

Zoning

Chapter 165



Town of Georgetown, Massachusetts

Revised July, 2020

Chapter 165

ZONING

ARTICLE I General Provisions

- § 165-1. Purpose.**
- § 165-2. Designation of districts.**
- § 165-3. Descriptions of districts.**
- § 165-4. Compliance required.**
- § 165-5. Meanings of terms.**
- § 165-6. Validity.**
- § 165-7. Definitions and word usage.**

ARTICLE II Use and Intensity Schedules

- § 165-8. Compliance with schedules required.**
- § 165-9. Conformity with schedules required.**
- § 165-10. Waiver of requirements.**
- § 165-10.1. Accessory buildings and pools.**
- § 165-11. Use Regulations and Intensity of Use Schedules.**

ARTICLE III Rate of Development

- § 165-12. Purpose.**
- § 165-13. Applicability.**
- § 165-14. New dwelling unit limitation Town-wide.**
- § 165-15. Individual development phasing.**
- § 165-16. Procedures.**
- § 165-17. Exemptions.**
- § 165-18. Definitions.**
- § 165-19. Separability.**

ARTICLE IV Floodplain District

- § 165-20. Special permits required.**
- § 165-21. Uses permitted without special permit.**
- § 165-22. Uses permitted with Board of Appeals approval.**
- § 165-23. Prohibition.**
- § 165-24. Base flood elevation.**
- § 165-25. Removal of earth products.**
- § 165-26. Area, yard and height requirements.**
- § 165-27. Severability.**
- § 165-28. Delineation of floodplain.**

ARTICLE V Water Resource District

- § 165-29. Purpose.**
- § 165-30. Creation; applicability of underlying district.**
- § 165-31. Prohibited uses.**
- § 165-32. Special permit uses.**
- § 165-33. Application information.**
- § 165-34. Design and operations guidelines.**
- § 165-35. Conditions for granting special permit.**
- § 165-36. Delineation of district.**
- § 165-37. Recovery of penalty for violation.**
- § 165-38. Violations and penalties.**

ARTICLE VI Groundwater Protection District

- § 165-39. Purpose.**

GEORGETOWN CODE

§ 165-40. Scope of authority.

§ 165-41. Definitions.

§ 165-42. Establishment and delineation of aquifers and recharge areas.

§ 165-43. District boundary disputes.

§ 165-44. Use regulations.

§ 165-45. Procedures for issuance of special permit.

§ 165-46. Severability.

ARTICLE VII

Open Space Residential Development (OSRD)

§ 165-47. Purpose and intent.

§ 165-48. Applicability.

§ 165-49. Special permit required.

§ 165-50. Preapplication.

§ 165-51. Design process.

§ 165-52. Procedures.

§ 165-53. Basic maximum number of lots/dwelling units.

§ 165-54. Reduction of dimensional requirements.

§ 165-55. Open space requirements.

§ 165-56. Design standards.

§ 165-57. Decision of the Planning Board.

§ 165-58. Increases in permissible density.

§ 165-59. Adoption of rules and regulations.

ARTICLE VIII
(Reserved)

§ 165-60. (Reserved)

ARTICLE IX

Parking and Loading

§ 165-61. Minimum Off-street parking requirements.

§ 165-61.1. Parking lot aisle dimensions.

§ 165-62. Loading and unloading areas.

ARTICLE X

Signs

§ 165-63. General prohibitions.

§ 165-64. Residential districts.

§ 165-65. Business districts.

§ 165-66. Industrial districts.

ARTICLE XI

Supplementary Regulations

§ 165-67. Roadside stands.

§ 165-68. Apartments.

§ 165-69. Accessory apartments.

§ 165-69.1. Public tree replacement.

ARTICLE XII

Miscellaneous Provisions

§ 165-70. Minimum residential livable floor area.

§ 165-70.1. Temporary structures.

§ 165-70.2. Temporary storage containers/trailers.

§ 165-71. Inclusionary housing balance bylaw.

§ 165-72. Junk vehicles.

§ 165-73. Adequate lot frontage; common drive.

§ 165-73.1. Access across lot frontage.

§ 165-73.2. Courts and lanes.

ZONING

ARTICLE XIII

Special Permits and Site Plan Review

- § 165-74. Public hearing on special permit required.
- § 165-75. Lapse of special permit.
- § 165-76. Scientific research.
- § 165-77. Failure to act on application for special permit.
- § 165-78. Special permit conditions.
- § 165-79. Required findings for granting of special permit.
- § 165-80. Adult Entertainment Overlay District.
- § 165-80.1. Wireless communication facility special permits.
- § 165-80.2. Major development review.
- § 165-81. More than one building on lot requires special permit.
- § 165-82. Associate member of Planning Board to act on special permits.
- § 165-83. Site plan approval.

ARTICLE XIV

Board of Appeals

- § 165-84. Power to grant variances.
- § 165-85. Membership.
- § 165-86. Terms of office.

ARTICLE XV

Nonconformities

- § 165-87. Applicability.
- § 165-88. List of special permits and variances.
- § 165-89. Changes in single- and two-family structures.
- § 165-90. Billboards, signs and other advertising devices.
- § 165-91. Abandonment.

- § 165-92. Parcels devoted to agriculture, horticulture or floriculture.

- § 165-93. Conformance to amendments.

- § 165-94. Preexisting nonconforming structures or uses.

ARTICLE XVI

Administration and Enforcement

- § 165-95. Building permit required.
- § 165-96. Occupancy permits.
- § 165-97. Enforcement.
- § 165-98. Appeals.
- § 165-99. Violations and penalties.

ARTICLE XVII

Independent Senior Housing

- § 165-100. Definitions; objectives.
- § 165-101. Where permitted.
- § 165-102. Establishment of District.
- § 165-103. Location.
- § 165-104. Age and occupancy restriction.
- § 165-105. Minimum lot area.
- § 165-106. Number of dwelling units per continuous buildable area.
- § 165-107. Number of dwelling units per building.
- § 165-108. Number of bedrooms per dwelling building.
- § 165-109. Number of bedrooms per dwelling unit.
- § 165-110. Parking requirements.
- § 165-111. Dimensional requirements.
- § 165-112. Number of dwelling units per development.
- § 165-113. Allowable lot coverage.
- § 165-114. Number of dwelling units in Town.

GEORGETOWN CODE

- § 165-115. Road design, drainage and maintenance.
- § 165-116. Project maintenance.
- § 165-117. Traffic.
- § 165-118. Lighting.
- § 165-119. Underground utilities.
- § 165-120. Site size and shape.
- § 165-121. Style and design.
- § 165-122. Landscaping.
- § 165-123. Open space.
- § 165-124. Security and fire protection.
- § 165-125. Charges and uses by outside interests.
- § 165-126. Additional subdivision.
- § 165-127. Conversion.
- § 165-128. Housing balance for independent senior housing.
- § 165-129. Exemption to rate of development.
- § 165-130. (Reserved)
- § 165-131. Special permit.
- § 165-132. Application.
- § 165-133. Criteria for SPGA review and approval.
- § 165-134. SPGA approval or disapproval.

ARTICLE XVIII Solar Energy Facility

- § 165-135. Purpose and intent.

[HISTORY: Adopted by the Town of Georgetown Town Meeting 10-7-1954. Amendments noted where applicable.]

- § 165-136. Scope of authority.
- § 165-137. Applicability.
- § 165-138. Definitions.
- § 165-139. General provisions.
- § 165-140. Site plan approval review criteria and procedures.
- § 165-141. Development and performance standards.
- § 165-142. through § 165-155. (Reserved)

ARTICLE XIX Marijuana Businesses

- § 165-156. Purpose and intent.
- § 165-157. Establishment and delineation of Marijuana Business Overlay District.
- § 165-158. Scope of authority.
- § 165-159. Applicability.
- § 165-160. Definitions.
- § 165-161. General Provisions.
- § 165-162. Special permit review procedures and criteria.
- § 165-163. Development and performance standards.
- Table of Zoning and Zoning Map Amendments
- Use Regulations Schedule
- Intensity of Use Schedule

GENERAL REFERENCES

Building construction — See Ch. 29.
Earth removal — See Ch. 53.
Erosion control — See Ch. 57.

Wetlands protection — See Ch. 161.
Subdivision regulations — See Ch. 365.
Building and occupancy permits — See Ch. 510.

Chapter 165

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GENERAL REFERENCES

Building construction — See Ch. 29.

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Article I

General Provisions

§ 165-1 Purpose.

The purpose of this chapter is to promote the health, safety, welfare and convenience of the inhabitants by dividing the Town of Georgetown into districts and regulating the use and construction of buildings and premises with a view to encouraging the most appropriate use of land in the Town.

§ 165-2 Designation of districts.

- A. In accordance with MGL c. 40A, as amended, the Town of Georgetown is hereby divided into the following districts:

RA Central Residential [see Map 1, 1972, in Appendix, p. 4. (Appendix 4). Created 1954, Note 1; reduced by Map 3, 1972, Appendix 6]

RB Outside Residential B [see Map 3A, 1989, Appendix 4 and 5. Created 1957, Amdt. No. 2; reduced 1964, Amdt. No. 8; extended in 1972, Map 3 (Appendix 6) Amdt. No. 38; extended 1973, Amdt. No. 43D; extended 1984, Amdt. No. 63 (Map 20A, Appendix 7); extended 1987, Amdt. No. 68 (Map 24 Amdt. No. 6); extended 1989, Amdt. No. 80 (Map 26, Appendix 5)]

RC Outside Residential C [see Map 2, 1989, Appendix 7, and Map 25, 1987 (Amdt. No. 69, Appendix 7), created 1970, Amdt. No. 32, 1970 Town Report, Pages 64-66 (70 TR64-66); extended 1978, Amdt. No. 51; extended 1979, Amdt. No. 53; extended 1987, Amdt. No. 69 (Map 25 Appendix 7); reduced 1989, Amdt. No. 80 (Map 26, Appendix 5)]

CA Business and Commercial District A (see Map 5, 1988, Appendix 8. Created 1954, Note 1, extended 1966, Amdt. No. 11; extended 1970, Amdt. No. 20; extended 1988, Amdt. No. 74)

CB Business and Commercial District B (see Map 6, 1959, and Map 21, 1984; Appendix 9. Created 1959, Amdt. No. 5; extended 1984, Amdt. No. 62, Map 21)

CC Business and Commercial District C [see Map 7, 1984, Appendix 8. Created 1969, Amdt. No. 16; extended 1973, Amdt. No. 43B, (see Map 8, Appendix 8); reduced 1984, Amdt. No. 61 (see Map 7, Appendix 8)]

IA Light Industrial District A (see Map 9, 1954, Appendix 10. Created 1954, Note 1)

IB Light Industrial District B [see Map 10, 1987, Appendix 10. Created 1958, Amdt. No. 3; reduced 1964, Amdt. No. 8 and Amdt. No. 9; refined 1972, Amdt. No. 39; increased 1984, Amdt. No. 61 (Map 7, Appendix 8); reduced 1984, Amdt. No. 63 (Map 20A, Appendix 7); reduced 1987, Amdt. No. 68 (Map 24, Appendix 6); reduced 1987, Amdt. No. 69 (Map 25, Appendix 7)]

- B. The key map for said maps is Map 12, revised 1989 (Appendix p. 2 and 3)
 - C. The Water Resource Districts are shown on Map 22, entitled "Water Resource Districts, Georgetown, Mass., May 6, 1985" (Appendix p. 15 and 16). Said districts are described in § 165-36 (Amdt. No. 66)
 - D. The floodplain districts are described in § 165-28. The key map is Map 11, revised May 1, 1980 (Appendix p. 11).
- (1) Map 11, 67 feet, 72 feet. Map in Appendix, Page 11. Parker River. [**Amended 10-27-1997 STM, Art. 12 (Amdt. No. 121)**]
 - (2) Map 15, 85 feet, 90 feet. Appendix, Page 12. Parker River.
 - (3) Map 11, 100 feet. Pen Brook.
 - (4) Map 11, 90 feet. Pen Brook.
 - (5) Map 11, 70 feet. Branch of Parker River.
 - (6) Map 11, 87 feet. Branch of Parker River.
 - (7) Map 11, 100 feet. Lufkin's Brook.
 - (8) Map 11, 130 feet. Branch of Lufkin's Brook.
 - (9) Map 17, 83 feet, Appendix, Page 13. Pentucket Pond, Parker River.
 - (10) Map 16q.v. Wheeler Brook, Appendix, page 13.

(11) Map 15, 21 feet -- 55 feet q.v., Appendix, Page 13. Jackman Brook. [**Amended 10-27-1997 STM, Art. 12 (Amdt. No. 121)**]

(115) Map 11, 55 feet. Jackman Brook upstream from Jewett Street. [**Added 10-27-1997 STM, Art. 12 (Amdt. No. 128)**]

(12) Map 11, 70 feet. Hawk Meadow. [**Amended 10-27-1997 STM, Art. 12 (Amdt. No. 121)**]

(13) Map 11, 66 feet. Wheeler Brook, to the earthen dam located upstream from Jewett Street, thence elevation 68 feet. [**Amended 10-27-1997 STM, Art. 12 (Amdt. No. 121); 6-15-1998 ATM, Art. 31 (Amdt. No. 128)**]

(14) Map 13, 81 feet. Bulford Brook; 80 feet. Pen Brook, Appendix, Page 13.

(15) Map 14, q.v. Muddy Brook. Appendix, Page 14.

E. The Official Map is Map 23 (Appendix p. 18 and 19. MGL c. 41, § 81E) and was adopted May 7, 1984, Article 24. Recorded in ESD Plan Book 187, No. 70 and noted in Book 7423, Page 327.

F. All maps referred to above are in this pamphlet in the Appendix.

§ 165-3 **Descriptions of districts.**

Said districts are described as follows:

A. RA Central Residential District (Map 1):

The area bound by a line 150 feet outside the perimeter formed by the center line of Brook Street, Elm Street, East Main Street, Pillsbury Lane, Malloy Road, Parsonage Street, North Street, Mill Street, Old Jacobs Road, King Street, West Main Street, Bailey Lane, Georgetown Lake Drive, Andover Street, Library Street and Central Street. (See Map 1.)

There is excepted therefrom the Business and Commercial District, the Business and Commercial District B and the Light Industrial District, all as defined in this bylaw. [**Added 3-3-1970 ATM, Art. 43 (Amdt. No. 21)**]

On December 4, 1972, under Article 2 (Amdt. No. 38), the Town voted to rezone from RA to RB:

- (1) That part of Lot 1A on Sheet 10 of the Assessor's current map which lies west of a line drawn 150 feet east of the center line of Pillsbury Lane;
- (2) That part of Lot 22 on Sheet 11 of the Assessor's current map which lies west of a line drawn 150 feet east of the center line of Pillsbury Lane;

Said land so rezoned is shown on a map on file in the office of the Town Clerk entitled "Land Rezoned to RB December 4, 1972 Town Meeting, Article 2." (See Map 3.)

These provisions are severable and the invalidity of one provision shall not affect the validity of any other provision.

On October 27, 1997, under Article 14 (Amdt. No. 123), the Town voted to rezone portions of:

- (1) Parcels 1, 2, 3, 4, 5, 6, 7, 7B, 8, 9, Map 10A;
- (2) Parcels 5, 6, 7, 8, 8A, 9, 10, 11, 12, 13, 14, Map 10B;
- (3) Parcels 10B-5, 10B-6, 10B-7, 10B-8, 10B-9, 10B-10, 10B-11, 10B-12, 10B-13, Map 5-a;
- (4) Parcels 10B-13, 10A-1, 10A-2, Map 5.

(Street addresses are 67, 71, 79, 85, 91, 95, 97, 99, 119, 123, 135, 149, 153, 161, 167, 169, and 171 Central Street and 29 Brook Street) along the westerly side of Central Street at the current RC/RA Zone line to the easterly boundary of existing abandoned railroad, from RC Zoning District to RA Zoning District, in order to provide a uniform zoning district across each parcel in its entirety.

B. CA Business and Commercial District (Map 5):

- (1) The northerly side of West Main Street from North Street to 55 West Main Street, inclusive, for the depth of each lot. (This includes Lot 168 on Sheet 6C and Lots 32, 31, 30, 29, 28 and 27 on Sheet 11A of 1965 Assessor's Map.)
- (2) Also: The southerly side of West Main Street from Central Street to School Street for the depth of each lot (being Lots 51, 50, 53, 35 and 36 on Sheet 1 1A). [**Amended 3-3-1970 ATM, Art. 42 (Amdt. No. 20)**]
- (3) Also: The northerly side of East Main Street from North Street to Park Street for the depth of each lot (being Lots 121 and 120 on Sheet 1 1A).
- (4) Also: The southerly side of East Main Street from Central Street to the westerly side of the Town parking lot, thence proceeding southerly by said parking lot to Library Street, thence westerly by Library Street to Central Street, thence proceeding northerly by Central Street to East Main Street. (See Map 5.)
- (5) Also: The southeasterly side of North Street from the CA District on East Main Street to the northeasterly side of Lot 122 for the depth of the lot (being Lot 122 on Sheet 1 1A of the Assessor's Map), provided that no buffer or side or rear yard be required next to residential district; and to revise Map 5. [**Added 5-5-1988 ATM, Art. 27 (Amdt. No. 74)**]
- (6) To rezone from RA to CA the land on the southerly side of East Main Street including Union Street, bounded westerly by the western bound of the Town Parking Lot, northerly by East Main Street southerly by Library Street, and easterly by Union Street. [**Added 6-10-1991 ATM, Art. 22 (Amdt. No. 85)**]

C. CB Business and Commercial District B (Maps 6 and 21) [**Added 3-2-1959 ATM, Art. 17**]

(Amdt. No. 5)]:

The area bounded as follows:

Beginning at the corner of Library Street and Central Street, thence southerly by Central Street to the northwest bound of land of Sadie L. Whalen at 80 Central Street, thence easterly in a straight line to the northeast bound of land of James H. Boynton et ux at 9 Elm Street, thence northwesterly by East Main Street to Library Street, thence westerly by Library Street to Central Street. (See Map 6.)

Also: The Town voted (May 7, 1984) to amend the Zoning Bylaw by rezoning from Residential A to Commercial B (CB) Lots 1 through 4 on Assessor's Map 10B (being numbers 45 through 65 Central Street) and also the Central School Building (being One Library Street) which is shown as Lot 58 on Assessor's Map 1 1A; provided that the setback of side line abutting a residential district shall be 50, not 100, feet. (See Map 21.) **[Added 5-7-1984 ATM, Art. 23 (Amdt. No. 62)]**

Rezoning from Commercial B (CB) to Residential A (RA) portions of land described by the Town's Assessor as Map 10B, Lot 34. **[Added 5-5-2014 ATM, Art. 40 (Amdt. No. 181)]**

D. CC Business and Commercial District C (Map 7) [Added 3-4-1969 ATM, Art. 44 (Amdt. No. 16)]:

- (1) The area bounded northerly by Route 133, easterly and southerly by the state forest and westerly by Route 95.
- (2) The area bounded easterly by Route 95, southerly by Route 133, westerly by a line drawn 1,350 feet perpendicularly from and parallel to the center line of Route 95 as laid out in 1951, and northerly by a line 600 feet perpendicularly from and parallel to Tenney Street, including those parts of lots 43 and 44 so measured, all of lots 63 and 27, and none of lots 29, 28, 26 and 41, all as shown on sheet 15 of the current Assessor's Map as on file in the office of the Town Clerk. (Map 8) **[Added 3-19-1973 ATM, Art. 40 (Amdt. No. 43B)]**
- (3) **[Added 3-19-1973 ATM, Art. 43B (Amdt. No. 43B) repealed 5-7-1984, Art. 22 (Amdt. No. 61)]**
- (4) The area on the southerly side of Route 133 bounded easterly by the Rowley line, southerly and westerly by the state forest and northerly by Route 133. (Map 7) **[Added 3-19-1973, Art. 40. (Amdt. No. 43B)]**

E. IA Light Industrial District (Map 9):

The westerly side of Prospect Street for a distance of 250 feet from West Main Street for the depth of each lot (being Lots 142 and 141 on Sheet 6C of the 1965 Assessor's Map).

Also: The southeasterly side of Moulton Street for a distance of 460 feet from West Main Street to the depth of the first lot and a depth of 115 feet of the second lot (being Lots 117 and 116 on Sheet 6C).

Also: The northwesterly side of Moulton Street from West Main Street to Munroe Street for a depth of 115 feet on each lot (being Lots 153 and 154 on Sheet 6C).

F. IB Light Industrial District B (See Map 10, revised May 4, 1987.) [**Added 6-16-1958 ATM (Amdt. No. 3)**]:

The area bounded as follows:

- (1) Beginning at the intersection of Route 95 and the Newbury Town line, thence proceeding southeasterly by the Town line to a point that is 1,650 feet perpendicularly from the center line of Route 95 as laid out in 1951, thence proceeding southwesterly on a line that is parallel to and 1,650 feet from said center line to Long Hill Road, thence westerly by Long Hill Road and Tenney Street to Route 95; thence northeasterly by Route 95 to the point of beginning. [**Amended 3-19-1973 ATM, Art. 40 (Amdt. No. 43C, Map 10)**]
- (2) Also: Beginning at a point on Searle Street that is 1,350 feet perpendicularly from said center line of Route 95, thence proceeding northeasterly on a line that is parallel to and 1,350 feet from said center line to a point that is 625 feet south of the center line of Noyes Road as accepted by the Town; thence southeasterly on a line that is parallel to and 625 feet from said center line of Noyes Road to Route 95; thence southwesterly by Route 95 to Searle Street, thence westerly by Searle Street to point of beginning. [**Amended 12-4-1972 STM, Art. 4 (Amdt. No. 39, Map 10); 5-7-1984 ATM, Art. 32 (Amdt. No. 63, Map 20A); 5-4-1987 ATM, Art. 20 (Amdt. No. 69, Map 25); 5-1-1989 ATM, Art. 32 (Amdt. No. 80, Map 24)**]
- (3) Also: The Town voted to rezone to Industrial IB that portion of land on the east side of Route 95 from Route 133 north to the intersection of Long Hill Road and Tenney Street which is now zoned as Commercial CC; namely, the area bounded westerly by Route 95, northerly by Tenney Street and Long Hill Road, easterly by a line drawn 1650 feet perpendicularly from the parallel to the center line of Route 95 as laid out in 1951, and southerly by the Rowley line and Route 133. [**Amended 5-7-1984 ATM, Art. 22 (Amdt. No. 61, Maps 7 and 10)**]
- (4) Rezoned CC. [**Amended 3-14-1973 ATM, Art. 40 (Amdt, No. 43C)**]
- (5) Is now owned by state Department of Public Works.

The following is hereby rezoned from IB to RB; the northerly side of Searle Street from the RB District easterly to the northerly side of Searle Street from the RB District easterly to the northeasterly side of Lot 19 of Map 16 of the Assessors' Sheets. There shall be a 100-foot buffer strip as defined in § 165-7 on said Lot 19 for the depth of the lot where it adjoins Lot 20, and further moves to adopt Map 28 showing this change.

The following is hereby rezoned from IB to RB: that portion of Lot 46 on Map 16 of the Assessors' Sheet currently zoned IB with the exception of a 100-foot strip abutting Lot 43 on same Map 16 which will remain IB. [**Added 6-26-1995 ATM, Art. 13 (Amdt. No.**

96)]

Rezone portion of Assessors Map 20, Lot 68C, from Residential B to Industrial B. Add Map No. 32. **[Added 10-19-1998 STM, Art. 15 (Amdt. No. 131)]**

Rezone Map 14, Lot 4, 401 East Main Street, from Commercial C to Industrial B, and add Map 35 **[Added 6-14-1999 ATM, Art. 27 (Amdt. No. 132)]**

Rezone Map 15, Lots 68 and 45, 16 Carleton Drive, from Commercial C to Industrial B and Map 15, Lots 43 and 44, 4 and 6 Carleton Drive, from Commercial C/Residential B to Industrial B, and add Map 35. **[Added 6-14-1999 ATM, Art. 28 (Amdt. No. 133)]**

G. RC Outside Residential District C (Map 2 and 25) **[Added 8-10-1970, Art. 1 (Amdt. No. 32)]**

(1) The area bounded on the west and south by the Boxford Town line; on the north by Pine Plain Road, West Street, Andover Street, then the RA District; on the east by the RA District, then by a line drawn 275 feet west of the center line of Central Street, then of Georgetown Road, being shown on Map 2, revised May 1, 1978. **[Amended 5-1-1978 ATM, Art. 13 (Amdt. No. 51)]**

(2) The area bounded on the west and north by Groveland; on the south by the RC District; and on the east by the RA District and then by Bailey Lane. **[Added 5-7-1979 ATM, Art. 18 (Amdt. No. 53)]**

(3) The area bounded on the east by the state forest; on the north by a line drawn 275 feet south of the center line of East Main Street, then by the RA District; on the west by the PA District; then by a line drawn 275 feet East of the center line of Central Street, being shown on Map 2, revised May 7, 1979. **[Added 5-7-1979 ATM, Art. 18 (Amdt. No. 53)]**

Voted May 4, 1987, under Article 20 to rezone from IB to RC the areas west of Route 95 and north of Jewett Street shown on AS. Map 17, Lot 86A and Lot 95 and to adopt Map 25. **[Added 5-4-1987, Art. 20 (Amdt. No. 69)]**

Rezone the following parcels from Industrial B to Residential C: Assessors Map 20, Lots 2, 5G, and 6, provided that for new residential development on Assessors Map 20, Lot 2, the one-hundred foot industrial buffer zone requirements (as defined by Note 6 in the Intensity of Use Schedule of this Code) between the residential and industrial zones shall be provided on the residential land. Add Map 30 **[Added 10-19-1998 STM, Art. 13 (Amdt. No. 129)]**

H. RB Outside Residential District (Maps 12 and 3A). **[Added 4-25-1957 ATM (Amdt. No. 2)]**

(1) See also Map 24, Appendix Page 6; Map 8, Appendix Page 8; and Map 10, Appendix Page 10; Map 20A (with Map 25), Appendix, Page 7.

