in accordance with Mass. General Laws Chapter 40A, Section 9 and with the following regulations.

6.23 Public Hearing

Special permits shall only be issued following a public hearing held within sixty-five (65) days after filing an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The special permit granting authority shall take final action on an application for special permit within ninety (90) days following the public hearing. Failure to do so shall constitute approval. A unanimous vote of a three member board and a vote of at least four-members of a five-member board is required.

6.24 Application Procedures

1. All applications for special permits shall be made in writing on forms furnished by the Town Clerk and located in the Town Clerk's office and shall be accompanied by a site plan when required in accordance with Section 3.0, Schedule of Use Regulations.

2. Misrepresentation of any of the required plan items shall be cause to revoke a special permit.

6.25 Expiration

All special permits that have no time restrictions imposed by the special permit granting authority shall lapse within two (2) years from the date the permit was granted, unless substantial use or construction has commenced and continues regularly.

6.26 Review Procedures

The Special Permit Granting Authority shall submit one copy of said application and plan to the Board of Appeals, the Planning Board, the Board of Health, and the Conservation Commission for their review. Said Boards and Commission shall within thirty (30) days make recommendations as they deem appropriate and shall send copies thereof to the Special Permit Granting Authority and to the applicant in accordance with Chapter 40A, Section 11 of the Mass. General Laws.

6.27 Criteria

Where a special permit may be authorized by the Special Permit Granting Authority under this bylaw, said Authority may grant, upon written application, such special permit if it finds, among other things:

1. That the proposed use would be suitably located in the neighborhood in which it is proposed and/or the total town;

2. That the use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.

3. That the use will not constitute a nuisance by reason of an unacceptable level of air or water

pollution, excessive noise or visually flagrant structures and accessories.

4. That adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attentionto safe vehicular circulation.

5. The proposed use shall comply with the environmental performance standards specified in Section 5.2 of this bylaw.

6. The proposed use shall comply with any and all additional special permit criteria or special use regulations imposed on individual uses in Section V of this bylaw.

7. The proposal will not create traffic congestion or impair pedestrian safety. Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets, property or improvements.

8. The proposed project shall not create a significant adverse impact to the quality of surface water or ground water during and after construction, and provision shall be made for maximizing groundwater recharge.

9. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other wastes generated by the proposed use.

10. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use of screening or vegetated buffer zones.

11. In reviewing site plans submitted with a special permit application, the Special Permit Granting Authority shall consider the site plan submittal and approval requirements of Section 6.3.

6.28 Conditions, Safeguards, Limitations

In granting a special permit, the special permit granting authority may, in accordance with MGL Chapter 40A, impose conditions, safeguards, and limitations. Such conditions, safeguards, and limitations shall be in writing and may include but are not limited to the following:

1. Setback, side and rear yards greater than the minimum required in this bylaw.

2. Screening of parking areas or other parts of the premises from adjoining properties or from streets by the use of walls, fences, plantings or other such devices.

3. Limitations of size, number of occupants, method or time of operation or extent of facilities.

4. Modification of the exterior design or appearance of buildings, structures, signs, or landscape materials.

5. Additional parking, loading or traffic requirements beyond the minimum required in the bylaw.

6. Measures to protect against environmental pollution.

7. Performance bond or other security to ensure that the project meets the conditions specified in the special permit.

6.29 Changes, Alterations, Expansion

Any substantial change, alteration or expansion of a use allowed by special permit shall require a special permit from the appropriate special permit granting authority.

6.3 Site Plan Approval

6.30 Projects Requiring Site Plan Approval

No special permit or building permit shall be issued for any of the following uses:

1. the construction or exterior alteration of a commercial structure;

2. the construction or exterior alteration of an industrial structure;

3. residential developments requiring approval under the Subdivision Control Law (M.G.L. Chapter 41);

4. any other use specified in Section 3.0, Schedule of Use Regulations, which indicates Site Plan Approval is required;

Unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 25% of the existing floor area.