(2) This is defined as that part of the Town not included in any other district. (See Map 3, May 8, 1973; Map 10, May 7, 1984; and Map 20, added May 7, 1984. See also vote of December 4, 1972, noted above under RA District, Map 3.)

- (3) Also the Town voted May 7, 1984, to rezone from IB to RB on the northerly side of Jewett Street easterly 640 feet on Lot 95 of Map 17 of the Assessor's Sheets for the depth of the lot; and also on the southerly side of Jewett Street easterly on Lot 110 to the center line of Wheeler Brook for the depth of the lot, provided that in neither case shall there be any setback requirement from the adjoining district, thus permitting access to and use of the adjoining IB District; and by adding Map 20. **[Added 5-7-1984 ATM, Art. 32 (Amdt. No. 63)]**
- (4) On May 1, 1989, under Article 32, voted to zone from RC to RB land south of 231 East Main Street bounded on the east by a wood lane to the State Forest; on the southwest by the State Forest; on the west and north by Lots 41, 40 and 39 of Assessor's Sheets, Map 10, being Lot 38 containing 16 acres. (Map 26, Appendix Page 7) **[Amended 5-1-1989 ATM, Art. 32 (Amdt. No. 80)]**
- (5) On May 1, 1987, under Article 18, voted to rezone from IB to RB the southerly side of Jewett Street from the center line of Wheeler Brook easterly to Interstate Route 95, being Lots 108 and 109 of Map 17, A.S.; and Lot 10 of Map 16 and by adding Map 24, April 1, 1987. **[Amended 5-4-1987 ATM, Art. 18 (Amdt. No. 68)]**
- (6) Rezone the following parcels or portions of parcels from Industrial B to Residential B: **[Added 10-19-1998 STM, Art. 14 (Amdt. No. 130)]**
 - (a) Assessors Map 19 Lots 2, 3, 5, 65, 65A, 63A;
 - (b) Assessors Map 16 Lots 46A, 46B, 46C, 46D, 96, 97, 98, 99;
 - (c) Provided that no one-hundred foot industrial buffer zone (as defined by Note 6 in the Intensity of Use Schedule of this Code) shall be required for parcels on Assessors Map 17, Lot 101B and Map 17, Lot 100 and Lot 100A between residential and industrial zones.
 - (d) Add Map No. 31.
- (7) Rezone from Industrial B to Residential B a portion of a parcel shown on Map 15 and designated by the Assessors as Lot 48 on Map 16, 350 feet deep parallel to the edge of the right-of-way of Long Hill Road, provided that for new residential development on those lots the one-hundred-foot industrial buffer zone requirements (as defined by Note 6 in the Intensity of Use Schedule of this Code) between the residential and industrial zones shall be provided on the residential land and further, add Map 36 with note: one-hundred foot industrial buffer zone requirement between the residential and industrial zones shall be provided on the residential land. **[Added 6-14-1999 ATM, Art. 31 (Amdt. No. 135)]**

§ 165-4 **Compliance required.**

[Added 3-19-1973 ATM, Art. 37 (Amdt. No. 41)]

No building shall hereafter be erected or altered to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

§ 165-5 Meanings of terms.

[Amended 4-6-1970 ATM, Art. 8 (Amdt. No. 28)]

Terms used in this chapter shall have the meaning given them in § 165-7.

§ 165-6 Validity.

The invalidity of any section of this chapter shall not invalidate any other section or provision hereof.

§ 165-7 Definitions and word usage.

[Added 4-6-1970 ATM, Art. 8 (Amdt. No. 29)]

- A. Word usage. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the "person" includes a corporation as well as an individual.
- B. In this chapter the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

ACCESSORY USE

A use customarily incidental and subordinate to the principal use or building and located in the same lot with such principal use or building. In buildings restricted to residential use, the office of a professional man, customary family occupations and workshops not conducted for compensation, shall be deemed "accessory uses."

ADULT BOOKSTORE

An enclosed building as described in MGL c. 40A, § 9A, as amended by Section 1 of Chapter 603 of the Acts of 1982.

[Added 5-2-1983 ATM, Art. 23 (Amdt. No. 60)]

ADULT MOTION PICTURE THEATER

An enclosed building as described in MGL c.40A, § 9A.

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMUSEMENT, INDOOR

Movie theater, bowling alley or other commercial recreation wholly carried on indoors.

AMUSEMENT, OUTDOOR

Drive-in theater, golf driving range or other commercial recreation carried on in whole or in part outdoors.

APARTMENT HOUSE

A building arranged, intended or designed to be occupied by four or more families, living independently of each other.

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, NET SITE

The total area within the property lines excluding external streets.

ASSISTED LIVING/CONGREGATE CARE FACILITY

A residential development containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include independent living, congregate care, or institutional care services such as medical or nursing facilities.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

AUTO COURT

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and by similar appellation.

AUTO SALES AND SERVICE

Premises for first and second class license for auto sales and service.

BASEMENT

A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purpose of floor area measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED AND BREAKFAST

A single-family residence with one or more rooms for the use of one or more individuals not living as a single household unit and not having individual cooking facilities. A bed and

breakfast use may offer meals to its overnight guests. The bed and breakfast facility shall be accessory to the principle use as a permanent owner-occupied residence. The maximum duration of any tenant shall not exceed 15 consecutive days. The number of rooms for rent shall be determined by the Zoning Board of Appeals based on off-street parking availability, vehicular access and egress, and shall not exceed 35% of the gross living space in the principle structure.

[Added 6-16-1997 ATM, Art. 52 (Amdt. No. 109); amended 5-4-2009 ATM, Art. 24 (Amdt. No. 168)]

BIG BOX RETAIL ESTABLISHMENT

Except for grocery establishments up to 75,000 SF that devote at least 75% of sales floor area to the sale of food items, a big box retail establishment is a singular retail establishment that involves construction or use of a singular retail sales establishment that is greater than 50,000 gross square feet in floor area.

[Added 5-4-2009 ATM, Art. 26 (Amdt. No. 170)]

BOARDINGHOUSE

Any dwelling in which more than two persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a "boardinghouse" if none but single rooms, with or without bath and cooking facilities, are offered to let.

BOATHOUSE, PRIVATE

A facility for the storage of boats for private use and not for hire.

BUFFER ZONE

A strip established to separate and protect one type of zoning from another which shall remain free of all structures, parking, pavement or any other use excepting landscaping. The landscaped area shall be designed to screen from view the uses in one zoning district from another using natural materials.

[Added 5-6-1985 ATM, Art. 22 (Amdt. No. 65); amended 6-16-1997 ATM, Art. 59 (Amdt. No. 115)]

BUILDING

A structure forming a shelter for persons, animals, property or activity and having a roof. Where appropriate in the context the word "building" shall include the principal accessory uses to which the building is put.

[Amended 5-2-1988 ATM, Art. 25 (Amdt. No. 73); 5-1-2006 ATM, Art. 35 (Amdt. No. 158); 5-6-2019ATM, Art. 17 (Amdt. 190)]

BUILDING, ACCESSORY

A supplemental building or a portion of the main building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, DETACHED

A building surrounded by open space on the same lot as the building.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING HEIGHT

The vertical distance from either: 1) the average undisturbed existing natural grade at the foundation of the building to the top of the roof ridge, or 2) the average finished grade at the foundation of the building to the top of the roof ridge, whichever is less. The average undisturbed existing natural grade or finished grade shall be established by averaging the grade six feet from the four main building corners and their midpoints. The limitation of building height in feet, as provided in § 165-3, Attachment 3 - Intensity of Use Schedule, shall not apply to chimneys, ventilators, skylights, bulkheads and other necessary features usually carried above roofs and specific to the building.

[Added 5-1-2006 ATM, Art. 35 (Amdt. No. 158); amended 5-2-2011 ATM, Art. 37 (Amdt. No. 174); 5-6-2019ATM, Art. 17 (Amdt. 190)]

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

BULK STORAGE

- (1) Exposed storage tanks for oil, gas, etc.; outside storage of sand, lumber or other bulk materials.
- (2) For the purpose of this Code, the bulk storage of raw materials or finished goods must be directly related and accessory to the operations of the primary business located on the lot. The use of a lot for the primary purpose of bulk storage is prohibited in all districts. [Added 6-16-1997 ATM, Art. 45 (Amdt. No. 103)]
- (3) Further, for the purpose of this Bylaw, bulk storage of materials shall only be permitted on lots zoned Industrial A, Industrial B, and Commercial C, and must be directly related to the operations of the primary business located on said lots. In all instances, bulk storage shall be a customary accessory use, and in no instance be permitted as the primary use of the lot. In no instance shall bulk storage exceed 1/3 of the permitted maximum lot coverage. [Added 10-27-1997 STM, Art. 7 (Amdt. No. 118)]

- (4) This does not exempt an owner from any set back, open space or lot coverage requirements. Any area designated as bulk storage must be calculated as part of maximum lot coverage. (Example): For the districts, the maximum lot coverage is 60%. If a primary building uses 1/2 of the sixty-percent coverage maximum (thirty-percent building coverage), and the parking and access ways use an additional 1/4 of the sixty-percent coverage maximum, then the remaining area allowed for accessory bulk storage can be no larger than 1/4 of the sixty-percent coverage maximum or 15% of the total lot area. In the example above, the maximum bulk storage area is 1/3 of the primary use lot coverage and thus is permitted. A 2:1 primary use to accessory bulk storage ratio is the highest configuration that can be attained on any industrial lot. [Added 10-27-1997 STM, Art. 7 (Amdt. No. 118)]

BUSINESS OFFICES

A facility for the transaction of business exclusive of the receipt, sale or processing of merchandise.

CAMP

Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

- (1) Any area of land or water on which are located two or more cabins, tents, shelters or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or
- (2) Any land, including buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children either as individuals, families or groups.

CAMPING GROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CELLAR

A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible livable floor area.

CLUB

An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain,

provided that there are no vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

CONDOMINIUM, RESIDENTIAL

A single-family real estate unit in a multifamily unit development in which a person has both separate ownership of a unit and a common interest along with the development's other owners, in the common areas.

[Added 10-23-2000 STM, Art. 13 (Amdt. No. 144)]

CONTINUOUS BUILDING AREA

That portion of a lot comprised exclusively of connected upland and consisting of such upland square footage/acreage equal to or greater than the minimum lot size requirement for the zoning district in which the lot is situated; said upland shall exclude any freshwater wetland as delineated per Chapter 161, Wetlands Protection, and any pond or stream.

[Added 6-11-1990 ATM, Art. 37 (Amdt. No. 82); amended 5-7-2018 ATM, Art. 25 (Amdt. No. 187)]

COOPERATIVE, RESIDENTIAL

A single-family real estate unit in a multifamily unit development in which a person has both separate ownership of a unit and a common interest along with the development's other owners, in common areas.

[Added 10-23-2000 STM, Art. 13 (Amdt. No. 144)]

COVERAGE

That percentage of the plot or lot area covered by the building area and paved area.

[Amended 5-1-1989 ATM, Art. 19 (Amdt. No. 76)]

DOG KENNEL

A structure used for the harboring of more than three dogs that are more than six months old.

DUMP

A lot of land or part thereof used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING

A building designed or used exclusively as the living quarters for one or more families.

DWELLING, MULTIPLE-FAMILY

A building used or designed as a residence for two or three families living independently of

each other and doing their own cooking therein, but which may have joint services and facilities or both.

DWELLING, SINGLE-FAMILY

A detached building containing one dwelling unit only and having two side yards.

[Added 10-23-2000 STM, Art. 13 (Amdt. No. 144)]

DWELLING UNIT, RESIDENTIAL

Living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, whether in a complete, individual unit or a unit sharing common facilities. This definition includes units in an apartment house, multiple-family dwelling, single-family dwelling, residential condominium, and residential cooperative.

[Added 10-23-2000 STM, Art. 13 (Amdt. No. 144)]

EDUCATIONAL

An educational purpose on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies political or by a religious sect or denomination or by a nonprofit educational corporation, all as provided by MGL c. 40, § 3.

[Added 5-4-1974 ATM, Art. 27 (Amdt. No. 46D)]

ERECT

To build, construct, reconstruct, move upon or conduct any physical development of the premises required for a building. To excavate, fill, drain and the like preparation for building shall also be considered to "erect."

FAMILY

One or more persons occupying a dwelling unit and living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FARM

Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, hogs, riding academies, livery or boarding stables and dog kennels. Land divided by a public or private way or a waterway shall be construed as one parcel.

[Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

FILLING STATION

Any area of land, including structures thereon, that is used or designed to be used for the

supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying or otherwise cleaning or servicing such motor vehicles. Such use shall not include bodywork or the painting of vehicles for other than minor repair work.

FLOOR AREA OF A BUILDING

The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar floor area but including the area of basements, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, LIVABLE

The sum of the gross horizontal area of the floors of a dwelling used or intended to be used for living, sleeping, cooking or eating purposes, excluding cellar and basement areas having window areas equal to less than 10% of the floor area, bathrooms, toilets, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces, garages, breezeways, carports, porches and any area with less than five feet clear headroom under sloping ceiling.

FLOOR AREA RATIO

The ratio of the total gross floor area of a building or buildings on one lot to the total area of the lot.

GARAGE, PRIVATE

A garage used for storage purposes only and having a capacity of not more than three automobiles. Space thereon may be used for not more than one commercial vehicle not to exceed two-ton capacity, and space may be rented for not more than one vehicle of other than the occupants of the building to which such garage is accessory.

GARAGE, PUBLIC

Any garage not a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles and/or the sale of new and used cars.

GRANGE

A place containing less than five acres which is used for the primary purpose of agriculture, horticulture or floriculture. It excludes the raising of fur-bearing animals, hogs, riding academies, livery or boarding stables and dog kennels.

[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

HOME OCCUPATION

(1) An occupation or a profession which:

- (a) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit.
- (b) Is carried on by a member of the family residing in the dwelling unit.
- (c) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- (d) Conforms to the following additional conditions:
 - [1] The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
 - [2] Not more than one person outside the family shall be employed in the home occupation.
 - [3] There shall be no exterior display, no exterior sign except as permitted under Article X, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 - [4] No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- (2) In particular, a "home occupation" includes but is not limited to the following: art studio; dressmaker; or professional office of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same.
- (3) However, a "home occupation" shall not be interpreted to include the following:
 - (a) Tourist home.
 - (b) Barbershops and beauty parlors.
 - (c) Commercial stables and kennels.
 - (d) Real estate offices.
 - (e) Restaurants and tea rooms.
 - (f) Dancing instruction.
 - (g) Band instrument instruction.
 - (h) Convalescent homes.
 - (i) Mortuary establishments.

- (j) Stores, trades or business not herein excepted.

HOTELS, MOTELS AND INNS

A building intended and designed for transient or overnight occupancy divided into separate units within the same building. A hotel, motel or inn may have public dining room or function facilities.

[Added 6-16-1997 ATM, Art. 52 (Amdt. No. 109)]

HOUSE TRAILER

Any portable or mobile vehicle used or designed to be used for living purposes and standing on wheels or on rigid supports.

INDOOR ICE-SKATING ARENA

A structure designed to provide a facility for totally enclosed ice skating and the associated activities and services.

[Added 3-19-1973 ATM, Art. 29 (Amdt. No. 6)]

JUNK

Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered "junk."

JUNKYARD

The use of any area of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

LIGHT INDUSTRY

Fabrication, assembly, processing, finishing work or packaging in such a manner that noise, dust, odor, vibration and similar objectionable features are confined to the premises.

LINE, STREET

The dividing line between the street right-of-way and the lot.

LODGE BUILDING

Structure occupied by a nonprofit social or civic organization.

LOT

A parcel of land occupied or to be occupied by one main building or use and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open

spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER

A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135°.

LOT, DEPTH OF

The main distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT FRONTAGE

That portion of a lot fronting on a street or way, said frontage to be measured continuously along one street line between its side lot lines and their intersection with the street line; no less than 75% of the required frontage width is to be maintained to a perpendicular depth equal to the minimum front yard requirements for that district, and no less than 25% of the required frontage width is to be maintained to a perpendicular depth equal to the minimum lot depth requirement for that district. On a curve, the perpendicular depth shall be measured from a straight line drawn between the side bounds tangent to the most center point of the curve. Such street shall be either a way shown on the Official Map, or a way shown on an approved subdivision plan. The grade of a driveway shall be no greater than 12% starting at the edge of the right-of-way and extending back for the first 25 feet of the lot.

[Amended 5-4-1974 ATM, Art. 27 (Amdt. No. 46B); 5-6-1985 ATM, Art. 21 (Amdt. No. 64); 5-4-1992 ATM, Art. 17 (Amdt. No. 87); 5-2-1994 ATM, Art. 28 (Amdt. No. 91); 6-16-1997 ATM, Art. 61 (Amdt. No. 117)]

- (1) There shall be frontage adequate to serve each lot identified on a subdivision plan or any unbuilt-upon lot which has frontage on an existing approved public way which is brought before the Planning Board for its approval or endorsement. "Frontage adequate to serve each lot" is defined as that frontage distance required by §§ 165-81 and 165-7 of this chapter, as amended, and, that no less than 30 feet of frontage of each such lot shall, in the opinion of the Planning Board, provide safe convenient access and egress to serve the future residents of the property, and, in the opinion of the Fire and Police Chiefs, provide access suitable for emergency vehicles such as the ladder truck, police vehicles and those of other agencies charged with responsibility for protecting the public peace, safety and welfare.

- (2) The Planning Board shall consider the existing condition of each lot's frontage, such as soils, water table, floodplain, slope, elevation and any other naturally occurring or constructed barriers and the opinions of the Police and Fire Chiefs in making its determination of "frontage adequate to serve each lot."
- (3) If, in the opinion of the Planning Board, the lot does not possess frontage adequate to serve each lot, the Planning Board shall render its reasons in writing to the developer. The developer or assigned agent may then propose, using engineered drawings and designs for explanation, as to how the lot's frontage physical characteristics may be modified so as to meet the intended purpose of this section. The developer is required to show on the engineered drawings, the location (footprint) of the proposed buildings and proposed changes in the frontage. Upon gaining the positive opinion of its members that frontage adequate to serve each lot can be obtained as shown on the engineered drawings, the Planning Board may approve or endorse the plan brought before the Board.
- (4) The Planning Board may waive construction of the frontage adequate to serve each lot, subject to the granting of a special permit by the Planning Board for construction of a common drive.
- (5) Drive, common. Subject to the granting of a special permit by the Planning Board, a common drive may be constructed and shared by not more than three lots, so long as the common drive is located entirely within the lots being served. Every such common drive must be shown on an engineered plan and must be regulated by a recorded maintenance agreement which is satisfactory to the Planning Board and Town Counsel and which runs in perpetuity with the land. The Planning Board shall impose such conditions, to be made part of the special permit, as are necessary to provide access adequate to serve each lot, including conditions that assign responsibility for maintenance and snow removal.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines bounding a lot as defined herein.

LOT, THROUGH

An interior lot having frontage on two parallel or approximately parallel streets.

MAJOR OUTDOOR ACTIVE RECREATIONAL FACILITY

A major outdoor active recreational facility, owned and operated by a public or private interest or agency, shall be defined as being five or more contiguous acres of active recreational uses, and such facility may contain more than one active recreational field. The principle use of such facilities shall include, but not be limited to: active recreational fields

used for organized sports, courts, playgrounds, rinks, boat launches and all associated concessions, bathroom and off-street parking facilities.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

MEDICAL OFFICE

Suite of rooms, including a laboratory, where a physician or group of medical practitioners receive and treat patients on an on-going basis and otherwise provide health services to consumers.

[Added 5-4-2015 ATM, Art. 25 (Amdt. No. 182)]

MINOR OUTDOOR PRIVATE ACTIVE RECREATIONAL FACILITY

A minor outdoor active recreational facility, owned and operated by private interest or agency, shall be defined as being less than five contiguous acres of active recreational uses, and such facility shall contain not more than one active recreational field. The principle use of such facilities shall include, but not be limited to: an active recreational field used for organized sports, courts, playgrounds, boat launches and all associated concessions, bathroom and off-street parking facilities.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

MINOR OUTDOOR PUBLIC ACTIVE RECREATIONAL FACILITY

A minor outdoor active recreational facility, owned and operated by a public or nonprofit interest or agency, shall be defined as being less than five contiguous acres of active recreational uses, and such facility shall contain not more than one active recreational field. The principle use of such facilities shall include, but not be limited to: an active recreational field used for organized sports, courts, playgrounds, boat launches and all associated concessions, bathroom and off-street parking facilities.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

MIXED-USE

A single building containing more than one type of land use where the ground-floor or street-level use of the building is a commercial use and a residential use is only located above the ground-floor or street-level of the building.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

MOTOR VEHICLE REPAIR SHOP

A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles. For the purposes of this Code, a motor vehicle repair shop shall include primary uses intended for the repair of small motor engines, e.g., lawn mowers and boat motors, and the repair and maintenance of all other types of engines or power equipment.

[Amended 6-16-1997 ATM, Art. 43 (Amdt. No. 101)]

MUNICIPAL BUILDING

This shall include a public safety building for police and fire, in which case it may have less than 160 feet frontage and less than 50 feet buffer zone when abutting a residential district; and in which case the Board of Selectmen may by special permit waive any other provisions of this chapter.

[Added 11-4-1985 STM, Art. 7 (Amdt. No. 67)]

NONCONFORMING USE

A building or land lawfully occupied at the time of the adoption or subsequent amendment of this chapter by a use that does not conform to the regulations of the district in which it is situated.

NURSERY SCHOOL

A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

NURSING HOME, CONVALESCENT HOME, REST HOME

An institution, or distinct part of an institution, which is licensed or approved by the Massachusetts Department of Public Health to provide twenty-four-hour health care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

[Amended 10-27-1997 STM, Art. 10 (Amdt. No. 120)]

OCCUPANCY PERMIT

A permit issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building, free of all structures, parking, pavement or other uses that preclude landscaping.

OPEN SPACE RESIDENTIAL DEVELOPMENT

Method of planning residential development that conserves open space in a manner that maximizes the protection of natural resources (wetlands, forests, agriculture lands, open space) while providing for new construction and adequately compensating landowners.

[Added 5-4-2015 ATM, Art. 25 (Amdt. No. 182)]

OUTDOOR PASSIVE RECREATIONAL FACILITY

An outdoor passive recreational facility shall be for the general use of the public and

include, but not be limited to: public recreational trails, bikeways, beaches, passive boating and picnic areas and all associated off-street parking facilities.

[Added 5-2-2011 ATM, Art. 36 (Amdt. No. 173)]

PARKING, PRIVATE

Space for parking accessory to principal use, not to include parking for fee or parking of more than one commercial vehicle except on farms.

PARKING SPACE

The area required for parking one automobile which in this chapter is held to be an area nine feet wide and 20 feet long, not including passageways. The area provided for parking, including passageways, in industrial and commercial districts and apartments shall be paved as provided in subdivision regulations. This may be waived or modified by the Building Inspector upon recommendation of site plan review.

[Amended 5-2-1988 ATM, Art. 24 (Amdt. No. 72)]

PARKING SPACE - COMPACT

All off-street parking areas with 20 or more parking spaces may have up to 25% of the spaces designed for compact cars, said spaces shall be eight feet wide by 16 feet in length.

[Added 6-16-1997 ATM, Art. 49 (Amdt. No. 106)]

PIPE ORGAN MAKING

The craft of fabricating, assembling, processing, finishing, packaging or rebuilding pipe organs in such a manner that dust, odor and vibrations are confined to the premises. It shall not include the exterior storage of materials used in the craft. It shall include the manufacture of harpsichords.

[Added 4-16-1970 ATM, Art. 9 (Amdt. No. 31)]

PORCH, OPEN

A porch that has no walls or windows other than that of the main building to which it is attached.

PRIVATE EDUCATIONAL

Any other educational purpose which is not defined in the definition of "educational" in this § 165-7.

[Added 5-4-1974 ATM, Art. 27 (Amdt. No. 46D)]

PUBLIC UTILITY

A public service corporation; except that no special permit is required to lay telephone cables, gas mains or electric lines providing service to retail or wholesale customers.

[Added 5-2-1977, Art. 13 (Amdt. No. 50)]

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING

A lot of land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale or for sale or for use at a site removed from said lot, exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RESEARCH AND DEVELOPMENT FACILITY

A laboratory which engages in research, experimental testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics. Production is allowed as an accessory use, but the primary use of the facility is for research and research related offices and laboratories.

[Added 6-16-1997 ATM, Art. 60 (Amdt. No. 116)]

RESTAURANT

A structure for indoor sale and consumption of meals. Does not include drive-ins.

RESTAURANT, WITH A DRIVE-THROUGH FACILITY

A restaurant, as defined by this Code, that also has a drive-through facility for the dispensing of food to customers ordering and receiving food while remaining in their automobiles.

[Added 6-26-1995 ATM, Art. 10 (Amdt. No. 95); amended 6-16-1997 ATM, Art. 44 (Amdt. No. 102)]

RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association or similar establishment.

ROADSIDE STAND

A structure of a semipermanent type or of a temporary nature located in an agricultural district or one in which agricultural uses are allowed, from which products, the major portion of which are produced on the premises, are offered for sale to the public.

SIGN

Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter work, model, banner, flag, pennant, insignia, device or representation used to indicate the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertise the sale or rent of the property. The word "sign" does not include the flag, pennant or insignia of any nation, state or other political unit or of any political, educational, charitable, philanthropic, civic,

professional, religious or like campaign, drive, movement or event.

[Amended 6-16-1997 ATM, Art. 46 (Amdt. No. 104)]

SIGN, AREA OF

The area of a freestanding sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for purposes of this chapter shall not be considered part of the "sign area" unless used for lettering, wording or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangular or other regular shape which encompasses all of the letters and symbols.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC

A building in which any horses are kept for remuneration, hire or sale.

STORAGE FACILITIES, RENTAL

A permanent structure or structures built or used for purposes of rental or lease of space to the general public for the inside storage of household or commercial goods. The rental storage facilities shall not be used to store flammable, hazardous, toxic, or explosive material.

[Added 6-14-1999 ATM, Art. 29 (Amdt. No. 134)]

STORAGE CONTAINERS/TRAILERS

Vehicular trailers, trucks, shipping containers, modular containers or other similar facilities, whether registered or not registered, with or without wheels, and statically parked or standing for 30 days or more and intended for storage of materials. Excluded from this definition are motor homes, camping trailers, small utility trailers, and similar personal type vehicles designed to be registered for highway use, and small garden and utility sheds not requiring a building permit and construction trailers and containers used for temporary storage of equipment and materials during the construction phases of building facilities and structures.

[Added 6-12-2000 ATM, Art. 25 (Amdt. No. 142)]

STREET

A public or private way which affords the principal means of access to abutting properties.

STREET GRADE

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground except a boundary wall or fence.

TEMPORARY STRUCTURE

One to be used less than one year.

TOURIST HOME

A dwelling of residential character in which overnight accommodations are provided or offered for transient guests for compensation.

TOXIC OR HAZARDOUS MATERIALS

[Amended 11-4-1985 STM, Art. 24 (Amdt. No. 66)]

Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant actual or potential hazard to water supplies or other hazard to human health if such substance or mixture are discharged to land or waters of this Town. "Toxic or hazardous materials" include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and include products such as pesticides, herbicides, solvents and thinners. Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health:

- (1) Airplane, boat and motor vehicle service and repair.
- (2) Chemical and bacteriological laboratory operation.
- (3) Cabinetmaking.
- (4) Dry cleaning.
- (5) Electronic circuit assembly.
- (6) Metal plating, finishing and polishing.
- (7) Motor and machinery service and assembly.
- (8) Painting, wood preserving and furniture stripping.

(9) Pesticide and herbicide application.

(10) Photographic processing.

TRANSPORT TERMINAL

Yards or structures for the storage and/or servicing of two or more commercial vehicles.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

WAREHOUSE AND OPEN STORAGE

Storage of bulk goods either indoors or out for distribution but not for sale.

WHOLESALE

Sale of goods except at retail without outdoor storage.

YARD

An unoccupied space open to the sky on the same lot with a building.

YARD, FRONT

An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending to the side lines of the lot. This may include a drive or drives allowing for necessary and reasonable access and egress.

YARD, REAR

An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE

An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Article II Use and Intensity Schedules

[Amended 3-4-1969 ATM, Arts. 46 and 47 (Amdt. Nos. 18 and 19)]

§ 165-8 Compliance with schedules required.

In the districts specified in § 165-2, no building or structure shall be erected or used and no premises shall be used except as set forth in the Use Regulations Schedule and the Intensity of Use Schedule.

§ 165-9 Conformity with schedules required.

[Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50); 5-3-2010 ATM, Art. 24 (Amdt. No. 172)]

Permitted uses and uses authorized by the Board of Appeals or the Planning Board shall be in conformity with the provisions of the Use Regulation Schedule and the Intensity of Use Schedule and shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts or areas by reason of dirt, glare, odor, dust, fumes, smoke, gas, sewage, refuse, noise, vibration, steam pollution, danger of explosion or fire, traffic congestion or other cause. The Board of Appeals may authorize, by special permit, any other use not specifically listed in the Schedule of Uses if such use is similar in character to other permitted uses in the district and is in harmony with the general purpose and intent of this chapter.

§ 165-10 Waiver of requirements.

[Added 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]

- A. The Planning Board may in any particular case grant a special permit to waive side yard requirements in their entirety in the case of attached structures for not more than six attached units. The common wall shall be the side lot lines.
- B. The Board of Appeals may by special permit waive minimum lot or yard requirements where appropriate to the use sought on lots which were in existence when the commercial or industrial district was created in which such lot is situated in connection with new construction or change of use and may impose conditions. **[Added 5-4-1981 ATM, Art. 19 (Amdt. No. 59)]**
- C. The Planning Board may, in a subdivision, waive frontage requirements in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of this chapter. **[Added 5-4-1981 ATM, Art. 19 (Amdt. No. 59)]**

§ 165-10.1 Accessory buildings and pools.

[Added 5-4-2009 ATM, Art. 23 (Amdt. No. 167)]

Accessory buildings and pools: Except under the following conditions, a detached accessory building or pool shall conform to the dimensional setback regulations listed in § 165-11. In the RA, RB and RC Zoning Districts, the Zoning Board of Appeals may allow by special permit a detached accessory building or pool to be located within the side or rear yard setbacks if it meets the following conditions:

- A. It does not occupy more than 25% of the required rear yard;
- B. It is set back from the street line no less than eight feet behind the front plane of the principal building or the required front yard setback, whichever is greater;
- C. It shall not be located closer to the lot line than 50% of the required side or rear yard setback listed in § 165-11;

- D. It shall not exceed 576 square feet in area with no walls longer than 24 feet in length, said accessory building shall not exceed 15 feet in height. Roof dormers shall only be located toward the public way or the principle building on the lot;
- E. No more than one detached accessory building or pool with reduced setback is permitted on each lot.
- F. All uses for residential habitation are prohibited within the accessory building.

§ 165-11 Use Regulations and Intensity of Use Schedules.

**Article III
Rate of Development**

[Added 6-26-1995 ATM, Art. 6 (Amdt. No. 92)]

§ 165-12 Purpose.

The purpose of this article is to protect and promote the public health, safety, welfare, education and preserve rural community character of the Town of Georgetown (the Town) by maintaining the growth of the Town at a manageable rate and to ensure that adequate time exists for the Town to expand its resources to provide those services necessary to meet the educational, infrastructure and public safety needs of the residents. The rate of development in the Town should not exceed the ability of the Town to provide adequate schools, roads, police, fire protection and other services necessary and appropriate to safeguard the health, welfare and safety of the current and future residents.

§ 165-13 Applicability.

[Amended 6-14-1999 ATM, Art. 39 (Amdt. No. 136); 10-23-2000 STM, Art. 14 (Amdt No. 145); 10-17-2005 STM, Art. 6 (Amdt. No. 156)]

This article shall apply to the issuance of all building permits for construction of all new residential dwelling units, with exemptions as set forth in § 165-17 herein. This article shall be effective through December 31, 2010. This chapter may be extended without lapse of its provisions, conditions and limitations by vote of a Town meeting of the Town prior to December 31, 2010.

§ 165-14 New dwelling unit limitation Town-wide.

- A. Building permits shall not be issued authorizing construction of (or conversion to) more than 24 residential dwelling units Town-wide in any twelve-month period. The number of residential dwelling units to be allowed in any month shall be determined by subtracting from 24 units the total authorized (minus permits withdrawn or expired without use) in the preceding 11 months. The 11 months prior to enactment of this provision shall be used to establish unit availability during the first year after enactment. **[Amended 6-14-1999 ATM, Art. 40 (Amdt. No. 137); 10-23-2000 STM, Art. 15 (Amdt. No. 146); 10-17-2005 ATM, Art. 6 (Amdt. No. 156)]**

- B. Applications refused because of this limitation shall be held and acted upon in chronological sequence based upon the time of complete application to the Building Commissioner's office.

§ 165-15 Individual development phasing.

[Amended 6-14-1999 ATM, Art. 41 (Amdt. No. 138); 10-23-2000 STM, Art. 17 (Amdt. No. 148)]

Building permits shall not be issued authorizing construction of more than five residential dwelling units (exclusive of unused authorizations which have lapsed or have been withdrawn) in any twelve-month period on any set of lots which were created from land which, as of July 1, 1994, was contiguous and in the same ownership (or in different ownerships each involving one or more of the same principals) unless the Planning Board has granted a special permit for rapid development. Such special permit shall be granted only upon Planning Board determination that in addition to the special permit criteria of § 165-9, such development also would serve a salient housing need, would be infeasible if limited to five units over 12 months and would not overburden public services.

§ 165-16 Procedures.

[Amended 10-23-2000 STM, Art. 17 (Amdt. 148)]

No applicant may have more than two requests for a single-family residential dwelling unit building permit pending before the Building Inspector in any given month. No more than five residential dwelling unit building permits shall be issued to any one applicant in any twelve-month period. The procedures for issuing the residential dwelling unit building permits referred to herein shall be as follows:

- A. The applicant must complete and file a request to submit an application for a building permit to the Building Department. The applicant should submit the request to submit an application for a building permit only after having completed a building permit application package for the subject property.
- B. The Building Department will accept requests to submit an application for a building permit on a first-come-first-served basis during normal business hours. The Department will assign consecutive numbers to requests to submit an application for building permits as each is received and will stamp the date of receipt of each request. Applicants may not submit during any period more requests to submit an application for building permits than that number of residential dwelling unit building permits to which the applicant would be entitled during such period in accordance with this article.
- C. The Building Department will notify each applicant in the order that requests to submit an application for a building permit are received of its standing, based on the order of submission of requests, to submit a building permit application, such standing to be on a first-come-first-served basis. The Department shall not accept a greater number of applications than the number of residential dwelling unit building permits that may be

issued during any month in accordance with this article.

- D. The applicant must submit the building permit application by delivery in hand within 10 days after notification from the Building Department that it will accept a building permit application. If a building permit application is not received within such ten-day period, the applicant must submit a new request to submit an application for a building permit, and will be assigned the then next consecutive request number. No building permit application will be accepted other than by delivery in hand. Building permit applications will be accepted during regular office hours only.
- E. Building permit application packages that are incomplete or rejected for any reason will be returned to the applicant. The applicant may then file a new request to submit an application for a building permit and will be assigned the then next consecutive request number.
- F. If a building permit location is accepted by the Building Department, a building permit may be issued at any time within 30 days of such submission, but not necessarily in the order of which applications were received.
- G. If a building permit application is submitted in one month and the building permit is not issued until a subsequent month, the permit shall be counted as having been issued in the month in which the application was submitted, for the purpose of determining compliance with this article.

§ 165-17 Exemptions.

This article shall not apply to building permits for the construction of the following:

- A. Any unit of affordable housing to be built under any program or statute intended to assist the construction of low- or moderate-income housing, as defined in the applicable statute or regulation, including Town bylaws. [Amended 10-23-2000 STM, Art. 16 (Amdt. No. 147)]
- B. Restoration, expansion, alteration or reconstruction of a dwelling in existence as of the effective date of this provision.
- C. Permits for nonresidential purposes.
- D. Independent senior housing permitted under Article XVII of Chapter 165 of the Code of the Town of Georgetown. [Added 10-23-2000 STM, Art. 12 (Amdt. No. 143)]

§ 165-18 Definitions.

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

APPLICANT

Individuals, partnerships, corporations, trusts and other legal entities in which the applicant

of record holds a legal or beneficial ownership of greater than 1%.

DEVELOPMENT

Lots which were at any time after January 1, 1980, part of contiguous property under common ownership, or a development approved pursuant to Chapter 365, Subdivision Regulations, Chapter 165, Zoning, or any other applicable land use regulation.

§ 165-19 Separability.

The provisions of this article are hereby declared to be separable, and if any such provision or the application of such provision to any person or circumstance shall be held invalid or unconstitutional, such invalidity or unconstitutionality of any of the remaining provisions of this article or the application of such provision to any person or circumstance other than those as to which such provision is held to be invalid.

Article IV Floodplain District

[Added 3-3-1970 ATM, Art. 47 (Amdt. No. 23)]

§ 165-20 Special permits required.

[Amended 3-19-1973 ATM, Art. 37 (Amdt. No. 41)]

The land located in the Floodplain District, as hereinafter described and defined, is deemed to be subject to seasonal or periodic flooding. If any land in a Floodplain District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding, and that such land use will not increase the danger to the health or safety of the occupants thereof, and that such land use will not be detrimental to public health, safety or welfare by causing damage to other landowners resulting from the development of a floodplain and the consequent obstruction of the flood flow, or otherwise, the Board of Appeals may grant a special permit under MGL c.40A, § 4, for such uses of said land as are permitted in the underlying basic district. The underlying basic districts are the districts described in § 165-2 of this chapter.

§ 165-21 Uses permitted without special permit.

The following uses only are permitted in a Floodplain District without a special permit as provided in § 165-20.

- A. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of a permanent structure for use in connection with the above.
- B. Conservation of water, plants and wildlife, including the raising and management of wildlife.
- C. Taking of water for irrigation, farming and agriculture.
- D. Recreation, including play areas, nature study, golf, boating, fishing and hunting where legally permitted in the underlying basic district.

§ 165-22 Uses permitted with Board of Appeals approval.

The following uses only are permitted in a Floodplain District with the written approval of the Board of Appeals, after a public hearing, which Board shall have found that the proposed use is not contrary to the purpose of this district.

- A. The removal or deposit of earth products, as part of a flood-control or other conservation program or in connection with the building of a driveway, fire lane or road, provided that the Board of Appeals finds that such driveway, fire lane or road does not interfere with natural drainage, subject to the provisions of Chapter 49, Earth Removal, if applicable.
- B. The discharge of water or other liquids into a stream.
- C. Shelters in connection with wildlife conservation and management of agriculture.

§ 165-23 Prohibition.

In Floodplain Districts, no building structure for human habitation or for any occupation, except as expressly permitted by other provisions of this Article, shall hereafter be erected, altered, enlarged or moved.

§ 165-24 Base flood elevation.

[Added 5-4-1987 ATM, Art. 21 (Amdt. No. 70)]

- A. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B. No areas may be enclosed after the effective date of this sentence, namely, May 4, 1987, below the base flood elevation.
- C. The local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A, which Zone A is not included within the Floodplain Districts, complies with Federal National Flood Insurance Program.
- D. The Town shall obtain and maintain on file the elevation of the lowest floor (including basement) of new and substantially improved structures in all special flood hazardous areas, including Zone A.
- E. "Lowest Floor" is defined as the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

F. The bottom of the lowest floor (including basement) of any building in Town shall be not less than one foot above the maximum water elevation.

§ 165-25 Removal of earth products.

In Floodplain Districts no earth products shall be removed or deposited except under the provisions of § 165-22A.

§ 165-26 Area, yard and height requirements.

Land within a Floodplain District and in the same ownership as an adjoining lot in the underlying basic district may be counted as part of such lot when determining the area, width and yards of coverage of such lot, provided that no structure, except one permitted in this article, is erected in a Floodplain District nor is any sewage disposal area constructed in a Floodplain District. Lot area required, width of lot, yards, coverage and height requirements shall be as defined in the underlying districts.

§ 165-27 Severability.

If for any reason the restrictions or requirements contained in this Article IV shall be or become invalid or inoperative as to any land in a Floodplain District, then such land shall be subject to the zoning uses and requirements of the basic underlying district in which such land is located. The provisions of this Article IV are hereby declared to be severable.

§ 165-28 Delineation of floodplain.

[Amended 4-6-1970 ATM, Art. 6 (Amdt. No. 26); 3-20-1972 ATM, Art. 42 (Amdt. No. 36); 12-4-1972 STM, Art. 1 (Amdt. No. 37); 5-3-1975 ATM, Art. 28 (Amdt. No. 49); 5-1-1978 ATM, Art. 12 (Amdt. No. 52); 10-22-1979 STM, Art. 7 (Amdt. No. 55); 5-5-1980 ATM, Art. 24 (Amdt. No. 56); 10-27-1997 STM, Art. 12 (Amdt. No. 121); 6-15-1998 ATM, Art. 31 (Amdt. No. 128); 5-7-2012ATM, Art. 30 (Amdt. No. 179)]

Nothing in this Bylaw is intended to replace or supersede the requirements of the Town of Georgetown Zoning Bylaw, the Massachusetts Wetlands Protection Act, the Town of Georgetown Wetlands Protection Bylaw, any other Bylaw that may be adopted by the Town of Georgetown, or any Rules and Regulations adopted thereunder.

The Floodplain District is defined as all land extending on either side of the thread of the stream which, on March 2, 1970, is below the grade indicated above sea level determined with reference to United States Coast and Geodetic Survey Markers, and all special flood hazard areas within the Town of Georgetown designated as Zone A and AE on the current Essex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the Town of Georgetown, as more fully defined herein.

No building permit shall be issued for any structure and no other permit shall be issued for any purpose, including disposal works construction, located within any area designated as Floodplain District on a map entitled "Floodplain Zoning Map, Revised May 1, 1980," on file in the office of the Planning Board and all special flood hazard areas within the Town of Georgetown designated as Zone A and AE on the current Essex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the Town of Georgetown, unless the applicant furnishes a plan prepared by a registered professional engineer or registered land surveyor showing the elevation in two-foot contours or otherwise demonstrates to the

satisfaction of the Building Inspector, or other person or Board from whom the permit is sought, the relationship of the land to the Floodplain District.

- A. Elevation 72 feet along the Parker River from USCGS BM 74 located northeast from Mill Street to the point where the Parker River flows under Thurlow Street; thence 67 feet to the point where the Parker River leaves Georgetown.
- B. Grade 85 feet along the Parker River from West Main Street to a point 2,400 feet measured along the center line upstream from Bailey Lane, then grade 90 feet to the Groveland Town line.
- C. Grade 100 feet along Penn Brook from Baldpate Pond to Central Street.
- D. Grade 90 feet along Penn Brook from Central Street to East Main Street.
- E. Elevation 72 feet along the other branch of Parker River to North Street.
- F. Grade 87 feet along the continuation of this branch from North Street to East Main Street.
- G. Grade 100 feet along Lufkins Brook from West Street to Andover Street, as shown on a map in the office of the Town Clerk.
- H. Grade 130 feet along a tributary of Lufkins Brook from Andover Street south to Spofford Street.
- I. Grade 38 feet along the Parker River from West Main Street to the westerly side of Pond Street. (Map 17)
- J. The following land is also within the Floodplain District: land which on July 1, 1972, is less than three feet above the lower bank and lying within 50 feet on either side from the thread of the following stream: Wheeler Brook from its junction with Jackman Brook to a line drawn 175 feet from and parallel to the easterly line of Route 95 as laid out in 1951.
- K. The following land is also within the Floodplain District: land which on July 1, 1979, is below an elevation which varies lineally between 55 feet at Jewett Street to 21 feet at the Newbury Town line, measured along the center line of Jackman Brook as shown on a map on file in the office of the Planning Board entitled "Map 16, July 1, 1979." Said elevations are also shown on a graph entitled "Flood Profiles-Jackman Brook" on file in said office.
- L. Grade 70 feet in Hawk Meadow and elevation 55 feet along the southerly and northerly branches of Jackman Brook westerly from Jewett Street.
- M. Elevation 66 feet along Wheeler Brook from Jewett Street south to the earthen dam located approximately 1,750 feet upstream from Jewett Street, thence elevation 68 feet upstream

from the earthen dam to the westerly line of Route 95.

- N. The following land is also within the Floodplain District: land extending 400 feet on either side of the thread of the stream which on May 1, 1980, is less than grade 81 feet above mean sea level along Bulford Brook from north of Brook Street to its intersection with Penn Brook; and grade 80 feet along Penn Brook from East Main Street to North Street. The map is on file in the office of the Planning Board and is entitled "Floodplain Zoning Map, Section 3B, Paragraph (7n)." (Map 13, revised May 1, 1980.)
 - O. The following land is also within the Floodplain District: land which on May 1, 1978, lies within 50 feet on either side from the thread of the north branch of Muddy Brook on the westerly side of Route 95 and which also is within 1,550 feet of the center line of said Route 95 as laid out in 1951. (Map 14)
 - P. Also land which on May 1, 1978, is less than grade 80 feet above mean sea level along said north branch of Muddy Brook from the easterly line of Route 95 to the Rowley Town line, all as shown on Map 14, which map is on file in the office of the Planning Board.
 - Q. The Floodplain District includes all special flood hazard areas within the Town of Georgetown designated as Zone A and AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Georgetown are map numbers 25009C0113F, 25009C0114F, 25009C0231F, 25009C0232F, 25009C0233F, 25009C0234F, 25009C0251F, 25009C0252F, 25009C0253F, 25009C0254F, and 25009C0256F with an effective date of July 3, 2012. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report with an effective date of July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning Office.
- (1) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) In Zone A, base flood elevation data is required for subdivision proposals or other developments.
 - (3) In Zone AE, along watercourses within the Town of Georgetown that have a regulatory floodway designated on the Essex County FIRM maps, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- (4) All subdivision proposals must be designed 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.
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.

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

- (1) Sections of the Massachusetts State Building Code (§ 780 CMR) which address floodplain and coastal high hazard areas.
- (2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently § 310 CMR 10.00).
- (3) Inland Wetlands Restriction, DEP (currently § 310 CMR 13.00).
- (4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently § 310 CMR 15, Title 5);

Any variances 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.

S. In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent Communities.
- (2) NFIP State Coordinator.

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA

02114-2104

- (3) NFIP Program Specialist.

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

Article V
Water Resource District

[Added 11-4-1985 STM, Art. 24 (Amdt. No. 66)]

§ 165-29 Purpose.

The purpose of the Water Resource Districts are to protect the public health by preventing contamination and degradation of surface water and groundwater resources providing water supply for the Town, including other Towns which exchange water with this Town or may do so, namely Groveland, Newbury and Rowley.

§ 165-30 Creation; applicability of underlying district.

Water Resource Districts (WR) are hereby created as shown on the map entitled "Map 22 Water Resource Districts Map. May 6, 1985," and described in § **165-36**. Said districts shall be considered to be superimposed over any other districts established in this chapter. Land in a Water Resource District may be used for any purpose otherwise permitted in the underlying district, subject to the following additional restrictions. In case of conflict, the greater restriction shall apply.

§ 165-31 Prohibited uses.

The following uses are prohibited in a Water Resource District: commercial car washes, road salt stockpiles, subsurface hazardous chemical, gasoline and oil storage in corrodible containers, coin-operated or commercial laundries and any other use which involves as a principal activity the manufacture, storage, use transportation or disposal of toxic or hazardous materials as defined in § **165-7**.

§ 165-32 Special permit uses.

The following shall be allowed only if granted a special permit as provided in §§ **165-33, 165-34** and **165-35**:

- A. Any principal use involving the sale, storage or transportation of fuel oil or gasoline.
- B. Any use involving the retention of less than 30% of lot area in its natural state with no more than minor removal of existing trees and ground vegetation, or rendering impervious more than 40% of lot area.
- C. Any use involving on-site disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees.
- D. Any use, other than a single-family dwelling, with a sewage flow, as determined by Title 5

of the State Environmental Code, exceeding 110 gallons per day per 10,000 square feet of lot area or exceeding 15,000 gallons per day regardless of lot area.

- E. Any use involving the generation of toxic or hazardous waste materials in quantities greater than associated with normal household use.
- F. Sanitary landfills and transfer stations, junkyards and Class Two motor vehicle licenses, dry-cleaning establishments, motor boat and motor vehicle service and repair.

§ 165-33 Application information.

[Amended 6-26-1995 ATM, Art. 8 (Amdt. No. 93)]

A special permit may be granted by the special permit granting authority, or SPGA, which shall consist of the members of the Zoning Board of Appeals. The applicant shall submit the information listed below, together with any other information listed in a regulation issued by said SPGA, which regulation and others appropriate to carry out the purpose of this are hereby authorized.

- A. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers or facilities from vandalism, corrosion and leakage and to provide for control of spills.
- B. A description of potentially toxic or hazardous wastes to be generated indicating storage and disposal methods.
- C. Evidence of approval by the Massachusetts Department of Environmental Protection (DEP) of any industrial waste treatment or disposal system or any wastewater treatment system over 15,000 gallons per day capacity.
- D. For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system, design and installation.
- E. Analysis certifying compliance with § 165-34, such analysis to be done by a technically qualified expert.

§ 165-34 Design and operations guidelines.

Except for single-family dwellings, the following design and operations guidelines shall be observed within the Water Resource Districts:

- A. Safeguards. Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through such measures as spill control provisions in the vicinity of chemical or fuel delivery points; secure storage areas for toxic or hazardous materials; and indoor storage provisions

for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

- B. Location. Where the premises are partially outside the Water Resource District, potential pollution sources such as on-site waste disposal systems shall be located outside the district to the extent feasible.
- C. Disposal. For any toxic or hazardous waste to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL C. 21C.
- D. Drainage. All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.

§ 165-35 Conditions for granting special permit.

Upon filing an application on a form approved as to design by the special permit granting authority (SPGA) and payment of a filing fee payable to the Town in an amount set by regulation of the SPGA, and posting of a notice in the Town Office Building and with the Town Clerk, and advertising in a newspaper as provided in MGL C. 40A, § 11, and compliance with said section, and delivery of the application and other information as requested to the Conservation Commission, Fire Chief, Hazardous Waste Coordinator, Building Inspector and any other board or officer listed in a regulation of the SPGA and as required by state law, and after a site plan review has been held by the Boards as provided in § 165-83 and notice to abutters as provided in MGL. C. 40A, § 11, and after a public hearing is held by the SPGA, the SPGA may grant a special permit if it makes the following determination as well as those in § 165-29 of this Article, namely: that the applicant has proved that any proposed use will not result in the degradation or the potential degradation of any ground and of any surface water resources provided water supply to the Town as defined above, including potential water supply to the Town or any other Town.

§ 165-36 Delineation of district.