6.31 Purpose

The purpose of site plan approval is to further the purposes of this bylaw and to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town, and to assure adequate drainage of surface water and safe vehicular access.

6.32 Application

Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by eight (8) copies of the site plan. The Planning Board shall, within five days, transmit one copy each to the Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department and Police Department.

The Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

6.33 Required Site Plan Contents

All site plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board because of unusually simple circumstances and see also section 5.99.5.b subsection additional requirements for LSGMSPI. All site plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

1. The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties.

2. Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features.

3. Existing and proposed structures, including dimensions and elevations.

4. The location of parking and loading areas, driveways, walkways, access and egress points,

5. The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other waste disposal methods.

6. Proposed landscape features including the location and a description of screening, fencing and plantings.

7. The location, dimensions, height and characteristics of proposed signs.

8. The location and a description of proposed open space or recreation areas.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

6.34 Procedures for Site Plan Review

1. The Planning Board shall refer copies of the application within 15 days to the Conservation Commission, Board of Health and Building Inspector, who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within 35 days of the referral of the application shall be deemed to be lack of opposition.

2. The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and after due consideration of the recommendations of the Board shall take final action within 90 days from the time of hearing.

3. The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Section 9, "Special Permits". Specifically, a joint public hearing to address the Special Permit application and Site Plan Approval application shall be held within sixty-five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

6.35 Site Plan Review Criteria

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

1. If the proposal requires a special permit, it must conform to the special permit requirements as listed in Section 6.2 of this Bylaw.

2. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible: (a) minimize use of wetlands, steep slopes, flood plains, hilltops; (b) minimize obstruction of scenic views from publicly accessible locations; (c) preserve unique natural or historical features; (d) minimize tree, vegetation and soil removal and grade changes; and (e)

maximize open space retention; and (f) screen objectionable features from neighboring properties and roadways.

3. Architectural style shall be compatible with the rural/historic character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.

3.5 In addition to the requirements of sub-section 3, business, commercial, and multifamily uses within the Route 202 commercial corridor shall be reviewed with regards to the following criteria:

A. Architectural Compatibility - Architectural Style shall be compatible with structures located within the Granby Historic District (Town Common area). Architectural Compatibility means the integration of individual buildings with the quality and character of Granby's historical and architectural heritage; however, architectural compatibility does not mean that all buildings must look the same.

B Architectural Characteristics - To comply with the criteria of architectural compatibility, the following design characteristics must be met:

I. Relationship to Existing Buildings

All buildings shall relate in each of the following categories and in scale to the buildings within the Town Common area.

II. Relationship to the Landscape

All building sites must comply both with Section 5.3 and 6.3 above and with all other relevant landscaping requirements of this zoning bylaw.

III. Building Height

Buildings shall be no more than two (2) stories in height and shall in no case exceed thirty-five (35) feet in height, in accordance with Section 3.2 of this bylaw.

IV. Scale

Building scale, including height, width, depth, and general dimensions and bulk, shall be compatible with the existing architectural scale of buildings within the Town Common area.

V. Roof Pitch or Slope

The roof pitch, or slope, of all buildings shall be no less than thirty (30) degrees. Front or side gables or a combination of intersecting gables and varying roof heights, creating a complex roofline, shall be used. Flat roofs are prohibited.

VI. Exterior Materials

Exterior materials shall be either brick, clapboard, or other materials which are

visually representative of or similar to brick or clapboard, or an appropriate combination of such materials.

VII. Facade Proportions

On each building facade, the proportion of wall to window and door shall reflect the patterns and proportions established on buildings within the Town Common area. Windows shall be taller than they are wide, and the facade entrance must be no more than one story in height.

VIII. Architectural Period Consistency

The architectural style of each individual building shall consistently use the style and detail of a single architecture period.

IX. Architectural Detail

Architectural detail shall be based upon that found on existing structures within the Town Common area.

X. Location of Parking, Loading and Garage Bay Areas

Parking areas, loading docks or loading and unloading areas, and garage bay entrances or exits shall be located to the side or rear of all lots, in accordance with Section 5.6 and 5.3 of this bylaw.