Water Resource Districts are defined as any area within 1,000 feet of the following brooks or any tributary thereto: Parker, Penn, Bulford, Lufkins, Muddy, Wheeler, Jackman, Great Sweep and Plough Brooks. Also any area in or flowing into Floodplain Districts described in § 165-28. Said brooks are shown on a map on file in the office of the Selectmen entitled "Map 22, Water Resource Districts, May 6, 1985," and Appendix, pages 15 and 16.

§ 165-37 Recovery of penalty for violation.

The penalty for violation of this article may be recovered by the Hazardous Waste Coordinator or any person designated in writing by the Selectmen as well as the Building Inspector as provided

in § 165-99 of this chapter.

§ 165-38 Violations and penalties.

The provisions as to withholding of permits contained in §§ 165-95 and 165-96 this chapter shall apply to violations of this Article.

**Article VI
Groundwater Protection District**

[Added 11-16-1992 STM, Art. 5 (Amdt. No. 90)]

§ 165-39 Purpose.

The purpose of this Groundwater Protection District is to:

- A. Promote the health, safety and general welfare of this community by ensuring an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Georgetown.
- B. Preserve and protect existing and potential sources of drinking water supplies.
- C. Conserve the natural resources of the Town.
- D. Prevent temporary and permanent contamination of the environment.

§ 165-40 Scope of authority.

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Groundwater Protection District must comply with the requirements of this district as well as with the underlying zoning. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

§ 165-41 Definitions.

For the purposes of this Article, the following words and phrases shall have the following meanings:

AQUIFER

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

GROUNDWATER PROTECTION DISTRICT

The zoning district defined to overlay other zoning districts in the Town of Georgetown.

The "Groundwater Protection District" may include specifically designated recharge areas.

IMPERVIOUS SURFACE

Material or structure on, above or below the ground that does not allow precipitation or

surface water to penetrate directly into the soil.

MINING

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

RECHARGE AREAS

Areas that collect precipitation of surface water and carry it to aquifers. Recharged areas may include areas designated as Zone I, Zone II or Zone III.

TOXIC OR HAZARDOUS MATERIAL

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

§ 165-42 Establishment and delineation of aquifers and recharge areas. [Amended 11-14-2016STM, Art. 7 (Amdt. No. 185)]

For the purposes of this district, there are hereby established within the Town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on a map, entitled, "Groundwater Protection Districts" dated June 2016, drawn at a scale of one inch to 1,000 feet. This map is hereby made a part of this chapter and is on file in the offices of the Town Clerk and the Planning Board.

§ 165-43 District boundary disputes.

- A. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the special permit granting authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- B. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a professional engineer (civil or sanitary), hydrologist, geologist or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation.

§ 165-44 Use regulations.

In the Groundwater Protection District the following use regulations shall apply:

- A. Permitted uses. The following uses are permitted within the Groundwater Protection

District, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

- (1) Conservation of soil, water, plants and wildlife.
- (2) Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
- (3) Foot, bicycle and/or horse paths and bridges.
- (4) Normal operation and maintenance of existing water bodies and dams, splash boards and other water control supply and conservation devices.
- (5) Maintenance, repair and enlargement of any existing structure subject to Subsection **B** (prohibited uses) and Subsection **C** (special permitted uses).
- (6) Residential development subject to Subsection **B** (prohibited uses) and Subsection **C** (special permitted uses).
- (7) Farming, gardening, nursery, conservation, forestry, harvesting and grazing subject to Subsection **B** (prohibited uses) and Subsection **C** (special permitted uses).
- (8) Construction, maintenance, repair and enlargement of drinking water supply related facilities, such as but not limited to wells, pipelines, aqueducts and tunnels. Underground storage tanks related to these activities are not categorically permitted.

B. Prohibited uses. The following uses are prohibited:

- (1) Landfills and open dumps as defined in 310 CMR 19.006.
- (2) Storage of liquid petroleum products, except the following:
 - (a) Normal household use, outdoor maintenance and heating of a structure;
 - (b) Waste oil retention facilities required by statute, rule or regulation;
 - (c) Emergency generators required by statute, rule or regulation;
 - (d) Treatment works approved under 314 CMR 5.00 for treatment of groundwater or surface waters; provided that storage, listed in Subsection **B(2)(a)** through **(d)** above, is in freestanding containers within buildings or aboveground with secondary containment adequate to contain a spill the size of the container's total storage capacity.
- (3) Landfilling of sludge or septage as defined in 310 CMR 32.05.

- (4) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- (5) Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design. The required area shall consist of continuous buildable area (CBA) as defined in § 165-7 of this chapter. **[Amended 11-13-1995 STM, Art. 8 (Amdt. No. 97)]**
- (6) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (7) Storage of animal manure unless covered or contained.
- (8) Earth removal consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within six feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads or utility works.
- (9) Facilities that generate, treat, store or dispose of hazardous waste subject to MGL C. 21C and 310 CMR 30.00, except the following:
 - (a) Very small quantity generators as defined under 310 CMR 30.00.
 - (b) Household hazardous waste collection centers and events under 310 CMR 30.390.
 - (c) Waste oil retention facilities required by MGL C. 21, § 52A.
 - (d) Water remediation treatment works approved under 314 CMR 5.00.
- (10) Automobile graveyards and junkyards as defined in MGL C. 14DB, § 1.
- (11) Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following:
 - (a) The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing works.
 - (b) The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of

the existing system(s).

- (c) Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.
 - (12) Storage of liquid hazardous materials, as defined in MGL C. 21E, unless in a freestanding container within a building or aboveground with secondary containment adequate to contain a spill the size of the container's total storage capacity.
 - (13) Industrial and commercial uses which discharge process wastewater on site.
 - (14) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district.
 - (15) Storage of commercial fertilizers and soil conditioners, as defined in MGL C. 128, § 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.
 - (16) The use of septic system cleaners which contain toxic or hazardous chemicals.
- C. Uses and activities requiring a special permit. The following uses and activities are permitted only upon the issuance of a special permit by the special permit granting authority (SPGA) under such conditions as they may require:
- (1) Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District.
 - (2) The application of pesticides, including herbicide, insecticides, fungicides and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. The special permit shall be granted if such standards are met. If applicable, the applicant should provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00.
 - (3) Application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation.
 - (4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Subsection B). Such activities shall require a special permit to prevent contamination of groundwater.

- (5) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or watercourses, created for swimming, fishing or other recreational uses, agricultural uses or drainage improvements. Such activities shall not adversely affect water quality or quantity.
- (6) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

§ 165-45 Procedures for issuance of special permit.

- A. The special permit granting authority (SPGA) under this article shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, the Conservation Commission, Town Water Commissioners and Planning Board, that the intent of this Article, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this article unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this Article. The SPGA shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision.
- B. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Planning Board, Board of Health, the Conservation Commission and Water Commissioners for their written recommendations. Failure to respond in writing within 35 days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.
- C. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in § 165-44 and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - (1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District.
 - (2) Be designed to avoid substantial disturbance of the soils, topographic drainage, vegetation and other water-related natural characteristics of the site to be developed.
- D. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the municipality.

- E. The applicant shall file six copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
- (1) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.
 - (2) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief and Board of Health. The plan shall include:
 - (a) Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and cleanup procedures.
 - (b) Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - (c) Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
 - (3) Proposed down-gradient locations(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
- F. The SPGA shall hold a hearing, in conformity with the provision of MGL C. 40A, § 9, within 65 days after the filing of the application and after the review by the Town boards, departments and commissions. Notice of public hearing shall be given by the SPGA by publication and posting in accordance with G.L. c. 40A, § 11. The applicant shall give notice of such hearing by certified mail to all "parties of interest" as defined in G.L. c. 40A, Section 11. The applicant shall present to the Planning Board or its agent receipts of such certification and a certified abutters list prepared by the Board of Assessors pursuant to G.L. c. 40A, §§ 9 and 11. The decision of the SPGA and any extension, modification or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as granting of the permit. However, no work shall commence until a certification is recorded as required by MGL C. 40A, § 11. **[Amended 5-1-2006 ATM, Art. 33 (Amdt. No. 157)]**
- G. Written notice of any violations of this article shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing

violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted by the Building Inspector to the Board of Health, Conservation Commission and Town Water Department. The cost of containment, cleanup or other action of compliance shall be borne by the owner and operator of the premises. For situations that require remedial action to prevent adverse impact to the water resources within the Groundwater Protection District, the Town of Georgetown, the Building Inspector, the Board of Health or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Georgetown, the Building Inspector, the Board of Health or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

§ 165-46 Severability.

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

**Article VII
Open Space Residential Development (OSRD)**

[Added 5-2-2005 ATM, Art. 28 (Amdt. No. 155)]

§ 165-47 Purpose and intent.

A. The primary purposes for Open Space Residential Development (OSRD) are the following:

- (1) To allow for greater flexibility and creativity in the design of residential developments;
- (2) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife and rare species habitat, other natural resources including the Parker and Merrimack River watersheds, aquifers, waterbodies, areas of critical environmental concern, wetlands, and historical and archeological resources in a manner that is consistent with a Town of Georgetown Community Development Plan (2004) and Town of Georgetown Open Space Plan (2001);
- (3) To encourage a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional or grid subdivision;
- (4) To minimize the total amount of disturbance on the site;

- (5) To further the goals and policies of the Town of Georgetown Master Plan and Town of Georgetown Strategic Land Use Plan as amended from time to time;
- (6) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner, that are in harmony with the architectural heritage of the Town of Georgetown.

§ 165-48 Applicability.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169)]

- A. Any proposed development in the Town of Georgetown, which would create more than 10 lots or dwelling units or is a parcel of 10 acres or more shall be required to submit a special permit application to the Planning Board in accordance with the provisions of this bylaw. The applicant may also submit a conventional subdivision plan at the same time in accordance with the Rules and Regulations Governing the Subdivisions of Land in the Town of Georgetown. The Planning Board shall, in compliance with Massachusetts General Laws Chapter 40A, Section 9, hold a public hearing on the proposed OSRD application and a concurrent public hearing on the proposed conventional subdivision, if applicable. In the event both an OSRD concept plan and a conventional subdivision plan are submitted, prior to the close of the hearing, the Planning Board shall recommend which plan it considers most beneficial to the Town, and the applicant shall, also prior to the close of the hearing, elect which plan he or she wishes to pursue, and shall inform the Planning Board of his or her choice in writing. For subdivisions that would create nine or fewer lots or units or are on a parcel less than 10 acres an applicant may submit a special permit application for an OSRD in preference to filing a conventional subdivision plan. Any special permit application submitted under the provisions of this subsection, which involves the subdivision of land, shall be subject to the approval of the Planning Board under the Rules and Regulations governing the Subdivision of Land in the Town of Georgetown. All multi-family developments shall be subject to the approval of the Planning Board under site plan review.
- B. Zoning classification: Only those tracts located in the RA, RB and RC Districts shall be eligible for consideration as an OSRD.
- C. Contiguous parcels: To be eligible for consideration as an OSRD, the total tract shall consist of a parcel or set of contiguous parcels. Contiguous parcels in common ownership with a total of 10 acres or more shall be considered as one parcel for the purposes of applicability under § **165-48** above.
- D. Land division: To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to MGL c. 41, § 81P provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided. Condominiums are permitted with a site plan review from the Planning Board and all

roadways within shall remain private. [Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]

§ 165-49 Special permit required.

- A. The Planning Board may authorize an OSRD pursuant to the grant of a special permit. The Planning Board will act as the special permit granting authority for all OSRD applications. Such special permits shall be acted upon in accordance with the following provisions outlined in this bylaw.

§ 165-50 Preapplication.

[Amended 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

- A. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant shall outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the consent of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.

§ 165-51 Design process.

[Amended 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

- A. At the time of the application for a special permit for OSRD, in conformance with § 165-52 of this bylaw, the applicant is required to demonstrate to the Planning Board that the following design process is provided for, relative to determining the layout of proposed streets, house lots, and open space:
- (1) Step One: Identifying Conservation Areas. The applicant shall identify both Primary and Secondary conservation areas of the parcel: Primary conservation areas include: site features that are protected by federal, state or local laws, such as wetlands, wetland buffer zones, riverfront areas, areas of critical environmental concern, outstanding resource waters, rare species habitat, vernal pools, flood hazard areas, and floodplains; Secondary conservation areas include: unprotected elements of the natural landscape, such as steep slopes (typically greater than 25%), mature woodlands (trees with caliper of 20 inches or greater), associated vernal pool upland habitat, prime farmland, large open meadows, critical wildlife habitats and important cultural features such as historic and archeological sites and scenic views shall be identified and delineated. The areas that do not qualify as Primary or Secondary conservation areas define the potentially developable area.
 - (2) Step Two: Locating House Sites. Locate the approximate sites of individual houses or structures within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated neighborhood, with emphasis on

consistency with the town's historical development patterns and heritage.

- (3) Step Three: Aligning the Streets and Trails. Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- (4) Step Four: Lot Lines. If applicable draw in the lot lines according to § 165-54 of this bylaw.

§ 165-52 Procedures.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169); 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

- A. Application. An application for a special permit for an OSRD shall include an OSRD concept plan. The OSRD concept plan shall consist of the following information.
 - (1) Drawings shall be prepared by a certified landscape architect, or by a multi-disciplinary team of which one member must be a certified landscape architect, and shall address the general features of the land, give approximate configurations of the lots, open space, and roadways, and include the information listed in the Subdivision Rules and Regulations or Site Plan Review bylaws, whichever is applicable. This information shall incorporate the Four-Step Design Process, according to § 165-51 above, and the design standards according to § 165-56 of this bylaw, when determining a proposed design for the development.
 - (2) A determination of lot/dwelling unit yield shall be presented as described in § 165-53 of this bylaw.
- B. Relationship between the OSRD concept plan and OSRD definitive subdivision plan or OSRD site plan.
 - (1) The issuance of an OSRD concept plan special permit replaces the preliminary subdivision plan and allows the applicant to submit to the Planning Board an OSRD definitive subdivision plan.
 - (2) Once an OSRD concept plan has been approved, for developments that do not involve a subdivision of land, the applicant shall submit an OSRD site plan and will not be required to submit an OSRD definitive subdivision plan. Such plan shall satisfy the requirements of § 165-83 of the Town of Georgetown Site Plan Approval, and shall contain such additional requirements as set forth by the Planning Board under § 165-59 of this bylaw.
 - (3) An OSRD definitive subdivision plan, or OSRD site plan will be considered noncompliant with the OSRD concept plan if the Planning Board determines that any of the following conditions exist:
 - (a) An increase in the number of building lots or dwelling units;

- (b) A decrease in the open space acreage;
 - (c) A change in the lot layout;
 - (d) A change in the general development pattern which adversely affects natural landscape features and open space preservation;
 - (e) Storm water management facilities change; and/or,
 - (f) Wastewater management systems change.
- (4) If the Planning Board determines that the OSRD definitive subdivision plan, or OSRD site plan does not comply with the OSRD concept plan, the Board may disapprove said plan.
 - (5) The Planning Board may conditionally approve an OSRD definitive subdivision plan, or OSRD site plan that does not comply with the OSRD concept plan special permit. However, such conditional approval must identify where the plan does not comply with the OSRD concept plan special permit.

C. General procedures.

- (1) Whenever an application for a OSRD special permit is filed with the Planning Board, the applicant shall also file within five working days of the filing of said application, copies of the application, accompanying OSRD concept plan and other documentation to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Police Chief, Fire Chief, and Open Space Committee for their consideration, review, and report. Reports from the aforementioned boards and officials shall be submitted to the Planning Board within 35 days of receipt of all required application materials; failure of said reviewing parties to submit written comments within said 35 days shall be deemed a lack of opposition or support of the proposed OSRD. If the Planning Board holds a public hearing prior to the expiration of the aforementioned 35 day period the hearing shall be continued until such time as the subject 35 day period has expired. Thus, giving the reviewing parties the provided time in which to forward their written comments to the Board. The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. The Planning Board shall render a decision on the special permit application within 65 days from the opening of the hearing, i.e., unless the applicant executes Form H, agreeing to an extension. Further, the Planning Board shall provide its written decision on the special permit application within 30 days from the close of the public hearing.

- D. Technical experts. The Planning Board may engage technical experts at the applicant's expense, and as necessary in conjunction with its review of the applicant's proposed plans and technical reports.

E. Site visit.

- (1) Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or the applicant's agents.

F. Other information.

- (1) The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing for an OSRD concept plan with the public hearing required for an OSRD definitive subdivision plan or an OSRD site plan.

§ 165-53 Basic maximum number of lots/dwelling units.
[Amended 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

A. Determination of yield.

- (1) The maximum number of lots or dwelling units on a tract shall be derived from a yield plan. The yield plan shall show the maximum number of lots or dwelling units that could be constructed on the tract for a conventional subdivision, i.e., in accordance with the minimum lot size, frontage and continuous building area (CBA) requirements for the zoning district in which the tract is situated, together with the right-of-way requirements, as specified in the most recent edition of the Planning Board's Subdivision Regulations. The aforementioned yield plan shall also provide a chart inscribed thereon, clearly depicting the gross square footage/acreage of each proposed lot area, minus wetlands (as defined and provided in this ordinance) of each lot, resulting in the net CBA, which shall represent the minimum lot size requirement for the respective zoning district. The determination of yield shall set the amount of lots or dwelling units submitted in the concept plan, not including increased units allowed under § 165-58 of this bylaw.

NOTE: the proponent shall have the burden of proof in regard to the determining the maximum number of lots or dwelling units resulting from the design and engineering specifications shown on the yield plan; further, the Planning Board may request further information to justify the determination of yield, including an approved wetland and resource delineation, soil tests and percolation tests.

Revised Yield Chart example (i.e., to include: Lot Area gross minus (-) Wetlands = Continuous Building Area (CBA), which shall equal or be greater than the required minimum lot size:

Yield Plan Zoning Summary Chart				
Lot Area, Gross		CBA	Frontage	Lot Depth
(sf)		(40,000 sf min. req.)	160 ft. req.	150 ft. req.
Lot	Wetlands			

1	65,000 sf	15,000 sf	40,000 sf	160 ft.	175 ft.
2	85,000 sf	19,500 sf	65,500 sf	180 ft.	250 ft.

§ 165-54 Reduction of dimensional requirements.

A. The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; the Planning Board may waive this requirement where it determines that such reduced dimensional requirements will further the goals of this bylaw. **[Amended 5-7-2018ATM, Art. 26 (Amdt. No. 188)]**
- (2) At least 50% of the required setbacks for the district shall be maintained in the OSRD unless a reduction is otherwise authorized by the Planning Board.
- (3) Minimum lot size shall be 10,000 square feet, which the Planning Board may waive where it is determined that further lot area reductions will further the goals of this bylaw. **[Amended 5-7-2018ATM, Art. 26 (Amdt. No. 188)]**

§ 165-55 Open space requirements.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169); 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

Open space. A minimum of 60% of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded conservation restriction enforceable by the Town, providing that such land shall be kept in perpetuity as open space.

- A. The percentage of the set aside open space that is wetlands shall not exceed the percentage of the total tract that is wetlands.
- B. The open space shall be contiguous, which is defined as being connected and shall be no less than 50 feet wide.
- C. The open space shall be used primarily for wildlife habitat and/or for conservation purposes, as well as for the following secondary purposes: historic preservation, education, outdoor education, passive recreation, park purposes, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 5% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (e.g., pedestrian walks, bike paths and shelters).
- D. At the discretion of the Planning Board subsurface wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the required minimum open space,

unless these structures are determined by the Planning Board to be "soft" (i.e., nonstructural and natural in appearance) stormwater management ponds.

- E. Ownership of the open space. The open space shall, with the Planning Board's approval, be conveyed by fee or easement to one or more of the following:
- (1) The Town or its Conservation Commission; and/or
 - (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; and/or
 - (3) A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the Town shall first provide 14 days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

§ 165-56 Design standards.

- A. The following generic and site specific design standards shall apply to all OSRDs and shall govern the development and design process:
- (1) General design standards.
 - (a) Insofar as practicable, the landscape of the tract shall be preserved in its natural state, i.e., by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and take advantage of natural drainage patterns. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
 - (b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
 - (c) All open space (landscaped and usable) shall be designed to add to the visual aesthetics of the tract and its surroundings. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**

- (d) Insofar as practicable, the removal or disruption of historic, traditional or significant uses, structures, or architectural elements found/established on the tract shall be minimized. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
- (e) Garages shall be recessed at least five feet from the front building wall of the house. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
- B. The Planning Board may issue building form guidelines to help clarify architectural design standards listed in this section.
- C. Site specific design standards.
 - (1) Mix of housing types. The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three dwelling units. Multifamily residential structures shall be in scale with surrounding residential structures. No further special permits are required from the Town of Georgetown for construction of multifamily residential structures.
 - (2) Parking. Each dwelling unit have a minimum of two off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than four spaces shall be screened from public view. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
 - (3) Buffer areas. A minimum buffer area of 25 feet in width shall be provided at the perimeter of the property where it abuts residentially zoned and occupied properties and a buffer area of 100 feet in width shall be provided from natural resource areas such as wetlands, intermittent streams, agricultural or recreational fields, and land held for conservation purposes except as noted below. In all cases a two-hundred-foot wide buffer must be maintained from perennial streams unless otherwise permitted by the Conservation Commission. Driveways may cross such buffer areas. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
 - (4) Drainage. The Planning Board shall encourage the use of "soft" (i.e., non-structural and natural in appearance stormwater management techniques, such as rain gardens open grass swales and bio-retention swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. Stormwater should be treated at the source to limit nonpoint source pollution. In order to promote water conservation, rainwater retention systems such as rain barrels and cisterns are also strongly encouraged for irrigation purposes. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**

- (5) Screening and landscaping. All structural surface stormwater management facilities shall be accompanied by a landscape plan. The landscape plan shall not include invasive plant species but rather, species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged and in ground sprinkler systems are strongly discouraged. **[Amended 5-7-2018 ATM, Art. 26 (Amdt. No. 188)]**
- (6) Common/shared driveways. A common or shared driveway may serve a maximum number of three dwelling units.
- (7) On-site pedestrian and bicycle circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (8) Disturbed areas. Not more than 50% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

§ 165-57 Decision of the Planning Board.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169); 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

- A. The Planning Board may grant a special permit for a OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional development proposed for the tract, and only after considering the following factors:
 - (1) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional development plan;
 - (2) Whether the OSRD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;
 - (3) Whether the OSRD promotes a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and conforms to existing topography and natural features better than a conventional development plan;
 - (4) Whether the OSRD reduces the total amount of disturbance on the site compared to a conventional development plan;
 - (5) Whether the OSRD furthers the goals and policies of the Town of Georgetown Community Development Plan (2004) and Town of Georgetown Open Space Plan (2001) as amended from time to time;
 - (6) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;

- (7) Whether the Concept Plan and its supporting narrative documentation complies with all sections of this Zoning Bylaw;
- (8) Whether the construction of housing, landscape and streetscape is in harmony with the architectural heritage of the Town of Georgetown.

§ 165-58 Increases in permissible density.

[Amended 5-4-2009 ATM, Art. 25 (Amdt. No. 169); 5-7-2018ATM, Art. 26 (Amdt. No. 188)]

- A. After reviewing the design standards listed in § 165-56, and the factors listed in § 165-57, the Planning Board may award a density bonus to increase the number of residential dwelling units beyond the maximum yield number. The density bonus for the OSRD shall not, in the aggregate, exceed 50% of the maximum yield number. A density bonus may be awarded in the following circumstances:
 - (1) Open space - For each additional 5% of the site (over and above the required 60% open space) set aside as open space, a bonus of 10% of the maximum yield number may be awarded; provided, however, that this density bonus shall not exceed 25% of the maximum yield number.
 - (2) Affordable housing - Excluding all units established under the Inclusionary Housing Bylaw, for every one dwelling unit restricted to occupancy in perpetuity by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, two dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 50% of the maximum yield number. This bonus is in addition to the existing affordability housing requirements in the Town of Georgetown. In lieu of constructing such affordable dwelling units, the applicant may be granted an increase in permissible density by paying a fee to the Town of Georgetown on a per dwelling unit basis. The applicant may make a cash payment to the Town with a value comparable to the difference between the value of the affordable units and the fair market value of such units free of the conditions set forth in Commonwealth of Massachusetts guidelines for affordable housing under M.G.L. Chapter 40B eligibility definition.
 - (3) Historic Preservation - For any project that contains a principle building or structure deemed historically significant by the Historic Commission that records a permanent preservation restriction under G.L. 184, one residential dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the basic maximum number.

§ 165-59 Adoption of rules and regulations.

The Planning Board may after notice and hearing adopt rules and regulations specifying the content of required plans, application procedures, filing and review fees, design criteria,

development standards, and other general requirements to be applied under this bylaw.

Article VIII (Reserved)

§ 165-60 (Reserved)

Article IX Parking and Loading

[Added 3-4-1969 ATM, Art. 45 (Amdt. No. 17)]

§ 165-61 **Minimum Off-street parking requirements.**
[Amended 6-4-1973 ATM, Art. 5 (Amdt. No. 44); 6-16-1997 ATM, Art. 49, (Amdt. No. 106)]

Any building hereinafter constructed shall be so located upon its parcel of land that there may be provided off-street parking area in conformance with the following:

- A. Stores retail business: one space for each 250 square feet of total floor area, excluding basements. In the CA District if the establishment is within 500 feet of a public parking lot that has more than 40 parking spaces available for local commercial use, and all on-site, off-street parking is located in the rear or side yards of the property, the standard shall be one space for each 500 square feet of total floor area, excluding basements.
- B. Office, banks and similar businesses: one space for each 300 square feet of total floor area, excluding basements. In the CA District the standard shall be one space for each 500 square feet if the office, bank or similar business is within 500 feet of a public parking lot in excess of 40 parking spaces available for local commercial use, and all on-site, off street parking is located in the rear or the side yards of the property.
- C. Theater, funeral home, place of assembly: one space for each four seats, or occupants permitted by the building code and certified by the Building Inspector.
- D. Hotels, motels, inns: 1.25 spaces per room. In the instance of a hotel or motel with a restaurant, an additional space for every four seats shall be required for every four seats, or fraction thereof, in excess of 30 seats.
- E. Bed and breakfast: one space per guest room, in addition to the standard residential requirement.
- F. Restaurants: one space for each four seats.
- G. Residential dwellings: Detached, attached and multi-family dwellings shall provide two spaces per dwelling unit.

- H. Industrial, manufacture and wholesale: one space per 1,000 square feet.
- I. Bowling alley: four spaces per each alley.
- J. Single room occupancy: one space per sleeping room.
- K. Medical or dental office: one space per 150 square feet of total floor area, excluding basements.
- L. Other uses: All other types of uses shall provide parking spaces consistent with this bylaw as determined by the Building Inspector.

§ 165-61.1 Parking lot aisle dimensions.

[Added 6-16-1997 ATM, Art. 49 (Amdt. No. 106)]

Parking Angle	One-Way Aisle	Two-Way Aisle
(degrees)	(feet)	(feet)
0 (parallel)	12	22
1° - 60°	14	22
61° - 90°	20	22

§ 165-62 Loading and unloading areas.

Berths shall be provided for the loading and unloading of stock, merchandise, equipment, supplies and other usual business and industrial commodities in accordance with the following conditions:

- A. Retail store and service establishments: for each retail store or service establishment with gross floor area of from 5,000 to 8,000 square feet, at least one berth. Additional berths at the rate of one berth for each additional 8,000 square feet or nearest multiple thereof.
- B. Office buildings: for each office building with gross floor area of 4,000 square feet or more, at least one berth shall be provided.
- C. Manufacturing-industrial uses: for manufacturing and industrial plants and similar use up to 8,000 square feet, at least one berth shall be provided. For larger floor areas, additional berths shall be provided as required by the Board of Selectmen.

Article X

Signs

[Added 3-3-1970 ATM, Art. 46 (Amdt. No. 22)]

§ 165-63 General prohibitions.

- A. Motion. Signs, any part of which moves or flashes, or signs of the traveling light or

animated type, and all beacons and flashing devices whether a part of, attached to or apart from a sign, are prohibited.

- B. Illumination. All illumination of signs shall be so arranged as not to be directed towards any portion of a public way or upon another lot than that upon which it is located and shall not cause glare on any portion of a public way or upon another lot than that which it is located.

§ 165-64 Residential districts.

In Districts RA, RB and RC the following signs are permitted:

- A. One sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed one square foot in area.
- B. One sign not over 12 square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.
- C. One temporary unlighted sign not over 12 square feet in area pertaining to the sale, rent or lease of the premises.
- D. Unlighted directional signs not exceeding one square foot each in area pertaining to permitted buildings and uses of premises other than dwellings and accessory uses.

§ 165-65 Business districts.

In Districts CA and CB and CC the following signs are permitted:

- A. One sign mounted on the face of the building not to exceed in area more than 15% of the front wall area of said building if occupied by a single business; or one sign mounted on the face of the building for each separate business jointly occupying a divided building, each sign not to exceed 15% of the front wall area of that section of the building occupied by any individual business; and provided that in either circumstance the sign does not extend above a flat roof or the elevation of the front wall by more than 20% of the average height of the front elevation of said building. **[Amended 6-16-1997 ATM, Art. 46 (Amdt. 104)]**
- B. One freestanding sign located within the front yard area of a building and not exceeding 15% of the front wall area of the building or 60 square feet, whichever is the smaller, provided that the building has a minimum setback of 30 feet and the sign is so located as to be set back 15 feet from the street line and 20 feet from any side line.
- C. Directional signs each not to exceed three square feet in area.
- D. One window sign for each window of the building not to exceed in area 20% of the area of any window upon which located.

§ 165-66 Industrial districts.

In Districts IA and IB the following signs are permitted:

- A. One sign mounted on the face of the main building not aggregating in area more than 15% of the front wall area of said building as determined by orientation to the principal trafficway or street, and not extending above a flat wall by more than 20% of the average height of the front elevation of said building. [Amended 6-16-1997 ATM, Art. 46 (Amdt. 104)]
- B. One freestanding sign located within the front yard area of the building and not exceeding in area 15% of the front wall area of the main building or 60 square feet, whichever is the smaller, provided that said sign is set back a minimum of 20 feet from the street line and located a minimum of 30 feet from lot lines.
- C. Unlighted directional signs each not to exceed three square feet in area.

Article XI
Supplementary Regulations

§ 165-67 Roadside stands.

[Added 3-1-1969 ATM, Art. 45 (Amdt. No. 17)]

Roadside stands, where permitted, shall be located at least 15 feet back from the street line and 20 feet from any lot line. Other than permanent or semipermanent stands, all others shall be removed during seasons when not in use.

§ 165-68 Apartments.

[Added 6-4-1973 ATM, Art. 5 (Amdt. No. 44)]

The following provisions shall apply to apartment houses:

- A. There shall be a minimum usable land area of 10,000 square feet for each family or dwelling unit hereafter altered or erected. "Usable land" shall be construed to mean land that is continuous, without interruption by a swamp, permanent or semipermanent body of natural water, such as a brook, river, pond or swamp. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]
- B. The limit of height in all apartment buildings shall be 2 1/2 stories, not to exceed 35 feet. The limitations of height in feet shall not apply to chimneys, ventilators, skylights, bulkheads and other necessary features usually carried above roofs.
- C. An apartment house shall not cover more than 25% of its lot.

§ 165-69 Accessory apartments.

[Added 6-26-1995 ATM, Art. 9 (Amdt. No. 94)]

- A. Purpose and intent. It is the specific intent of this section to allow accessory apartments, including kitchens, within single-family properties for the purpose of meeting the special housing needs of grandparents, parents, brothers and sisters, children and their respective spouses of families of owner-occupants of properties. To achieve this goal and to promote the other objectives of this section, specific standards are set forth below for such accessory apartment uses. A special permit issued by the Zoning Board of Appeals shall authorize such use.
- B. Owner occupancy required. The owners of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership or change in residence of the owner, the special permit and the certificate of occupancy for the accessory apartment shall become null and void.
- C. Apartment size. The maximum livable floor area for an accessory apartment shall not exceed the greater of either 700 square feet or 33% of the livable floor area of the existing primary dwelling. In the case of new construction, the aforementioned will apply to the planned primary dwelling. Livable floor area is defined under this chapter. **[Amended 11-13-1995 STM, Art. 10 (Amdt. No. 99)]**
- D. Code compliance. The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change in occupancy.
- E. Preservation of single-family characteristics. The accessory apartment shall not change the single-family characteristic of the dwelling except for the provision of an additional access or egress.
- F. There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.
- G. Dwelling units in new developments may apply for special permit after subdivision road has been accepted at Town meeting.

§ 165-69.1 Public tree replacement.

[Added 5-7-2007 ATM, Art. 33 (Amdt. No. 165)]

Any tree greater than 2 3/4" caliper located on public property that is damaged or removed due to construction shall be replaced on a wood to wood basis. Trees shall be installed within one year of their removal at a location determined by the Planning Board.

Article XII Miscellaneous Provisions

§ 165-70 Minimum residential livable floor area. [Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

No dwelling shall be erected, reconstructed, remodeled or altered so that there will be less than living bulk of at least 5,000 cubic feet or less than 500 square feet of livable floor area per dwelling unit in multiple units and apartments.

§ 165-70.1 Temporary structures. [Added 6-16-1999 ATM, Art. 54 (Admt. No. 110)]

The Inspector of Buildings may grant a building permit for the construction or placement of a temporary structure on property located in any zoning district for a period of six months. The Inspector of Buildings shall grant the building permit for the purposes of a construction project or to meet emergency needs. The Building Inspector may grant an extension of six months if the applicant applies before the initial six-month period expires. At the expiration of the of the initial six-month period or extension thereof, the temporary structure must be removed unless, in the Inspector's judgment, the structure's continuance will serve public welfare or safety. If said temporary structure is used for human habitation while repairs are made to a permanent dwelling, Board of Health standards for septage disposal must be followed. The Inspector of Buildings may not grant more than two six-month extensions to the original permit for a temporary structure without approval by the Zoning Board of Appeals for which good faith and personal hardship must be shown.

§ 165-70.2 Temporary storage containers/trailers. [Added 6-12-2000 ATM, Art. 25 (Amdt. No. 142)]

Any container or device as defined in the definitions as "storage containers/trailers," with or without wheels, which may be used in place of a structure for storage of materials, supplies, or equipment, is prohibited in all residential districts except by special permit by the Zoning Board of Appeals; but not including storage containers used by agricultural, horticultural or floricultural enterprises for purposes of storage of perishable materials such as hay, shavings, and plants. The SPGA shall establish conditions for placement and use of the storage containers/trailers, including, but not limited to, location, screening, access, content, repair and maintenance, height, and disposal when use is discontinued.

§ 165-71 Inclusionary housing balance bylaw. [Added 6-11-1990 ATM, Art. 24 (Amdt. No. 81); amended 11-17-2008 2-2005 ATM, Art. 26 (Amdt. No. 154); 11-17-2008 STM, Art. 7 (Amdt. No. 166)]

- A. Purpose. The Town of Georgetown sets forth the following requirements in an effort to provide multiple housing choices for people of all economic backgrounds and to address the needs of current and future Georgetown residents by providing permanent affordable housing. The primary purpose of § 165-71 is to increase the supply of rental and ownership housing for low- and moderate-income households in Georgetown, contribute affordable

housing units to the Town's Subsidized Housing Inventory (SHI), sustain a viable community making multiple housing options available for future generations in Georgetown and ensure that all units established under this bylaw count towards the satisfaction of the Town's affordable housing requirements under the Comprehensive Permit Law, MGL c. 40B, §§ 20 - 23.

B. Definitions.

AFFORDABLE HOUSING TRUST FUND (THE "FUND")

An account established in accordance with MGL chapter 44 § 55C and operated for the exclusive purpose of creating and preserving affordable housing in the Town of Georgetown.

AFFORDABLE HOUSING UNIT

A rental or homeownership unit that is subject, upon initial rent or sale, to certain price restrictions and tenant or owner eligibility requirements, and upon subsequent sale or rent, to certain restrictions intended to protect the affordability of the unit, all in accordance with the most recent program guidelines issued by the Massachusetts Department of Housing and Community Development (DHCD) for the Local Initiative Program (LIP) or successor program.

DEED RIDER

A deed restriction or other legally binding instrument in a form consistent with the LIP requirements and acceptable under LIP that will ensure the affordability of the affordable housing unit(s) for a term of years established by the Planning Board, but in no event less than the term required by the LIP.

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT

Regulated under the LIP deed rider, an individual or family with household income that does not exceed 70%, or such greater amount as then in effect pursuant under the LIP requirements, of the median income for the primary metropolitan statistical area, with adjustments for household size, as reported by the most recent information from DHCD.

RESALE OF AFFORDABLE HOUSING UNITS

The resale procedures and prices of affordable housing units shall be as set forth in the deed rider.

VACANT AFFORDABLE RENTAL HOUSING UNITS

In the event that an affordable rental housing unit becomes vacant for a term beyond that designated in the deed rider, the Town of Georgetown shall have the right of first refusal to purchase said unit and the Georgetown Board of Selectmen, Housing Authority, Affordable Housing Task Force, and the Planning Board shall be notified in writing of vacant

affordable housing rental units.

C. Applicability.

Any proposed development containing residential units that would create three or more attached or detached new housing units shall provide affordable housing units or housing contribution payments in accordance with this § 165-71. These requirements for such affordable housing units or housing contribution payments shall be made a condition of any special permit, variance, finding pursuant to MGL c. 40A, § 6, Open Space Residential Development (Article VII), Independent Senior Housing (Article XVII), or subdivision approval granted for any project creating three or more housing units.

Willful evasion of this section of the Georgetown Zoning Bylaw is prohibited. Willful evasion is defined as follows: segmenting land or properties with the intention of avoiding inclusionary housing requirements by either subdividing one parcel of land into two parcels of land in such a manner that each parcel will have less than three units of housing or purposefully dividing a large development into phases that would develop less than three units of housing during each phase. Residential developments subject to this section shall include new housing units created by new construction or new housing units created by remodeling or conversion of an obsolete or unused building or other structure from its original use to an alternate use.

Where a permitting board approves a project under this bylaw "with conditions," and said approved project accompanies a special permit or variance application to a different permitting board, the conditions imposed by the first permitting board shall be incorporated into the issuance, if any, of a special permit or variance by the second permitting board.

- D. Requirements. At least 10% of the new housing units in any residential development shall be designated as and/or fulfill the requirements of affordable housing requirements of this bylaw. In accordance with § 165-128, the percentage of affordable housing within an independent senior housing project shall be no less than 20%.

E. General requirements.

- (1) Consultation: Developers whose projects are subject to this bylaw are encouraged to consult with the Affordable Housing Task Force, or other such entity, on affordable housing early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the proposed development consistent with any affordable housing planned production plan or strategy then in effect in the Town. The Affordable Housing Task Force, or other such entity, on affordable housing may consult with and give advice to the Planning Board during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the bylaw.
- (2) Comparability: Unless otherwise conditioned by the permitting board to ensure compliance with the bylaw and due to unique site conditions such as soil, shape, topography limiting the

placement of the buildings on the site, all affordable housing units shall be dispersed throughout the development and shall be indistinguishable from market-rate units except in interior finish, fixtures, and appliances. The number of bedrooms in affordable housing units shall be comparable to the bedroom mix in market-rate units in the development.

- (3) Selection process: The selection of qualified affordable housing unit purchasers or tenants shall be conducted as follows:
 - (a) Marketing plan: The developer shall prepare an affirmative fair marketing plan acceptable under the LIP for marketing the affordable housing units created under this bylaw which describes how the affordable housing units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers and/or renters. The marketing plan must describe how the applicant will accommodate local preference requirements of this bylaw in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines under the LIP. The duration and design of the plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.
 - (b) Local preference: To the extent practicable, local preference shall be included in each development for the maximum number of the affordable housing units created in any development subject to this bylaw that is permitted subject to DHCD guidelines. To the extent permitted by DHCD, local preference for all sales and resales shall be granted to Georgetown residents as follows:
 - [1] An individual or family or a parent or child of an individual maintaining a primary residence in the Town of Georgetown;
 - [2] An individual who is employed as a full-time employee in the Town of Georgetown;
 - [3] An individual who is employed as a full-time employee by the Town of Georgetown or by the Georgetown School District.
- (4) Developers may sell affordable for-sale units to the Town, the Georgetown Housing Authority, or to a private nonprofit entity serving Georgetown for the purpose of providing affordable housing opportunities and to permit such entity to market the affordable housing units and manage the choice of buyers.
- (5) LIP approval. The affordable housing units must be approved under the LIP or by DHCD under other programs that qualify for listing on the SHI. It shall be the responsibility of the developer to work with the Town and facilitate the preparation and submission of an application for approval under the LIP of the affordable housing units, and all costs of such application shall be borne by the developer. The developer shall deposit a document review fee in an amount to be determined by the permitting board, which shall be deposited into a

special municipal account pursuant to MGL c. 44, § 53G.

- F. Fractional affordable housing units and housing contribution payments. All projects consisting of three or more housing units shall be required to use the following calculations to determine the number of on-site affordable units required under the bylaw as well as the amount of a contribution payment for whole or fractional units that may be accepted by the permitting board in lieu of providing on-site units.
- (1) Requirements for fractional affordable housing units: When the calculation of § 165-71 results in a fractional affordable housing unit (FAHU) of 0.8 or 0.9, the developer shall provide a whole on-site unit for that fractional unit. When the calculation of § 165-71 results in a fractional affordable housing unit of 0.1 to 0.7, the developer shall provide a whole on-site unit or make a housing contribution payment in lieu of the fractional unit.
 - (2) Housing contribution payments in lieu of fractional affordable housing units: To make a housing contribution payment (HCP) in lieu of a qualifying fractional affordable housing unit the developer shall enter into a binding, written agreement with the Town of Georgetown (with appropriate payment security arrangements) to provide such payment to the fund established for this purpose.
 - (3) Amount of housing contribution payments:

For ownership developments of three to seven units, the amount of the Housing Contribution Payment (HCP) shall be equal to:

$$\text{HCP} = \text{AMSP} \times (\# \text{ of new units}) \times 4\%$$

For ownership developments of 11 units or more, the housing contribution shall be equal to:

$$\text{HCP} = \text{AMSP} (\text{FAHU} \times 10) \times 4\%$$

where:

AMSP = The average market sales price for the market-rate units in the subject development.

For rental units, the per-unit contribution payment shall be equal to the difference between the average market rental price for the market-rate units in the subject development and the rent affordable to a family of four at or below 80% of the median income, calculated for a term of 10 years without adjustments for interest or inflation.

- G. Off-site affordable housing creation. In order to ensure compliance with the requirements of this bylaw, the permitting board may, as a condition of its approval, permit the inclusionary housing requirement to be met through the provision of some or all required affordable housing units on an alternative site or multiple sites suitable for housing use. Affordable off-site housing units may be either new construction, a payment in lieu for an off-site housing contribution [as outlined in Subsection G(1) below] or, in extreme cases, located in a rehabilitated existing structure. All off-site affordable housing units shall be required to meet the Energy Star requirements for energy efficiency, include a lead paint test where

applicable, and a review and inspection by an independent consultant selected by the permitting board. Unless otherwise conditioned by the board to ensure compliance with the requirements of this bylaw, all affordable off-site units that are newly created or replacing existing legal housing units shall be counted in the total number of housing units created by a proposed development. All affordable housing units provided under this subsection shall comply in all respects, other than on-site location, with the requirements of this bylaw.

- (1) Amount of in-lieu/off-site housing contribution payments: For ownership developments the amount of the in-lieu/off-site housing contribution payment (I/OHCP) shall be equal to:

$$I/OHCP = AMSP \times (\# \text{ of affordable units}) \times .6$$

- H. Regulations. Affordable housing production, housing contribution payments and rental and resale restrictions required by this section shall be governed by regulations promulgated together by the permitting boards for purposes of carrying out their duties under this bylaw.

- I. Compliance.

- (1) Building permit conditions: All contractual agreements with the Town of Georgetown and other documents necessary to ensure compliance with this bylaw, including all documents required under LIP, shall be executed and delivered to the Town board reviewing any qualifying project or development prior to and as a condition of the issuance of a building permit. The permitting Board may require any applicant to post bond or other such surety, in an amount satisfactory to the Board, to ensure compliance with all terms and conditions of any approval issued under this bylaw. The Building Inspector shall not issue a building permit with respect to any project or development subject to this bylaw unless and until the permitting board has certified in writing to the Building Inspector that all conditions of this bylaw precedent to such issuance, including any such conditions that may be established by the permitting board in any decision or approval, have been met.

- (2) Occupancy conditions:

- (a) Compliance: No occupancy or other use of any market-rate units in a development subject to this bylaw shall be permitted until the LIP deed rider, agreements with the Town of Georgetown and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the affordable housing units) with any requirements of this bylaw and under the LIP, have been executed and recorded, a time-stamped copy of all recorded documents has been filed with the Planning Office, and authority and permission granted by the permitting board.
- (b) Housing contribution payments: Required housing contribution payments shall be made with respect to each market-rate housing unit or rental unit prior to issuance of an occupancy permit for the unit, provided that such payments may be made at the time of conveyance of each unit to an end user or upon occupancy by any tenant if appropriate

security arrangements to guarantee such payment have been made and are in effect under an agreement with the Town.

- (c) Timing of construction: Unless otherwise directed by the permitting board as a condition of approval, all affordable housing units shall be provided concurrently and proportionately with the development of market-rate units. To ensure compliance with this requirement, the permitting board may establish a schedule for construction of affordable and market rate housing units.
- J. Severability. In the event that one or more of the provisions of this bylaw are found or determined to be illegal or unenforceable, such finding shall not effect the validity of any other provisions of this bylaw which provisions will remain in full force and effect.

§ 165-72 Junk vehicles.

[Added 5-4-1992 ATM, Art. 28 (Amdt. No. 89)]

The storage of more than two vehicles which are wrecked or in a dismantled or partially dismantled condition, or which have been discarded as junk, shall be prohibited unless any one of the following conditions has been fulfilled:

- A. Such vehicle is registered in the commonwealth or in any other state and also has displayed thereon a valid inspection sticker.
- B. Such vehicle is contained in an enclosed building or otherwise out of the view of the public or of abutter.

§ 165-73 Adequate lot frontage; common drive.

[Added 5-2-1994 ATM, Art. 28 (Amdt. No. 91); amended 6-16-1997 ATM, Art. 61 (Amdt. No. 117)]

Lot, frontage is that portion of a lot fronting on a street or way, said frontage to be measured continuously along one street line between its side lot lines and their intersection with the street line; no less than 75% of the required frontage width is to be maintained to a perpendicular depth equal to the minimum front yard requirements for that district, and no less than 25% of the required frontage width is to be maintained to a perpendicular depth equal to the minimum lot depth requirement for that district. On a curve, the perpendicular depth shall be measured from a straight line drawn between the side bounds tangent to the most center point of the curve. Such street shall be either a way shown on the Official Map, or a way shown on an approved subdivision plan. The grade of a driveway shall be no greater than 12% starting at the edge of the right-of-way and extending back for the first 25 feet of the lot.

- A. There shall be frontage adequate to serve each lot identified on a subdivision plan or any un-built upon lot which has frontage on an existing approved public way which is brought before the Planning Board for its approval or endorsement. "Frontage adequate to serve each lot" is defined as that frontage distance required by §§ **165-81** and **165-7** of this

chapter, as amended, and, that no less than 30 feet of frontage of each such lot shall, in the opinion of the Planning Board, provide safe convenient access and egress to serve the future residents of the property, and in the opinion of the Fire and Police Chiefs, provide access suitable for emergency vehicles such as the ladder truck, police vehicles and those of other agencies charged with responsibility for protecting the public peace, safety and welfare.

- B. The Planning Board shall consider the existing condition of each lots frontage, such as soils, water table, floodplain, slope, elevation and any other naturally occurring or constructed barriers and the opinions of the Police and Fire Chiefs in making its determination of "frontage adequate to serve each lot."
- C. If, in the opinion of the Planning Board, the lot does not possess frontage adequate to serve each lot, the Planning Board shall render its reasons in writing to the developer. The developer or assigned agent may then propose, using engineered drawings and designs for explanation, as to how the lot's frontage physical characteristics may be modified so as to meet the intended purpose of this section. The developer is required to show on the engineered drawings, the location (footprint) of the proposed buildings and proposed changes in the frontage. Upon gaining the positive opinion of its members that frontage adequate to serve each lot can be obtained as shown on the engineered drawings, the Planning Board may approve or endorse the plan brought before the Board.
- D. The Planning Board may waive construction of the frontage adequate to serve each lot, subject to the granting of a special permit by the Planning board for construction of a common drive.
- E. Drive, common. Subject to the granting of a special permit by the Planning Board, a common drive may be constructed and shared by not more than three lots, so long as the common drive is located entirely within the lots being served. Every such common drive must be shown on an engineered plan and must be regulated by a recorded maintenance agreement which is satisfactory to the Planning Board and Town Counsel and which runs in perpetuity with the land. The Planning Board shall impose such conditions, to be made part of the special permit, as are necessary to provide access adequate to serve each lot, including conditions that assign responsibility for maintenance and snow removal.

§ 165-73.1 Access across lot frontage.

[Added 10-25-1999 STM, Art. 16 (Amdt. No. 140)]

- A. For any lot created after October 25, 1999, access to each lot, except for corner lots, must be provided across the lot frontage.
- B. Exceptions to this requirement may be granted by the issuance of a special permit from the Planning Board. A lot frontage access special permit may be granted for a lot in any residential district, provided that:

- (1) The specific site is an appropriate location for access to the lot given the current and projected traffic on the roadway, and the sight distance to adjacent driveways and roadways; and/or
- (2) Special environmental conditions exist, such as wetlands and/or steep slopes such that access across the street frontage would require wetland filling or extreme cutting and/or filling of slopes or would be otherwise detrimental to the environment;
- (3) The access will not adversely affect the neighborhood;
- (4) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (5) The access is in harmony with the general purpose and intent of this chapter.

§ 165-73.2 Courts and lanes.

[Added 5-2-2011 ATM, Art. 41 (Amdt. No. 178)]

- A. Subject to the granting of a special permit by the Planning Board, a "court" or "lane," as defined by and regulated in accordance with the Subdivision Rules and Regulations adopted by the Planning Board pursuant to MGL c. 41, § 81Q, may be constructed and used provided it has been approved under a definitive subdivision plan and/or an open space residential development – special permit.

Article XIII

Special Permits and Site Plan Review

[Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

§ 165-74 Public hearing on special permit required.

[Amended 5-22-1988 ATM, Art. 22 (Amdt. No. 71)]

Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Town Clerk. A copy of the application shall be given to the special permit granting authority, hereinafter referred to as "SPGA." A copy of the rules of the Board shall be filed with the Town Clerk as provided by law (MGL c. 40A, § 9).

§ 165-75 Lapse of special permit.

[Amended 5-2-2005 ATM, Art. 25 (Amdt. No. 153)]

A special permit shall lapse within two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction if construction has not begun by such date except for good cause. Such two years shall be extended by the time required to pursue or await the determination of an appeal from the grant thereof to the Land Court or Superior Court under law. (MGL c. 40A, § 17).

§ 165-76 Scientific research.