XI. Signs

All signs shall be in accordance with Section 5.5 of this bylaw.

XII. Accessory Structures

Accessory structures shall be screened in accordance with Sections 5.3 and 6.3 of this bylaw, and shall, to the extent possible, be located to the side or rear of primary structures.

C. GRANBY DESIGN REVIEW HANDBOOK

All applicants for site plan approval review are encouraged to refer to the Granby Design Guideline Handbook for suggested explanation and illustration of items (A) and (B) (I) through (XII) above.

4. The development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a Certified Engineer and approved by the Board of Health.

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

6. The site plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased

run-off and potential for flooding. Drainage shall be designed so that runoff shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.

7. The development will not place excessive demands on Town services and infrastructure.

8. Electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible.

9. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back of screened to protect the neighbors from objectionable features.

10. The site plan shall comply with any zoning requirements for parking, loading, dimensions, environmental performance standards, and all other provisions of this bylaw.

Before approval of a site plan, the reviewing board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.

6.36 Final Action

The Planning Board's final action shall consist of either:

1. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw;

2. Approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary within the guidelines established by this bylaw.

6.37 Enforcement

1. The Planning Board may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

2. Any special permit with site plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause.

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

6.4 <u>Variances</u>

Variances: To authorize upon appeal or petition with respect to particular land or structures a variance from the terms of this bylaw.

6.40 Such a variance shall be granted only if all the following conditions have been met:

1. Circumstances exist that relate to the soil conditions, shape or topography of the land or structures but do not generally affect the zoning district in which it is located.

2. Literal enforcement of the bylaw will result in a substantial hardship, financial or otherwise.

3. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw.

6.41 All applications for variances shall be made in writing on forms furnished by the Board of Appeals and located in the Town Clerk's office and shall be accompanied by a site plan as defined in 6.33 of this section.

6.42 If the rights authorized by the variance are not exercised within one (1) year from the date such variance was granted, they shall lapse and may be re-established only according to Chapter 40A of the Massachusetts General Laws.

6.43 Variances shall only be issued following a public hearing held in accordance with Chapter 40A, Sections 10 and 11 of the Massachusetts General Laws.

6.5 Amendment

This bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A, M.G.L.

6.6 Validity

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

6.7 Previous Bylaws

Any existing bylaws or any parts thereof inconsistent with this bylaw are hereby repealed.

6.8 Penalty

The provisions of this bylaw, the conditions of a permit or variance granted under this bylaw, or any decisions rendered by the Zoning Board of Appeals or the Planning Board under this bylaw, may be enforced by the Inspector of Buildings by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D of the Mass. General Laws. The fine for any violation disposed of through this non-criminal procedure shall be one hundred dollars ($100), except where specific sections or subsections of this bylaw provide for a penalty in an amount other than one hundred dollars, in which case the fine shall be the amount specified in the section or subsection of the bylaw. Each day of non-compliance shall constitute a separate offense.

6.9 Previous Permit

The provisions of this bylaw or subsequent amendments shall not apply to an permit issued, or any building or structure lawfully begun, before notice of hearing by the Planning Board has been issued provided that construction work under such permit is begun within six (6) months after issuance and proceeds continuously to completion.

SECTION VII

7.0 Subdivision Limitation

The provisions of this bylaw or subsequent amendments thereto shall not affect any lot shown on a definitive subdivision plan for residences which shall have been approved by the Planning Board after 1976, until a period of five (5) years from the date of submission of said plan shall have elapsed. On plans approved prior to 1976 the limitation shall be seven (7) years.

These bylaws are as amended through June 19, 1995, December 6, 1999, April 25, 2001, February 25, 2002, November 3, 2003, August 30, 2004, May 8, 2006, September 25,2006, May 14, 2007, May 9, 2011, May 14, 2012, March 10, 2014, May 13, 2019.

APPENDIX

The following pages contain Illustrations Type 1-4 dated May 22, 1990 and drawn by D. Carmen, which were approved November 19, 1990.