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to

activities permitted as a matter of right, which activities are necessary in connection with scientific research or issuance of a special permit, provided that a finding is made that the proposed accessory use does not substantially derogate from the public good.

**§ 165-77 Failure to act on application for special permit.
[Amended 5-22-1988 ATM, Art. 22 (Amdt. No. 71)]**

If the Board of Appeals or Planning Board, as the case may be, has failed to take final action upon an application for a special permit within 75 days following the date of public hearing, the applicant shall so notify the Clerk of such Board and the Town Clerk; failure to give such notice shall be deemed a waiver by the applicant of his right to deem the permit to be granted for failure to take final action within 90 days. The required time limits for a public hearing and for a decision may be extended by written agreement between the petitioner and the SPGA.

§ 165-78 Special permit conditions.

- A. Special permits may impose conditions, safeguards and limitations on time and use. They may be issued only for uses which are in harmony with the general purpose and intent of this chapter and shall be subject to general or specific provisions set forth in this chapter. **[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]**
- B. Such conditions may include, if reasonably appropriate to safeguard the neighborhood, or otherwise serve the purpose of this chapter, the following: **[Added 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]**
 - (1) Front, side or rear yards greater than the minimum required by this chapter.
 - (2) Screening buffers or planting strips, fences or walls.
 - (3) Modification of the exterior appearance of the structures.
 - (4) Limitation upon the size, number of occupants, method and time of operating for the duration of permit or extent of facilities.
 - (5) Regulation of number and location of driveways, or other traffic features and off-street parking or loading, or other special features beyond the minimum required by this chapter.
- C. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Board. **[Added 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]**

**§ 165-79 Required findings for granting of special permit.
[Added 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]**

Uses shall not be granted under a special permit unless the following are found by the Board:

- A. The requested use is essential or desirable to the public convenience or welfare.

- B. The requested use will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or the general welfare.
- C. The requested use will not impair the integrity or character of the district or adjoining districts.
- D. The requested use will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

**§ 165-80 Adult Entertainment Overlay District.
[Added 6-15-1998 ATM, Art. 25 (Amdt. No. 124)]**

- A. Authority. This bylaw is enacted pursuant to MGL c. 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, as defined and designated herein, because of their deleterious effect in generating crime and blight.
- B. Purpose.
 - (1) It is the purpose of the Adult Entertainment Overlay District to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Georgetown and its inhabitants.
 - (2) The provisions of this bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of the bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.
- C. Definitions. As used in this bylaw, the following terms shall have the meanings indicated:

ADULT ENTERTAINMENT USES

Include the following:

- (1) Adult bookstores, as defined by MGL c. 40A, § 9A;
- (2) Adult Motion Picture Theaters, as defined by MGL c. 40A, § 9A.
- (3) Adult Paraphernalia Store, as defined by MGL c. 40A, § 9A;
- (4) Adult video store, as defined by MGL c. 40A, § 9A;
- (5) Establishment which displays live nudity for its patrons, as defined by MGL. c. 40A, § 9A.

D. Adult entertainment uses by special permit in the Adult Entertainment Overlay District.

- (1) Notwithstanding any other provision in this bylaw to the contrary, adult entertainment uses shall be prohibited in all zoning districts in the Town of Georgetown except at National Avenue for the entire length of the road, which shall be designated as the Adult Entertainment Overlay District, and shall overlay the underlying Industrial B District. Such uses may be permitted in the Adult Entertainment Overlay District only upon issuance of a special permit by the Zoning Board of Appeals. Such a special permit shall not be granted unless each of the following standards has been met.
 - (a) The application for special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
 - (b) No adult use special permit shall be issued to any person convicted of violating the provisions of MGL c. 119, § 60 or MGL c. 272, § 28.
 - (c) Location.
 - [1] Adult uses shall not be located within:
 - [a] Four hundred feet from the nearest residential district;
 - [b] Four hundred feet from the nearest adult entertainment use as defined herein; or
 - [c] Four hundred feet from the nearest establishment licensed under MGL c. 138, § 12.
 - [2] The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.
 - (d) All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

- (e) Screening and buffering: A five-foot-wide landscaped buffer shall be provided along the side and rear property lines of an adult use establishment consisting of evergreen shrubs or trees not less than five feet in height at the time of planting, or a solid fence not less than six feet in height.
 - (f) No adult use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in MGL c. 272, § 31.
 - (g) No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
 - (h) No adult use shall be allowed within a building containing other retail, consumer or residential uses.
 - (i) No adult use shall be allowed within a shopping center, shopping plaza or mall.
 - (j) The proposed adult entertainment use shall comply with the off-street parking requirements set forth in § 165-31 of the Zoning Bylaws.
 - (k) No adult entertainment use shall have any flashing lights visible from outside the establishment.
 - (l) No adult entertainment use shall have a freestanding accessory sign.
 - (m) No adult entertainment use shall be established prior to submission and approval of a site plan by the Planning Board. The site plan shall conform to all requirements of site plan approval. The site plan shall show the distances between the proposed adult entertainment use and the boundary of the nearest residential zoning district and the property line of each of the uses set forth in § 165-80D(1)(c)[1][a], [b] and [c].
- (2) Hours of operation: The SPGA shall establish reasonable hours of operation.
- E. Conditions. The special permit granting authority may impose reasonable conditions, safeguards, and limitations on time or use of any special permit granted and shall require that any such special permit granted shall be personal to the applicant, shall not run with the land, and shall expire upon sale or transfer of the subject property.
- F. Expiration. A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to said expiration date and that no

objection to said renewal is made and sustained by the special permit granting authority based upon the public safety factors applied at the time that the original special permit was granted.

- G. Retroactive application. Each adult use in existence upon the effective date of this section shall apply for an adult use special permit within 90 days of the adoption of this section.
- H. Severability. The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

**§ 165-80.1 Wireless communication facility special permits.
[Added 6-16-1997 ATM, Art. 42 (Amdt. No. 100)]**

The Zoning Board of Appeals acting as a special permit granting authority (SPGA) may grant a special permit authorizing the construction and operation of a wireless communication facility in the Industrial B District after a public hearing conducted in accordance with § 165-74. In considering an application for a special permit, the applicant must show and the SPGA must find, in addition to the requirements set forth at § 165-79, that:

- A. Any proposed tower is monopole in design. Lattice or tripod design towers or those requiring guy wires for support are prohibited.
- B. Areas to be cleared of trees and vegetative growth shall be shown clearly on the proposed plan and are only those areas necessary for the construction, operation and maintenance of the wireless communication facility. The use of chemical herbicides for vegetation control is prohibited. The applicant shall be required to submit an erosion control plan that prevents run-off on any sloping site. The applicant may be required to plant a noise barrier of trees and vegetative growth if any boundary of the wireless communication facility site is within 500 feet of a residential home.
- C. Any proposed wireless communication facility is set back from the property line at least a minimum distance equal to the height of the facility, but in no case less than 100 feet. No wireless communication facility may be constructed within 300 feet of a residential home.
- D. The applicant is encouraged to share the use of all wireless communication facilities with other service providers. No special permit may be granted for a new wireless communication facility unless the applicant shows that space on existing facilities is not available. Any tower constructed shall be designed to accommodate the maximum number of uses technologically practical. Service providers may be encouraged to locate and disguise their facilities within steeples, towers or other facilities.
- E. The visual impact of any wireless communication facility is minimized. All towers shall be painted green to the height of the tree line and painted silver or a galvanized finish above

the tree line to blend with the surrounding landscape.

- F. Access to any wireless communication facility is by a roadway that respects the natural terrain. The roadway design must be approved by the SPGA and the Fire Chief to assure emergency access at all times. No access roadway may exceed a grade of 6%. Consideration may be given for a design that minimizes erosion, construction on unstable soils and steep slopes.
- G. Fencing is provided to control access to the base of any wireless communication facility. The design of the fencing shall be of a type compatible with the scenic character of the Town. The use of barbed or razor wire is prohibited.
- H. Traffic associated with the wireless communication facility does not adversely affect abutting ways.
- I. All wireless communication facilities, or parts thereof, that remain unused for a period of two years must be dismantled and removed at the owner's expense, with the site restored to its preexisting condition.
- J. No night lighting of the wireless communication facility is permitted unless required by the Federal Aviation Administration.
- K. All utility lines serving the wireless communication facility are located underground and that the best available technology is used to minimize noise emitted from the site.
- L. No signs or advertising may be placed on a wireless communication facility except for "no trespassing" signs, and a single sign stating where the owner and operator of the wireless communication facility may be reached 24 hours every day.
- M. Where the applicant is not the owner of the land where the wireless communication facility is proposed, the term of the special permit will be limited to the term of the lease or other agreement granting land use rights to the applicant.
- N. Any special permit granted shall authorize the Town or its agents to enter the premises at any time for the purpose of inspection.
- O. The applicant, upon issuance of the special permit, shall post a cash or insurance bond to the Town guaranteeing completion of construction in accordance with the permit. Said bond shall be returned to the applicant when the SPGA determines that the wireless communication facility has been completed in accordance with all special permit conditions. The amount of the bond shall be determined by the SPGA.
- P. The applicant, upon issuance of the permit, shall post a cash or insurance bond to the Town

guaranteeing the cost of dismantling and removing the wireless communication facility and restoring the site to its preexisting condition if the facility has not been used in the previous 12 months. The amount of the bond shall be determined by the SPGA.

- Q. The applicant shall carry insurance in a reasonable amount to be determined by the SPGA, naming the Town of Georgetown as an insured party, that shall indemnify and protect the Town from defense costs and damages sought as a result of physical damage caused by the wireless communication facility, damages caused by transmissions or electrical interference and all other site liabilities. A certificate of insurance shall be filed with the Town Clerk on an annual basis.
- R. The applicant shall file an annual report with the Inspector of Buildings providing the current ownership of the wireless communication facilities and showing all lessees that operate equipment at the wireless communication facility site. Said report shall include mail and telephone contact information for all owners and equipment operators. The applicant shall report to both the Inspector of Buildings and the SPGA any increase of use or cessation of use at the wireless communication facility.
- S. The applicant shall provide an annual certification by a Massachusetts licensed professional engineer showing that the wireless communication facility complies with all current standards of the Federal Aviation Administration and the American National Standards Institute.
- T. The applicant is required to pay the fee of technical experts chosen by the SPGA to assist with the review of plans and applications in accordance with MGL c. 44, § 53G.
- U. The addition of cells, antennas or transmitters or the construction of replacement towers or transmitters require an amendment of the special permit and may be granted by the SPGA after a public hearing held in accordance with § 165-74.

§ 165-80.2 Major development review.

[Added 5-7-2007 ATM, Art. 29 (Amdt. No. 162)]

- A. Purpose. The purpose of this bylaw is to identify and attempt to mitigate potential negative impacts to the Town of Georgetown, such as to Town services, traffic patterns, the environment, abutting properties, or the public health and safety, caused directly or indirectly by major development.
- B. Application. The provisions of this section shall apply to any of the following uses:
 - (1) All new uses as defined by the Georgetown Zoning Bylaw that generate 1,000 vehicle trips per day or more in the General Commercial District, and/or 500 vehicle trips per day in any other district.

- (2) All uses that create 50 or more dwelling units.
- (3) All subdivisions of land into 50 or more building lots.
- (4) All new uses of 30,000 square feet or more.
- (5) Any expansion of an existing use in which the expansion combined with the existing use meets or exceeds the above thresholds, and the expansion exceeds 20% of the existing:
 - (a) Vehicle trips per day, or
 - (b) Dwelling units, or
 - (c) Building lots, or
 - (d) Gross floor area
- C. Reviewing authority. The special permit granting authority for major development special permits shall be the Planning Board.
- D. Submittal requirements. Uses subject to this section shall require site plan approval in accordance with § **165-83** of this bylaw.
 - (1) In addition to the submittal requirements for site plans in § **165-83** of this bylaw, the following additional information shall also be submitted:
 - (a) Facade elevations of all sides of any new building or structure or alterations to any existing building or structure.
 - (b) Photographs showing the proposed building site and abutting properties.
 - (c) Plans for phased construction.
 - (d) Contingency plans or bond relative to financial ability to complete the project.
 - (e) An impact statement prepared in accordance with the Major Development Review Rules and Regulations for Impact Statements.
 - (2) The SPGA may require an independent consultant, contracted by the Town and paid for by the applicant, to perform a peer review to review all or portions of the project's impact statement.
- E. Criteria for approval of a major development. The special permit granting authority may issue a special permit for a major development only after finding that the proposed project

will not adversely impact adjacent properties, the neighborhood, the Town, or the environment. The following criteria shall be considered:

- (1) The special permit criteria in § 165-79 of this bylaw.
- (2) The site plan approval guidelines in § 165-83 of this bylaw.
- (3) The standards for evaluating the impacts of a project set forth in the Major Development Review Rules and Regulations for Impact Statements.

F. Project decisions. Upon review of the project, the SPGA shall:

- (1) Deny the special permit, stating specific conditions which cannot be sufficiently mitigated, or
- (2) Grant the special permit with conditions, safeguards and/or limitations, stated in writing, or
- (3) Grant the special permit as presented.

§ 165-81 More than one building on lot requires special permit.

[Added 5-1-1989 ATM, Art. 22 (Amdt. No. 79); amended 6-10-1991 ATM, Art. 20 (Amdt. No. 83); 5-2-2011 ATM, Art. 39 (Amdt. No. 176)]

Notwithstanding the requirements listed under § 365-6 of the Town Bylaws, not more than one building designed or available for use for residential, recreational, business, industrial, institutional or other use as described in the Use Regulations Schedule shall be erected or placed or converted to such use on any lot in Town without a special permit from the Board of Appeals or, in instances where the Planning Board is the special permit granting authority for the principle use of the property or for major project reviews, the Planning Board shall be this special permit granting authority.

§ 165-82 Associate member of Planning Board to act on special permits.

[Added 11-13-1995 STM, Art. 9 (Amdt. No. 98)]

The Board of Selectmen and Planning Board may jointly appoint an associate member to the Planning Board solely for the purpose of acting upon special permit applications, when required, as described in MGL c. 40A, § 9.

§ 165-83 Site plan approval.

[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50); 5-4-1981 ATM, Art. 18 (Amdt. No. 58); 5-6-1985 ATM, Art. 21 (Amdt. No. 64); 6-15-1998 ATM, Art. 26 (Amdt. No. 125)]

- A. Purpose and conditions of approval. The purposes of a site plan approval are to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Georgetown as well as the natural resources that people depend upon by providing a comprehensive review of land use and development plans to insure that the following conditions have been met:

[Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)]

- (1) The location of buildings, uses and other site development are properly located on a site.
- (2) Adjacent properties are protected from nuisance caused by noise, fumes and glare of lights, and from detracting visual features.
- (3) Unique man-made features, such as stone walls, and significant natural features on a site are preserved as much as possible (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats and other areas of aesthetic and ecological interest).
- (4) Adequate parking, loading facilities, drainage and methods of solid waste disposal are provided on-site.
- (5) Pedestrianways, access driveways, loading and parking facilities are properly designed and operated for public convenience and safety.
- (6) To maintain the village-like character of the Town by considering the architectural style and its relation to the prevailing character and scale of buildings in the neighborhood, proposed buildings shall relate harmoniously with the surrounding area.
- (7) Water resources are protected from depletion and contamination, including drinking water supplies, watershed protection land, aquifers and the Parker River and its tributaries.

B. Projects requiring site plan approval.

- (1) Applicability. Except as otherwise exempted in accordance with Subsection C, no building permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be permitted and no new or existing use(s) shall be established or expanded in off-street parking or floor area except in conformity with a site plan approved by the Planning Board. Required approval includes, but is not limited to, proposals for commercial, industrial, office, multiple-family dwelling residential developments, municipal, institutional, utility, fraternal or recreational uses. **[Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)]**
- (2) Site plan approval shall also be required for the resumption of any use discontinued or not used for more than two years, or for the expansion of any existing use. "Expansion" shall include a total floor area increase of more than 500 square feet or the introduction of new materials or processes not previously associated with the existing use. **[Amended 10-25-1999 STM, Art. 17 (Amdt. No. 141)]**

C. Exemptions from site plan approval. Site plan approval shall not be required for:

- (1) The construction or enlargement of any single-family or two-family dwelling, or building accessory to such use;
- (2) The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;
- (3) Construction or alteration providing for not more than 500 square feet total floor area after construction;
- (4) Customary home occupations as defined in the Zoning Bylaws.
- (5) Construction of single-family residential subdivisions; [**Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)**]
- (6) Construction of any passive recreational trails or pathways; and [**Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)**]
- (7) Addition or expansion of up to three off-street parking spaces. [**Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)**]

D. Procedure.

- (1) Pre-filing review; filing of application.
 - (a) Any person desiring approval of a site plan shall first obtain an application for site plan approval. Prior to filing a site plan application, the applicant is encouraged to review the proposed site plan with the Town departments, boards and commissions listed on the application. The purpose of this pre-filing review is to review with the applicant the requirements and criteria for site plan approval and address questions in order to give the applicant advice and comments prior to submitting a site plan application and thus avoid unnecessary time and costs to the applicant due to unforeseen problems and issues with a submitted site plan.
 - (b) At the time of filing, the applicant must submit 16 copies of a completed site plan application and 16 copies of the site plan, conforming to all requirements listed in the section, along with all pre-filing comments received, to the Planning Board. The site plan application and plans will be date stamped by the Planning Board and forwarded to all the Town departments, boards and commissions listed on the application form for their review and comment. Two copies of drainage calculations must be submitted to the Planning Board. The applicant must file a copy of the site plan application with the Town Clerk. Every effort shall be made to have all Town comments submitted to the Planning Board within 30 days of receipt of a site plan approval application and these comments shall be available to the applicant and to the public.

- (2) Site plan application and site plan shall be forwarded to:
 - (a) Board of Health.
 - (b) Building Inspector.
 - (c) Conservation Commission.
 - (d) Highway Surveyor.
 - (e) Police Chief.
 - (f) Fire Chief.
 - (g) Light Department.
 - (h) Water Department.
 - (i) Water Conservation Committee. [Added 5-2-2011 ATM, Art. 40 (Amdt. No. 177)]
 - (j) Eight copies to Planning Board.
 - [1] Five copies for members.
 - [2] One copy for Planner.
 - [3] One copy for technical review agent.
 - [4] One copy for file.
- (3) An application for site plan approval shall also be accompanied by the following:
 - (a) An abutters list of names and addresses of all property owners of record who share a common property line with any portion of the property specified on the site plan approval application and plan.
 - (b) One copy of all applicable permits prior to the issuance of a building permit, approvals, variances and applications applied for and obtained for the project and property. If a variance or special permit is required for a project, it shall be obtained prior to the application for site plan approval described in § 165-83B. The Zoning Board of Appeals or special permit granting authority may request a site plan approval prior to making its decision.
 - (c) Written permission from the owner of the property to apply for site plan approval if the

applicant is not the owner.

- (4) At least seven days prior to the date of the public hearing, the Planning Board shall advertise the public hearing in a newspaper of local circulation and shall send written notice by first class mail to all abutters. The legal advertisement and abutter notification shall include, at a minimum, the following information:
 - (a) The name and, if applicable, the business name and address of the applicant.
 - (b) The street address and the assessor's map and lot number of the property as specified on the site plan application on which construction or expansion is planned.
 - (c) A brief description of the type of construction or expansion planned.
 - (d) The designated Town office where the site plan application can be reviewed.
 - (e) The date, time and place of the public hearing.
- (5) Decision by Planning Board; failure to act; forwarding of approved site plan to Building Inspector.
 - (a) Final vote and decision on the site plan shall be taken by the Planning Board after a public hearing has been held and within 60 days of its submission to the Planning Board.
 - (b) Failure of the Planning Board to act within the above-prescribed 60 days shall be deemed as approval and it shall forthwith make such endorsement on said plan and, on its failure to do so, the Town Clerk shall issue a certificate to the same effect. The applicant may request an extension for decision which may be granted by the Planning Board.
 - (c) The Planning Board shall forward one copy of the approved site plan, signed by the Planning Board, to the Building Inspector within five days of final Planning Board action.
- (6) Occupancy permits.
 - (a) No occupancy permits shall be issued for any building or structure, or portion(s) thereof, until:
 - [1] The Planning Board receives an as-built plan and certification from a registered architect, engineer and/or land surveyor, as appropriate, that all construction (including utilities) has been done in accordance with the approved site plan.
 - [2] The Planning Board agent verifies that all conditions of the approved site plan have been met with notice to the Building Inspector. [**Amended 5-1-2006 ATM, Art. 38 (Amdt. No. 161)**]

- (b) However, occupancy permits may be issued for a portion of any building or structure, upon approval by the Planning Board, if the only work left incomplete is the driveway top course and landscaping; and surety, the amount to be set by the Planning Board, is posted with the Town to ensure that the incomplete landscaping and/or driveway top course is completed within a reasonable time.
- (7) The Planning Board may require peer review by outside consultants and the expense shall be borne by the applicant. Peer review may be required on any aspect of the plan.

E. Contents of site plan.

- (1) The site plan shall contain the following:
 - (a) Locus map.
 - (b) Date.
 - (c) North arrow.
 - (d) Name, address, phone number of owner and of design engineer.
 - (e) Location of all wetlands and buffer zones, and of floodplain.
 - (f) Easements.
 - (g) Coverage percentages of building and impervious area.
 - (h) The location and name of all streets and indicate whether the street is a public or private way.
 - (i) On-site and abutting lot lines.
 - (j) Zoning lines.
 - (k) Existing and proposed topography contour lines at one- or two-foot intervals.
 - (l) Information on the location, size and type and number of existing and proposed landscape features. A proposed plant list containing species/common name, and size/caliper shall be included as well.
 - (m) Information on the location, size and capacity of existing and proposed on-site and abutting utilities (water, sewer, drainage, electrical, cable, etc.).
 - (n) Stormwater and infiltration facilities (detention areas, rain gardens, treatment swales, etc.)

and water conservation measures (cisterns, rain barrels, etc.). [Added 5-2-2011 ATM, Art. 40 (Amdt. No. 177)]

- (o) The location and dimensions of all existing and proposed buildings and uses on site, including sheds, dumpsters, etc.
- (p) Elevation and facade treatment plans of all proposed buildings. Color renderings are encouraged and may be required.
- (q) Information on the location, size and type of parking, loading, storage and service areas.
- (r) Zoning and other applicable setback distances.
- (s) Zoning parking calculations.
- (t) Fire lane.
- (u) Details and specifications (if applicable) for proposed site amenities, including, but not limited to, fences, walls, other barrier materials; and special paving materials.
- (v) Limit of work delineation.
- (w) Maximum number of employees.
- (x) Signature box for Planning Board's approval with five lines.
- (y) Sight distance, measured as and in compliance with Chapter 365, Subdivision Regulations of the Town of Georgetown, § 365-37H, Clear sight distance.
- (z) If any waivers are sought from the Planning Board from this section, they shall be clearly listed with their descriptions on the drawing.
- (2) The Planning Board reserves the right to request additional information or plan details during the review process.
- (3) The plan shall be 24 inches by 36 inches in size. The scale shall be a minimum of one inch = 40 feet, except for elevation views which shall be at a scale of 1/8 inch = one foot or 1/4 inch = one foot.
- F. The plans shall be legible, include legends, and, if necessary for large or complex projects, the proposed layout, planting, utility and grading for the site shall be separated into their own respective drawings.
- G. The Planning Board may require additional information, such as traffic impact and drainage

design reports. The Planning Board shall also, in this case, request a community impact assessment from the applicant.

H. Traffic.

- (1) When a traffic report is deemed necessary by the Planning Board, the study shall include the following:
 - (a) Internal traffic flow analyses.
 - (b) Existing average daily traffic and peak hour levels.
 - (c) An analysis of average daily traffic and peak hour levels resulting from the project.
 - (d) An analysis of existing and resulting intersection levels of service (LOS). (Please refer to the Manual of the Institute of Transportation Engineers for the definition of level of service.)
 - (e) Directional flows resulting from the proposed project.
 - (f) Proposed methods to mitigate the estimated traffic impact.
 - (g) Identification of any pedestrian crossing issues.
 - (h) The methodology and sources used to derive existing data and estimations.
- (2) In an instance where the proposed project will result in an intersection level of service below a rating of LOS D, the applicant shall provide detailed plans that, when implemented, would result in an intersection level of service rating of D or better. (Please refer to the Manual of the Institute of Transportation Engineers for the definition of level of service.)

I. Community impact assessment.

- (1) The purpose of a community impact assessment is to evaluate the visual impacts of a proposed development and its applicability to the environs.
- (2) The contents of the assessment shall include the following, at a minimum:
 - (a) Evaluation of the relationship of proposed new structures or alterations to nearby preexisting structures in terms of character and intensity of use (e.g., scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements);
 - (b) An analysis of the visual impacts from the proposed development and viewshed alterations

and of the location and configuration of proposed structures, parking areas, open space, and gradient changes and the effect they will have on neighboring properties.

J. Town character.

- (1) The Planning Board may require exterior finishes or building treatments in keeping with the character of the district. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development shall harmonize with the surrounding townscape and the natural landscape.
- (2) The site plan must be signed and stamped by a professional deemed appropriate by the Planning Board. This may include, but is not limited to, a registered civil engineer, architect, land surveyor or landscape architect.

K. Parking requirements. In reviewing the site plan as part of the approval process, the Planning Board shall ascertain that the site plan meets the following requirements:

- (1) Location of parking spaces.
 - (a) Parking spaces shall be located at least five feet from the building foundation walls of all occupied buildings and the street sideline.
 - (b) Accessible parking spaces shall be located near the primary and/or accessible building entrance.
- (2) Width of access drives and parking aisles. All access drives and parking lot aisles shall be at least 12 feet wide for one-way traffic and 24 feet wide for two-way traffic.

L. Site landscaping.

- (1) The following are the criteria used for landscape design evaluation:
 - (a) The development, through the use of landscape materials, shall be integrated into the surrounding landscape.
 - (b) Landscape materials shall be used to protect abutting properties and enhance the aesthetic quality of the environs and the site. The type, size and caliper of proposed trees will be evaluated in its effectiveness of enhancing the site. The mixed use of shade trees for defining spaces and providing protection from the elements, evergreens for screening and reduction of noise pollution, as well as the use of ground covers, perennials/annuals/bulbs and shrubs are encouraged.
 - (c) Removal of mature trees and shrubs shall be minimized and shall not take place in the

setbacks.

- (d) Landscaping shall be provided in front, side and rear yards and along the perimeter of parking areas to provide separation from building and public ways. At a minimum, parking lots shall be enclosed by a landscaped area five feet in width.
 - (e) Maintenance. All landscaping and screening shall be maintained by the property owner.
 - (f) Objectionable features (such as dumpsters and utility boxes) on site shall be screened from neighboring properties and, if applicable, roadways.
 - (g) Parking lot areas proposed for a site must be adequately landscaped to give relief from the visual blight of an expanse of impervious surface.
- (2) The site plan shall provide for:
- (a) Foundation plantings at entry and at building facade facing roadways.
 - (b) Parking lot interior (such as planting islands).
 - (c) Screening parking areas, loading areas, rubbish removal bins, and outside storage, if applicable.
 - (d) Street line plantings and perimeter lot line plantings, if applicable.
- (3) The following other site amenities may be allowed as part of these landscape requirements, if deemed necessary and appropriate by the Planning Board for meeting the landscape criteria:
- (a) Walls, fences and other barrier material.
 - (b) Special paving materials.
- (4) The following are general guidelines to be used for developing landscape plans:
- (a) Parking lots with 20 or more spaces should be screened along the perimeter from abutting properties and the street.
 - (b) Parking lots with 40 or more spaces, an area equivalent to at least 15% of the area of the parking lot, should be constructed and landscaped in the interior of the parking lot. The landscaped area should be evenly distributed within the parking lot and should be at least 25 feet in area with no dimension less than five feet. One tree, at least three inches in caliper should be installed in each landscaped area. There should be at least one tree for each 10 parking spaces.

(c) A landscaping strip should be provided along foundation walls.

M. Exterior lighting. [Amended 5-1-2006 ATM, Art. 37 (Amdt. No. 160)]

- (1) Purpose. The purpose of this section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation and protect against light trespass and glare.
- (2) Definitions. For the purposes of this section, the following terms shall be defined as indicated below.

FIXTURE

The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

GLARE

Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.

LAMP

The component of a luminaire that produces the actual light.

LIGHT TRESPASS

The shining of direct light produced by a luminaire beyond the boundaries of the lot on which it is located.

LUMEN

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

LUMINAIRE

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

- (3) Applicability. Outdoor illumination by flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty watt incandescent light bulb) shall be subject to the provisions of this section, with the following exceptions: emergency lighting; hazard warning; temporary decorative or holiday lighting; public roadway illumination or other lighting required by or installed by governmental agencies. It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building but such luminaire

shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

- (a) The replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted from the application of this section.
- (b) The Planning Board may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and in such cases, may modify the requirements of this section. **[Amended 5-7-2007 ATM, Art. 32 (Admt. No. 164)]**
- (4) Exterior Lighting Plan. The lighting plan shall include the following information: **[Amended 5-7-2007 ATM, Art. 32 (Admt. No. 164)]**
 - (a) Location, orientation and type of outdoor luminaire, including the height of the luminaire;
 - (b) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 - (c) Type of lamp such as metal halide, compact fluorescent, high pressure sodium;
 - (d) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries. The plan shall also include the following illumination information in a table format: minimum; maximum; average; average to minimum and maximum to minimum; and
 - (e) Evidence that any light trespass does not exceed the limitations set forth in Chart IV herein.
- (5) Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
- (6) Wall mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare.
- (7) Pole mounted fixtures. Pole mounted exterior lighting fixture types are defined and restricted as follows:
 - (a) Type A. No light cutoff.
 - (b) Type B. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from straight down, and essentially no light is emitted above the horizontal.

- (c) Type C. Luminaire shielded such that total cutoff is at less than 90 degrees from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.
- (8) Pole mounted fixtures height limitation. Illustrations of pole mounted exterior lighting fixture types are shown in Chart I herein. Pole mounted fixtures shall not exceed the applicable pole mounted height limitation set forth in Chart II in any district. The Type A pole mounted exterior lighting fixture is prohibited in all nonresidential districts.

**Chart I
Illustrations**

[Image]

Chart II

Pole Mounting Height Limitations

	District	
	Residential	Nonresidential
	Maximum Luminaire Mounting Height (feet above grade) "District" is that in which fixtures are located.	
Fixture Type A	10	Not allowed
Fixture Type B	15	25
Fixture Type C	20	30

- (9) Ceiling Mounted Fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.
- (10) Lighting levels. In nonresidential districts, exterior lighting shall not exceed the following levels on the ground set forth in Chart III herein:

Chart III

Lighting Levels

(horizontal foot-candles)

	Minimum*	Average*	Maximum*
Driveways and parking	0.5	5.0	10.0
Under building or canopy	1.0	25.0	40.0
All other nonresidential areas	0.5	1.0	3.0

*Applicable to the entire lighted area

- (11) Light trespass limitations. Light trespass in excess of the applicable limitation set forth in Chart IV herein is prohibited in all Districts. [**Amended 5-7-2007 ATM, Art. 33 (Amdt. No. 164)**]

Chart IV

Light Trespass Limitations

	District	
	Residential	Nonresidential
	Maximum light trespass (horizontal foot-candles)* "District" is that into which the light trespass occurs	
Fixture Type A	0	Not allowed
Fixture Type B	0	0.5
Fixture Type C	0	1.0

* Expect no limit within a street right-of-way

- N. Loading, waste disposal, and outdoor storage areas. Adequate loading and waste disposal areas shall be provided on site. Loading, waste disposal and outdoor storage areas shall be screened by landscaping, walls, fences, or barriers of sufficient height to conceal said areas from the street and abutting residential properties.
- O. Stormwater management, infiltration, and retention. [**Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)**]
- (1) Adequate on-site drainage shall be provided to handle peak stormwater runoff and stormwater runoff for the one-hundred-year storm and shall not adversely affect abutting properties and the Town drainage system. Low-impact development stormwater management techniques are encouraged and preferred to enhance infiltration and better replicate pre-development watershed conditions. Low-impact development techniques shall meet the treatment and design standards outlined in the Department of Environmental Protection stormwater management standards [Massachusetts Stormwater Handbook (2008)], as amended from time to time. Examples of low-impact development stormwater management techniques include: permeable pavement, rain gardens, vegetated swales, etc.
 - (2) Stormwater retention is also strongly encouraged to capture and store rainwater for practical uses, including irrigation. Examples of stormwater retention facilities include rain barrels and cisterns. In-ground sprinkler systems shall be prohibited for all nonresidential uses unless they are supplied by on-site stormwater retention and storage facilities and are approved by the Georgetown Water Commission. Drainage calculations and plans will be reviewed by an outside technical consultant at the applicant's expense.
- P. Standards for review. The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed

below:

- (1) Legal: conformance with the provisions of the bylaws of the Town, the General Laws of Massachusetts, and all applicable rules and regulations of state and federal agencies.
- (2) Traffic.
- (3) Parking.
- (4) Town services.
- (5) Pollution control.
- (6) Nuisance.
- (7) Existing vegetation.
- (8) Landscaping, screening and buffering.
- (9) Town character.
- (10) Drainage and watershed protection. [**Amended 5-2-2011 ATM, Art. 40 (Amdt. No. 177)**]

Q. Construction.

- (1) All access routes and parking areas shall be graded, paved, and drained to the satisfaction of the Planning Board.
- (2) Curbing, wheelstops, guardrails, and/or berms shall be placed at the edges of all surfaced parking areas.
- (3) All utility connections shall be constructed in accordance with the requirements of the Town and other utility owners.

R. Maintenance. All accessways, parking areas, fences, walls, landscaping, lighting, drainage, and waste disposal areas shall be adequately maintained and repaired or replaced wherever and whenever necessary to ensure continued compliance with the approved site plan.

S. Waivers. Waivers may be granted to any of the site plan requirements if it is determined that:

- (1) Literal compliance is impractical due to the nature of the use;
- (2) The location, size, width, depth, shape, or grade of the lot makes compliance impractical;

- (3) Such waivers would be in the public interest; and/or
- (4) Such waivers would protect natural features.

T. Enforcement and bonding.

- (1) Construction that does not comply with the site plan approved under this section shall be deemed to be in violation of this chapter and, as such, shall be subject to fines and legal processes so authorized. The Building Inspector shall take such action as may be necessary to enforce full compliance with the provisions of the chapter and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.
- (2) The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

U. Inspections. Construction inspections in support of the purposes of site plan review shall be carried out by an agent designated by the Planning Board, and all such costs shall be borne by the applicant.

V. Modifications to approved site plans.

- (1) In the event a modification is made to an approved site plan, the applicant shall submit, to the Planning Board, a written description of the proposed modifications and 10 copies of a revised site plan showing such modification. Modified site plans will, in most instances, be subject to the same review and hearing procedures as was the original filing.
- (2) However, for small and insignificant modifications, the Planning Board may determine that a particular modification does not warrant an additional public hearing. Such a determination shall be made only after written request and 10 copies of the plan showing the modification have been submitted to and reviewed by the Planning Board. A determination that a modification will not require a public hearing shall be made by the Planning Board within 21 days of receipt of the written request and plans, and only after the Planning Board has found that the proposed modification is not significant and is consistent with the previously approved site plan. A copy of the determination and revised plan shall be filed with the Town Clerk and Building Inspector. Failure by the Planning Board to act on the request for determination of a modification within 21 days shall be deemed as approval. The time frame may be extended by mutual agreement of both parties.

W. Provisions for site plans. Any approval of a site plan which has been granted pursuant to this section shall lapse within one year from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause or, in the case of a permit for

construction, if construction has not begun by such date, except for good cause.

- X. Severability. The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Article XIV Board of Appeals

§ 165-84 Power to grant variances.

[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

The Board of Appeals shall have the power to grant variances as provided by law (MGL c. 40A, § 10). Such variance may authorize use or activity not otherwise permitted in the district in which the land or structure is located.

§ 165-85 Membership.

[Amended 3-4-1969 ATM, Art. 42 (Amdt. No. 15); 4-6-1970 ATM, Art. 7 (Amdt. No. 27); 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

There shall be a Board of Appeals of five members and three associate members appointed by the Selectmen as provided in MGL c. 40A, § 12, which shall act on all matters within the jurisdiction under this article in the manner prescribed in said chapter and shall act as the Board of Appeals under the subdivision control law as provided in MGL c. 41, § 81Z. One of the members appointed in 1969 shall serve until March 1974, another shall serve until March 1973, another shall serve until March 1972. Present members shall serve until the expiration of their respective terms. Each successor shall serve a five-year term. Associate members shall be appointed annually.

§ 165-86 Terms of office.

The term of office of every member and associate member shall commence on the fourth Monday of May of the appropriate year or as soon after said fourth Monday as he shall be sworn, and he shall serve until his successor is appointed and qualified. This section shall take effect commencing in May 1978.

Article XV Nonconformities

[Amended 5-4-1974 ATM, Art. 27 (Amdt. No. 46A); 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

§ 165-87 Applicability.

A. This chapter shall not apply to:

- (1) Structures or uses lawfully in existence or lawfully begun before the first publication of notice of the public hearing on this chapter, hereinafter referred to as the "first publication" or "first notice," which date in Georgetown as to the original Zoning Bylaw was June 1,

1954.

(2) A building permit or special permit issued before said first publication.

B. This chapter shall apply to:

(1) Any change or substantial extension of a use lawfully in existence or lawfully begun then.

(2) A building permit or special permit issued after said first notice.

C. This chapter shall apply to:

(1) Any reconstruction, extension or structural change of a structure lawfully in existence or lawfully begun then.

(2) Any alteration of a structure begun after said first notice to provide for:

(a) Its use for a substantially different purpose; or

(b) For the same purpose in a substantially different manner or to a substantially greater extent.

§ 165-88 List of special permits and variances.

The Boards, in granting special permits and variances, shall ensure that any change or extension of a use, reconstruction, extension or structural change of a structure or any such alteration of a structure as provided above in § 165-87B and C is readily apparent and shall make such information available to the Building Inspector. The Board of Appeals shall annually as of June 1 list which special permits and variances appear to be still in use, which appear to have ceased use during the previous year and which appear to have become invalid by reason of nonuse for two years. This shall be a public record and a copy shall be sent annually to the Selectmen and Building Inspector.

§ 165-89 Changes in single- and two-family structures.

However, this chapter shall not apply where alteration, reconstruction, extension or structural change to a single- or two-family residential structure does not increase the nonconforming nature of said structure, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

§ 165-90 Billboards, signs and other advertising devices.

The foregoing provisions of § 165-87 relating to nonconforming uses and structures shall not apply to billboards, signs and other advertising devices subject to the provisions of MGL c. 93, §§ 29 through 33, inclusive, and MGL c. 93D.

§ 165-91 Abandonment.

A lawful nonconforming use shall not be reestablished after being abandoned, but the use of a

lawful nonconforming building or structure or premises may be reestablished after not more than two years of continuous nonuse without intent to abandon.

§ 165-92 Parcels devoted to agriculture, horticulture or floriculture.

Nothing in this chapter shall be deemed to prohibit or unreasonably regulate the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture or floriculture in parcels of more than five acres. For such purpose, land divided by a public or private way or a waterway shall be construed as one parcel.

§ 165-93 Conformance to amendments.

Construction or operations under a building permit or special permit shall conform to any subsequent amendments of this chapter unless the use or construction is commenced within a period of not more than six months after the issuance of the permit, and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 165-94 Preexisting nonconforming structures or uses.

[Amended 5-2-2005 ATM, Art 24 (Amdt. No. 152)]

Preexisting nonconforming structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals in granting a special permit that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. A special permit shall not be required when alteration, reconstruction, extension or structural change to a single or two family residential structure does not increase the non-conforming nature of said structure.

Article XVI

Administration and Enforcement

§ 165-95 Building permit required.

[Amended 3-3-1970 ATM, Art. 49 (Amdt. No. 25)]

No use of land or a building and no home occupation shall be begun or changed without a permit issued by the Building Inspector after notice to the abutters.

§ 165-96 Occupancy permits.

[Amended 3-3-1970 ATM, Art. 49 (Amdt. No. 25)]

- A. No building shall be occupied until an occupancy permit shall be issued by the Building Inspector.
- B. No occupancy permit shall be issued for more than one building in a subdivision until all stages of construction of the way furnishing frontage to the building have been completed in compliance with Chapter 365, the Subdivision Regulations of the Planning Board, up to and including the putting down of the base coat of bituminous concrete to the satisfaction of the Planning Board. **[Amended 3-19-1973 ATM, Art. 37 (Amdt. No. 41); 5-4-1974 ATM, Art. 27 (Amdt. No. 46C)]**

- C. The Building Inspector shall withhold an occupancy permit from any person who is in violation of any provision of the zoning, building or earth removal bylaws or of MGL c. 131, § 40, or of any regulation or order issued thereunder, or of any regulation of the Board of Health or of the State Environmental Code or any Town bylaw or state law or any regulation or order issued thereunder. Notice from the board or officer having jurisdiction to the Building Inspector shall authorize such withholding until notice of correction has been received. Any person aggrieved by such withholding may appeal to the Board of Appeals as provided in MGL c. 40A, § 13. **[Amended 3-2-1959 ATM, Art. 15 (Amdt. No. 4); Art. 4 (Amdt. No. 39); 3-19-1973 ATM, Art. 39 (Amdt. No. 42); 5-5-1980 ATM, Art. 25 (Amdt. No. 57)]**

§ 165-97 Enforcement.

[Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]

This chapter shall be enforced by the Building Inspector appointed under § 29-10 of the Code of the Town of Georgetown. A petition to Superior Court to restrain by injunction violations of this chapter or of MGL c. 40A, as provided by law (in MGL c. 40A, § 7), shall be made in the name of the Town.

§ 165-98 Appeals.

[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50); 5-7-1979 ATM, Art. 19 (Amdt. No. 54)]

- A. If the Building Inspector is requested in writing to enforce this chapter against any person allegedly in violation of the same and he declines to act, the Building Inspector shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within 14 days of receipt of such request. A person who has been so notified may appeal to the Board of Appeals within 30 days of the date of such notice. A person aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provisions of MGL c. 40A or this chapter may appeal to the Board of Appeals within 30 days of the date of such order or decision.
- B. If no notice has been received within the above-mentioned 14 days, the person who made the request shall so notify the Town Clerk who shall so notify the enforcement officer and the Selectmen.
- C. An appeal to the Board of Appeals by a person aggrieved by his inability to obtain a permit or enforcement action shall be taken within 30 days from the date it is deemed to have been denied. It shall be deemed to have been denied if no decision is issued within 35 days from the date of filing.

§ 165-99 Violations and penalties.

[Amended 8-5-1968 STM, Art. 5 (Amdt. No. 14); 5-2-1977 ATM, Art. 13 (Amdt. No. 50); 5-6-1985 ATM, Art. 21 (Amdt. No. 64)]

Any person violating any provision of this chapter, any of the conditions under which a special

permit or variance is granted or any decision of the Board of Appeals may be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense. Such fine may be recovered by the Building Inspector on complaint before the District Court.

Article XVII Independent Senior Housing

[Added 10-23-2000 STM, Art. 12 (Amdt. No. 143)]

§ 165-100 **Definitions; objectives.**

A. The following definitions apply only to terms used in this Article **XVII**.

BUFFERS

Dense natural or planted vegetation areas which provide suitable screening of abutting properties.

DWELLING BUILDING

A building for single-family or multifamily living with separate access to each dwelling unit by means of a lockable door or doors.

DWELLING UNIT

A living area of two or more rooms designed to be occupied by one or more senior individuals as private living quarters.

INDEPENDENT SENIOR HOUSING (ISH)

A dwelling building, with each dwelling unit restricted to occupancy by households with all resident members 55 years of age or older.

RESIDENT

A person occupying a dwelling for 45 days or more in a year or fewer as defined by the organizations set up by each independent senior housing development.

B. Objectives of independent senior housing. The objectives of establishing independent senior housing are to provide alternative housing for a maturing population; to provide a type of housing which reduces resident burden of property maintenance and which reduces demands on municipal services; to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values; and to provide for the utilization of larger tracts of developable land in harmony with neighboring properties.

§ 165-101 **Where permitted.**

Independent Senior Housing (ISH) is permitted in the Independent Senior Housing Overlay District by special permit with site plan approval from the Planning Board, subject to the following requirements.

§ 165-102 Establishment of District.

The Independent Senior Housing Overlay District (ISH Overlay District) is hereby established.

§ 165-103 Location.

The ISH Overlay District encompasses the Residential A, Residential B and Residential C Zoning Districts as described in §§ 165-2 and 165-3 of the Code of the Town of Georgetown.

§ 165-104 Age and occupancy restriction.

Residency is limited to households having all resident members 55 years or older. One dwelling unit in the ISH development may be occupied by a household not having members 55 years of age or older, if one or more household members is employed as building manager for the ISH development.

§ 165-105 Minimum lot area.

The minimum lot area required for establishment of ISH shall be subject to existing zoning requirements. Minimum lot requirements in Chapter 165 regarding intensity of use in Zone RA for multifamily units shall be reduced to 5,000 square feet per unit.

§ 165-106 Number of dwelling units per continuous buildable area.

[Amended 5-1-2006 ATM, Art. 36 (Amdt. No. 159); 5-7-2007 ATM, Art. 30 (Amdt. No. 163)]

Maximum number of dwelling units per continuous buildable area (CBA): no more than two times the number that would be permitted under a conventional ("grid") subdivision that complies with the Town Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations of the Town or the state.

§ 165-107 Number of dwelling units per building.

Maximum number of dwelling units per dwelling building: three.

§ 165-108 Number of bedrooms per dwelling building.

Maximum number of bedrooms per dwelling building: six; exception: In the district zoned RA the maximum shall be three.

§ 165-109 Number of bedrooms per dwelling unit.

Maximum number of bedrooms per dwelling unit: two; exception: In the district zoned RA the maximum shall be one.

§ 165-110 Parking requirements.

Two parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units which will require one parking space per unit) in reasonable proximity to the dwelling. Additional parking in proximity to any additional facilities serving residents in common or guest parking shall contain no more than 12 parking spaces, and all such areas shall be adequately landscaped.

§ 165-111 Dimensional requirements.

Dimensional requirements (minimum distances) shall be subject to review by the SPGA but shall not be less than as set forth in the district's current zoning requirements.

§ 165-112 Number of dwelling units per development.

Maximum number dwelling units per ISH development: not more than 25 in all districts with the exception of RA where the maximum shall be 12. The SPGA may approve the construction of more than 25 units if the applicant designates at least 15% of the total number of units for use as affordable housing dwelling units as defined in § 165-71, provided that such affordable dwelling units shall also be restricted to occupancy by households having all resident members 55 years or older. First priority for occupancy in such affordable units shall be given to Georgetown residents or their immediate relatives and former Georgetown residents by a process agreed to and documented as part of the special permit. The applicant must also provide additional open space in an amount to be determined by the SPGA. The SPGA must make a finding that the construction of additional units will not be detrimental to the neighborhood.

§ 165-113 Allowable lot coverage.

Allowable lot coverage: not more than 35% however an additional 5% may be allowed for amenities such as tennis courts, pools, community meeting hall.

§ 165-114 Number of dwelling units in Town.

Maximum number of dwelling units allowed Town wide: not more than 10% of the total number of single-family units existing Town wide at the beginning of the year in which the application is filed.

§ 165-115 Road design, drainage and maintenance.

Design shall be according to the Planning Board's rules and regulations for the subdivision of land unless specific requirements are waived by the Planning Board.

§ 165-116 Project maintenance.

In every ISH development there shall be an organization of the homeowners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents.

§ 165-117 Traffic.

The projected increase to existing local roads shall be within the capacity of the existing road network and shall not impair pedestrian safety.

§ 165-118 Lighting.

Lighting shall be only to provide security, safety and landscaping amenities as needed and shall be designed so that direct rays of light will not shine off site.

§ 165-119 Underground utilities.

Utilities shall be located underground.

§ 165-120 Site size and shape.

The entire site shall be of a size and shape and the site plan shall be designed to provide an ISH development, which, in the opinion of the Planning Board, is in harmony with the natural terrain and other features of the site and which will preserve significant natural and historic characteristics of the site and the character of the surrounding neighborhoods.

§ 165-121 Style and design.

Dwelling buildings and accessory buildings shall be consistent and complimentary in exterior style and design with surrounding residential neighborhoods. Accessory buildings and structures including clubhouse, swimming pool, tennis courts cabanas, storage and maintenance structures garages and other customary accessory structures shall be shown on the site plan.

§ 165-122 Landscaping.

The special environmental and historical features of the proposed ISH development site, including woodlands, ponds and streams, hilltops, important biological habitats and areas of special significance, shall be left undisturbed as far as possible. Indigenous trees and shrubs and other elements such as stone walls and earth berms shall be used to create effective screening. The applicant must submit a landscaping plan prepared by a registered architect or landscape architect which must be reviewed and approved by the Planning Board as part of the site plan approval process.

§ 165-123 Open space.

At least 35% of the total lot area shall be upland open space and shall be set aside as common land. This common land may be used for walking/jogging trails, arboretum uses, park benches, gazebos and similarly typical passive enjoyment. The open space shall be owned in common by the owners of the dwelling units in the ISH, or by an organization or entity owned and controlled by such dwelling unit owners or can be offered to the Town, or another nonprofit organization whose principle purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept open or natural in state and not be built on for residential use or development for accessory uses such as parking or active recreation.

§ 165-124 Security and fire protection.

The developer shall consider the needs of independent senior households in providing safety, security and fire protection.

§ 165-125 Charges and uses by outside interests.

No charges shall be levied in connection with the use of any facilities by nonresidents of the development and no facilities shall be used by the public at large or used for promotional activities unless specifically authorized in the special permit issued by the Planning Board.

§ 165-126 Additional subdivision.

No site on a plan for which approval is granted under this section may be subdivided so as to create additional buildable lots, and a notation to this effect shall be shown on the plan.

§ 165-127 Conversion.

ISH dwellings constructed under this section shall not be eligible for conversion to conventional apartments or be used for other than independent senior citizen housing.

§ 165-128 Housing balance for independent senior housing.

[Added 5-1-2006 ATM, Art. 36 (Amdt. No. 159)]

In order to ensure that the new residential development being granted special consideration under

this bylaw will, at minimum, meet its own share of providing for the diversity and balance of housing in Georgetown, the percent of affordable housing units required under § 165-71, Housing balance, shall be no less than 20%.

§ 165-129 Exemption to rate of development.

ISH developments shall not be subject to the provisions of Chapter 165, Article III, Rate of Development Bylaw of the Code of the Town of Georgetown.

§ 165-130 (Reserved)

§ 165-131 Special permit.

Independent Senior Housing shall be allowed by special permit with site plan approval by the Planning Board (SPGA) which shall follow the procedural requirements for special permits as set forth in MGL c. 40A, § 9. The special permit shall lapse within six months from its approval if substantial use or construction has not commenced by such date except for good cause shown by the applicant; and provided further that such construction once begun shall be actively and continuously pursued to completion based upon the proposed schedule submitted with the application.

§ 165-132 Application.

Any person having a legal interest in the subject land may submit to the Planning Board an application for a special permit within the ISH District subject to the provisions of this article. Information required for submission of a definitive subdivision plan required by Planning Board Regulations (Chapter 365), Special Permits (MGL c. 40A, § 9) and Site Plan review (Chapter 165, Article XIII) and all other provisions contained in this Article XVII will generally satisfy the application requirements.

§ 165-133 Criteria for SPGA review and approval.

- A. Must comply with all substantive requirements of this article. (§§ 165-103 through 165-123).
- B. Site plan approval criteria of Chapter 165, Article VIII.
- C. Compliance with applicable federal, state and local environmental permits and standards.

§ 165-134 SPGA approval or disapproval.

The findings, including the basis of such findings of the Planning Board shall be stated in the written decision of approval, conditional approval or denial of the special permit application and shall require a 4/5 majority for approval or conditional approval. The Planning Board may impose, in addition to any applicable conditions specified in this article, other conditions as it finds reasonably appropriate, to safeguard the neighborhood or otherwise implement the intent of this article.

**Article XVIII
Solar Energy Facility**

[Added 5-4-2015 ATM, Art. 26 (Amdt. No. 183)]

§ 165-135 Purpose and intent.

- A. The purpose of this bylaw is to promote the creation of new solar photovoltaic installations, herein referred to as a Solar Energy Facility, 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.
- B. The Provisions set forth in this bylaw shall be applied together and consistent with all other applicable provisions of the Zoning Bylaws, provided that in the event of a conflict the more restrictive provision shall apply.

§ 165-136 Scope of authority.

- A. The Planning Board shall act as the Permit Granting Authority (PGA) for Site Plan Approval of Solar Energy Facility projects.

§ 165-137 Applicability.

- A. Construction and use of a Solar Energy Facility or any part thereof shall require Site Plan Approval issued in accordance with this bylaw and § 165-83 of the Zoning Bylaws. Such approval shall be required for new Solar Energy Facilities and for subsequent modifications to existing facilities that materially alter the type, configuration, or size of such facilities or related equipment.
- B. Nothing in this section shall be construed to prevent the installation of accessory roof-mounted, solar photovoltaic installations on single- and two-family residential dwelling structures.

§ 165-138 Definitions.

The following terms as used in this ordinance are defined as follows:

COMMERCIAL SOLAR ENERGY FACILITY

A ground mounted and/or roof-mounted solar photovoltaic installation where the primary use is electrical generation to be sold to wholesale electricity markets. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground.

ON-SITE SOLAR ENERGY FACILITY

A ground-mounted and/or roof-mounted solar photovoltaic installation for the purpose of electrical generation where the facility is an accessory use to the principal use of the

property on which the facility is located, and will generate electricity to be primarily consumed by the principal use of the property. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

SOLAR ENERGY FACILITY

For the purpose of this bylaw, a Solar Energy Facility shall mean both on-site solar energy facilities and commercial solar energy facilities. Such facility shall include, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

§ 165-139 General provisions.

- A. (Reserved)
- B. Administration. Prior to construction, installation or modification of a Solar Energy Facility, all provisions of this bylaw shall be met.
- C. Compliance with Zoning Laws, Ordinances and Regulations. The construction and operation of all Solar Energy Facilities 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 Energy Facility shall be constructed in accordance with the State Building Code.
- D. Fees. A filing fee as established by the PGA must accompany the Solar Energy Facility Site Plan Approval Application. This filing fee is established as the minimum filing fee required by the Planning Board for Site Plan Approval as outlined in the fee schedule.
- E. General. All plans, maps and pertinent documents shall be prepared, stamped and signed by the appropriate professional engineer or landscape architect who is licensed to practice in the Commonwealth of Massachusetts.
- F. Utility notification. No Solar Energy Facility shall be constructed until satisfactory evidence has been provided to the PGA that the Town of Georgetown Municipal Light Department has approved the connection of the Solar Energy Facility to the power grid. Installation of a Solar Energy Facility must meet the requirements of the "Qualifying Facility Power Purchase Rate" and "Standards for interconnecting Distributed Generation" as published by the Town of Georgetown Light Department.
- G. Safety standards. The Solar Energy Facility owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility to

the PGA, the Building Inspector, the Police Chief, and the Fire Chief.

- (1) Emergency Services Plan. The Solar Energy Facility owner and/or operator shall provide a written plan including but not limited to a project summary, electrical schematic, and site plan to the Town's local safety officials including the Police Chief, Fire Chief and Building Inspector. The PGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any site plan for the Solar Energy Facility.
 - (2) Unauthorized access. The Solar Energy Facility shall be designed to allow access within the area of proposed limit of work to authorized personnel only. Electrical equipment shall be locked where possible.
- H. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility.
- I. Financial surety. Proponents of solar photovoltaic projects shall provide a form of surety to the Town of Georgetown, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Solar Energy Facility is discontinued and not removed and the site remediated as required herein. The surety shall be in an amount and form determined to be reasonable by the PGA but not in an amount to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and confirmed by the PGA. The proponents shall provide a security sufficient to cover the cost of removal for the first ten-year period. For every five (5) year term thereafter, the proponent shall return to the PGA to renew the surety in the amount sufficient to cover the costs of removal of the facility for the next five (5) year term. The applicant shall submit a fully inclusive estimate of the costs associated with removal of the facility as outlined in this section. The estimate of cost shall be prepared by a professional civil engineer and shall include a mechanism requiring the permit holder to continually adjust the amount of security in proportion to cost of living adjustments. Such surety will not be required for municipal and state-owned facilities.
- J. Operations and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the Solar Energy Facility. This plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

§ 165-140 Site plan approval review criteria and procedures.

- A. Criteria. In the review and evaluation of a Solar Energy Facility application, and in making a written final determination, the PGA shall consider but not be limited to the following regulations:
- (1) Minimizes the volume of cut and fill, the number of removed trees that are six inches or

more in caliper, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;

- (2) Provides adequate stormwater management and other utilities, which shall at a minimum be consistent with the requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised), and other applicable regulation;
- (3) Minimizes obstruction of scenic views from publicly accessible locations;
- (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (5) Minimizes glare from headlights and lighting intrusion and reflection from photovoltaic panels;
- (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (7) Provides adequate access to each structure for emergency response service equipment.

B. Submission requirements and required documents. The following information shall be provided for a Solar Energy Facility Site Plan Approval application, together with such information as is required to be submitted in accordance with the requirements of § 165-83.

- (1) One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and over current devices;
- (2) Photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production;
- (3) Documentation of the major system components to be used, specifications of the photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production.
- (4) Name, address, and contact information for proposed system installer;
- (5) Location of the proposed solar system panels, arrangement of arrays, appurtenant structures, transmission infrastructure, foundations, and associated ground equipment, fencing, exterior lighting and access to them for maintenance and emergencies;

- (6) Outline of all existing buildings, including proposed structures (e.g. residence, garage, storage shed, etc.) on site and on adjacent parcels within 300 feet of the property lines of the site and any private access thereto. Distance from the Solar Energy Facility to each building shall also be shown on the plan;
- (7) Location and approximate height of tree cover and any potential shading from nearby structures or vegetation.
- (8) Designation of NHESP Estimated Habitats of Rare Wildlife, NH Priority Habitats of Rare Species zones and Groundwater Protection District if applicable.
- (9) Visualizations. The PGA may select up to four sight lines, including from the nearest building with a view of the Solar Energy Facility for pre- and post-construction view representations. Sight lines for the view representations shall be selected from populated areas proximate to the proposed Solar Energy Facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the Solar Energy Facility (e.g. superimpositions of the Solar Energy Facility onto photographs of existing views);
 - (b) All sight line view representations will include existing, or proposed, buildings or tree coverage;
- (10) Applicant shall demonstrate to the PGA's satisfaction that the following design process was followed in determining the layout of a proposed Commercial Solar Energy Facility or On-Site Solar Energy Facility:
 - (a) Understanding the development site: Inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other;
 - (b) Evaluating site context: The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities;

The PGA may require additional information, data or evidence as it deems necessary pursuant to the site plan approval process.

- C. Waivers. The PGA may waive, by an affirmative vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), or

lay of the land, may not be in the best interest of the Town and general public.

- D. Modifications to approved site plans. All material modifications to a Solar Energy Facility made after issuance of the required permit shall require approval by the PGA as outlined in § 165-83V.
- E. Appeals. The decision of the PGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of § 165-98 of Town of Georgetown's Zoning Bylaw.
- F. Enforcement. Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this section shall be governed by § 165-97 of the Town of Georgetown Zoning Bylaw.
- G. Severability. The invalidity of any section or provision of this Bylaw by a Court or Agency of competent jurisdiction shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.
- H. Issuance of building permit. No building permit for a Solar Energy Facility shall be issued until the PGA has rendered its decision on the Site Plan Approval application. Any site clearing or disturbance done on a site proposed for a Solar Energy Facility without a building permit shall be deemed improper clearing; a violation of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to provisions of Chapter 165 Article XVI.
- I. Expiration. A permit issued pursuant to this bylaw shall expire if a Solar Energy Facility is not installed and operational within 24 months from the date of approval, or is discontinued or deemed discontinued pursuant to this bylaw.
- J. Violations. It shall be unlawful for any person to construct, install, or operate a Solar Energy Facility that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw. Alterations or expansion of existing Solar Energy Facilities shall be subject to the provisions of this bylaw.

§ 165-141 Development and performance standards.

Any proposed Solar Energy Facility shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and minimize impacts on scenic, natural and historic resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Chapter 165, the following standards shall be in addition to and in the effect of a conflict shall take precedence over design standards of § 165-83 and Appendix 4, Intensity of Use Schedule.

- A. Dimension and density requirements.

- (1) Setbacks. The purpose of setbacks is to mitigate adverse impacts on abutting properties. For a Solar Energy Facility, compliance with front, side and rear setbacks shall be as follows:
 - (a) Front yard. The front yard shall have a depth of at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the front yard shall not be less than 50 feet;
 - (b) Side yard. Each side yard shall have a depth at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;
 - (c) Rear yard. The rear yard depth shall be at least 20 feet from the property line provided, provided, however, where the parcel abuts a conservation use, recreational use or residential district, the rear yard shall not be less than 50 feet.
- (2) The PGA may grant a waiver from setback requirements if the applicant can demonstrate:
 - (a) Failing to do so would render the siting of the Solar Energy Facility unfeasible; and
 - (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
 - (c) The waiver will not adversely affect the intent of this bylaw in terms of development and design standards.

B. Design standards.

- (1) Lighting. Lighting of a Solar Energy Facility shall be consistent with Town of Georgetown, state and federal law and shall be limited to that required for safety and operational purposes.
- (2) Landscaping. Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening, fencing, planting, exterior lighting and structures;
 - (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing

seasons. Shrubs or trees that die shall be replaced by the applicant or property owner, at their expense, within the first growing season. The long-term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.

- (3) Signage. Location, materials and details of proposed signs shall be submitted. Signs shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:
 - (a) A required sign identifying the owner and providing a 24-hour emergency contact phone number;
 - (b) A sign providing identification of the manufacturer or operator of the solar photovoltaic installation;
 - (c) Educational signs providing information about the facility and the benefits of renewable energy;

No advertising signs shall be permitted.

- (4) Fencing. The applicant shall demonstrate, if required by the PGA, the type and manner of installation for adequate security fencing.
- C. Appurtenant structures. 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 off-site view by vegetation and joined and/or clustered to avoid adverse visual impacts. Architectural elevation drawings for structures exceeding 500 square feet of gross floor area shall be submitted as part of the application.
- D. Utility connections. Reasonable efforts, as determined by the PGA, shall be made to place all utility connections from the Solar Energy Facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the Town of Georgetown Light Department.
- E. Land clearing and soil erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy facilities and per best management practices for natural and/or developed areas and otherwise prescribed by applicable laws, regulations, and bylaws, in particular but not limited to Town of Georgetown's Chapter 49 Earth Removal and Chapter 57 Erosion and Stormwater Control. The limit of work will be shown on the approved Site Plan and Proposed Installation Plan.
- F. Natural buffer and wildlife corridors. An undisturbed buffer shall be part of the setback area

and maintained between the Solar Energy Facility and the property line. This buffer would only be required on those projects that abut a residential district. The natural buffer should be maintained at or slightly above the highest level of the solar panels. If the natural vegetative visual buffer would have a detrimental effect on the ability to generate power, an alternative screening buffer may be proposed. A Solar Energy Facility shall be designed and constructed to optimize the existence and maintenance of natural buffers and wildlife corridors.

G. Operation, monitoring and maintenance.

- (1) Minimum maintenance responsibilities. The applicant, owner or operator shall maintain the Solar Energy Facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be provided and maintained to a level acceptable to the Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Facility and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified until the Facility is discontinued or decommissioned. After decommissioning the property owner shall be responsible for all maintenance;
- (2) Operation and maintenance plan. As required in and to satisfy § 165-139J.

H. Removal/decommissioning/discontinuance.

- (1) Removal requirements. Any Solar Energy Facility that has reached the end of its useful life or has been discontinued shall be removed. A Facility not in operation for a period of one hundred fifty (150) continuous days or more without written permission from the PGA shall be considered discontinued. Upon written request from the Building Inspector addressed to the contact address provided and maintained by the owner and operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the Facility. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the Facility has been discontinued. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the PGA and the Building Inspector by certified mail of the proposed date of discontinued operations and include plans for removal. If the owner or operator of the Solar Energy Facility fails to remove the Facility in accordance with the requirements of this section, the Town of Georgetown shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the Facility at the expense of the owner of the Facility and the owner(s) of the site on which the Facility is located.

- (2) Decommissioning shall consist of:
- (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
 - (b) Any municipal utility connections shall be disconnected to the satisfaction of the Municipal Light Department, Highway Surveyor and Fire Department;
 - (c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (d) Stabilization or re-vegetation of the site as necessary to minimize erosion. The PGA may require submission of a landscape plan showing post decommissioning site conditions for its review and approval. The PGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

§ 165-142 through § 165-155. (Reserved)

Article XIX Marijuana Businesses

[Added 5-5-2014 ATM, Art. 36 (Amdt. No. 180); amended 5-7-2018 ATM, Art. 23 (Amdt. No. 186)]

§ 165-156 **Purpose and intent.**

- A. To provide for the placement of Marijuana Businesses in suitable locations and to minimize adverse impacts on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of Marijuana Businesses.
- B. Provisions set forth in this section shall take precedence over all other sections of the Bylaw when considering applications related to the construction, operation, expansion, repair, and/or removal of lawful Marijuana Businesses.

§ 165-157 **Establishment and delineation of Marijuana Business Overlay District.**

- A. Establishment. For the purposes of this Bylaw, there is hereby established a Marijuana Business Overlay District ("MBOD"). Within the MBOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MBOD may be used either for (1) a Marijuana Business, in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MBOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MBOD conflict with the requirements of the underlying district, the requirements of the MBOD shall

control.

- B. Delineation. The MBOD is delineated on shown the official Zoning Map of the Town of Georgetown and the Town of Georgetown Zoning & Overlay Districts Map on file with the Planning Office.

§ 165-158 Scope of authority.

- A. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for all Marijuana Business applications.

§ 165-159 Applicability.

- A. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless permitted by Special Permit as a Marijuana Business under this section, except as otherwise provided herein.
- B. No Marijuana Business shall be established except in compliance with the provisions of this Zoning Bylaw section and all other sections of the Town of Georgetown's Bylaws.
- C. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

§ 165-160 Definitions.

Where not expressly defined in the Zoning Bylaws, terms used in the MBOD Bylaw shall be interpreted as defined in MGL c. 94G and MGL c. 94I and regulations promulgated and/or incorporated thereunder, and otherwise by their plain language. The following terms as used in this ordinance are defined as follows:

MARIJUANA

All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 94C, § 1; provided that "marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA BUSINESS

A Registered Marijuana Dispensary, Marijuana Establishment, or any combination or part thereof.

MARIJUANA CULTIVATOR

Pursuant to MGL c. 94G, § 1 and regulations promulgated thereunder, an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana related business, for the non-medical use of marijuana, as set forth in MGL 94G, and regulations promulgated thereunder.

MARIJUANA RETAILER

Pursuant to MGL c. 94G, § 1 and regulations promulgated thereunder, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers (except that nothing in this definition or Bylaw shall allow for the consumption of marijuana on the premises where marijuana is sold).

REGISTERED MARIJUANA DISPENSARY (RMD)

As defined by 105 CMR 725.000, et al., as it may be amended or superseded, and pursuant to all other applicable state laws and regulations, means an entity registered under 105 CMR 725.100, also referred to and known as a Medical Marijuana Treatment Center, means an entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes [including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments], transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

§ 165-161 General Provisions.

An application for a Marijuana Business shall be reviewed by the SPGA for consistency with the provisions of this section. All proponents are required to provide a Site Plan Approval application to the SPGA demonstrating compliance with, or a written waiver request for, each of the following requirements in order to be deemed a complete application:

- A. Administration. Prior to construction, installation or modification of a Marijuana Business, a Site Plan Approval application shall be made pursuant to the provisions of § 165-83 in addition to the provisions of this article.
- B. Compliance with Zoning Laws, Ordinances and Regulations. The construction and operation of any Marijuana Business shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction,

electrical, and communications requirements.

- C. Fees. A Site Plan Approval application for a Marijuana Business must be accompanied by the filing fee established by the SPGA.
- D. General. All site and structural plans and maps shall be prepared, sealed and signed by a professional civil engineer licensed to practice in the Commonwealth of Massachusetts. All building plans and elevations shall be prepared, sealed and signed by an architect licensed to practice in the Commonwealth of Massachusetts.
- E. Submission requirements and required documents.
 - (1) As party of the Special Permit and Site Plan Approval process, the applicant shall demonstrate to the SPGA's satisfaction that the following design process was followed in determining the location of a proposed Marijuana Business;
 - (a) Understanding potential development sites. The first step is to inventory existing potential sites;
 - (b) Evaluating the proposed development sites. The second step is to evaluate the proposed site in its larger context by taking care to identify eligible locations as described in § 165-161I and beneficial or detrimental connections to surrounding land uses and activities;
 - (2) 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];
 - (3) A proof of liability insurance that satisfies § 165-161G.
- F. Safety standards: Upon request by the SPGA, the owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility.
 - (1) Emergency Services Plan. Prior to issuance of a building permit, the Marijuana Business owner and/or operator shall provide a written plan including but not limited to a project summary to the Town's Board of Selectmen, local safety officials including the Police Chief, Fire Chief and Building Inspector. The SPGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any Site Plan for the Marijuana Business.
 - (2) Unauthorized access. The Marijuana Business shall be designed to allow access within the area of the Marijuana Business to authorized personnel as well as state and municipal emergency personnel only.

- G. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;
- H. Eligible locations. Any Marijuana Business facility permitted under this section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw. No Marijuana Business use shall be located within 300 linear feet of a property line where the following zoning district, activity or use occurs, whether within the municipal borders of the Town of Georgetown or adjoining municipality;
- (1) Any Residential District as defined by Chapter **165**;
 - (2) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - (3) Any child-care facility;
 - (4) Library;
 - (5) Playground;
 - (6) Public park;
 - (7) Youth center;
 - (8) Public swimming pool;
 - (9) Religious institution;
 - (10) Video arcade facility;
 - (11) Similar facility in which minors commonly congregate in an organized, ongoing, formal basis;
 - (12) Any other Marijuana Business;
 - (13) Any drug or alcohol rehabilitation facility;
 - (14) Any correctional facility, half-way house or similar facility; or
 - (15) Any establishment licensed under the provisions of General Law, Chapter 138, Section 12.
- I. Separation. Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child-care purposes or places where minors frequent or

any other use listed above in § **165-161H** to the nearest point of the property line of the proposed Marijuana Business parcel. The distance requirement may be reduced by a super majority vote of the full Planning Board, but only if: **[Amended 5-6-2019 ATM, Art. 18 (Amdt. No. 191)]**

- (1) The applicant demonstrates that the Marijuana Business would otherwise be effectively prohibited within the municipality, and
 - (2) With regard to locations protected pursuant to § **165-161H(1)** through **(15)**, the applicant demonstrates that the Marijuana Business will employ adequate security measures to prevent diversion of marijuana to unauthorized minors.
- J. Visibility: There shall be no visual proof or visibility of use activities, products or treatment occurring within or on the premises of a Marijuana Business from the exterior of such facility or premises.

§ 165-162 Special permit review procedures and criteria.

The SPGA may grant a Special Permit and a Site Plan Approval and require that certain requirements be met as conditions of approval.

- A. Procedure. The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Marijuana Business special permit application.
- B. Criteria. In the review and evaluation of an application and in making a final determination in writing, the SPGA shall consider but not be limited to the following as it pertains to a Marijuana Business:
 - (1) Complies with all requirements set forth in this section;
 - (2) Minimizes visual impact by controlling off-site visibility of parking, storage, or other outdoor service areas viewed from public ways and places or land residentially used or zoned;
 - (3) Provides adequate stormwater management and other utilities consistent with the functional requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised);
 - (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
 - (5) Minimizes glare from headlights and lighting intrusion;
 - (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;

- (7) Ensures compliance with the provisions of the Town of Georgetown's Zoning Bylaw, including parking, signs, landscaping, environmental standards and other pertinent sections;
 - (8) Specific use is an appropriate location for such a use;
 - (9) Nuisance is not expected to be created by the use;
 - (10) Provides adequate access to each structure for emergency service equipment;
 - (11) Facility shall be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts;
 - (12) Proposed Marijuana Business does not create a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- C. Special Permit conditions. The SPGA may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Marijuana Business, the SPGA may include the following conditions in any special permit granted under this Bylaw;
- (1) Hours of operation, including dispatch of home deliveries;
 - (2) The permit holder shall file a copy of any Incident Report required under regulations promulgated in accordance with MGL c. 94C, MGL c. 94G, or MGL c. 94I, with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the Marijuana Business. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
 - (3) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Business with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the Marijuana Business;
 - (4) The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit;

- (5) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Marijuana Business;
 - (6) The special permit shall lapse upon the expiration or termination of the applicant's registration by Department of Public Health ("DPH") or the Cannabis Control Commission ("CCC");
 - (7) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Marijuana Business or the expiration or termination of the permit holder's registration with DPH or CCC.
- D. Application. In addition to the materials required under Town of Georgetown Article **XIII** of Chapter **165**, the applicant shall include:
- (1) A copy of its registration from the DPH or the CCC;
 - (2) A detailed floor plan of the premises of the proposed Marijuana Business that identifies the square footage available and describes the functional areas of the Marijuana Business, including areas for any preparation of MIPs;
 - (3) Detailed site plans that include the following information:
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw and Chapter **165** of Town of Georgetown Zoning Bylaws;
 - (b) Convenience and safety of vehicular and pedestrian movement off the site, if off-site vehicular and pedestrian traffic can reasonably be expected to substantially affected by on-site changes;
 - (c) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (d) Design and appearance of proposed and/or existing buildings, structures, freestanding signs, screening and landscaping; and
 - (e) Adequacy of water supply, surface and subsurface drainage and light.
 - (4) Description of the security measures, including employee security policies, approved by DPH or CCC for the Marijuana Business;
 - (5) Copy of the emergency procedures approved by DPH or CCC for the Marijuana Business;

- (6) Copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH or CCC for the Marijuana Business;
- (7) Copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Marijuana Businesses;
- (8) Copy of proposed waste disposal procedures; and
- (9) Description of any waivers from DPH or CCC regulations issued for the Marijuana Business;
- (10) Distance in linear foot from property line to property line of any zoning district, activity or use occurs as described in § 165-161H.

E. Notification. Any new applications sought under this section must be publically advertised for a period of no less than fourteen (14) days, not including the date of the required special permit public hearing. Abutters within three hundred (300) feet shall be notified in writing of said application, and include any and all dates and locations of public hearings on said application.

The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

- F. Waivers. The SPGA may waive, by an affirmative majority vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), lay of the land, may not be in the best interest of the Town, the general public and/or an undue hardship on the applicant.
- G. Final action. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a special permit. No Marijuana Business shall be erected, constructed, installed or modified as provided in this section without first obtaining a Site Plan Approval decision from the SPGA and a building permit from the Building Inspector.
- H. Modifications to approved site plan. All material modifications to a Marijuana Business made after issuance of the required permit shall require approval by the SPGA as provided in this section. Modifications to an approved Site Plan shall be allowed upon submission of a written description to the SPGA of the proposed modifications. The request for modification shall be subject to the submittal, review and hearing procedures as required for

new filings unless the SPGA finds that the proposed modifications satisfy the review criteria and the Site Plan as modified would be consistent with the originally approved plan and therefore a new public hearing may not be required.

- I. Appeals. The decision of the SPGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of § 165-98 of Town of Georgetown's Zoning Bylaw.
- J. Enforcement. Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this section shall be governed by § 165-97 of the Town of Georgetown Zoning Bylaw.
- K. Severability. The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.
- L. Issuance of building permit. No building permit for a Marijuana Business shall be issued until the SPGA has rendered its decision on the Special Permit and Site Plan Approval application and the appeals period pursuant to MGL c. 40A, § 17 has lapsed or any appeal taken has been finally resolved. Any site clearing or disturbance done on a site ultimately for the purpose of a Marijuana Business without a building permit shall be deemed improper clearing, a violation of the provisions of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to the provisions of Article XVI of the Town of Georgetown Zoning Bylaw.
- M. (Reserved)
- N. Expiration. A permit issued pursuant to this ordinance shall expire if:
 - (1) A Marijuana Business is not installed and operational within 48 months from the date the permit is issued; or,
 - (2) A Marijuana Business is abandoned or deemed abandoned pursuant to this ordinance.
- O. Violations. It shall be unlawful for any person to construct, install, or operate a Marijuana Business that is not in compliance with this section or with any condition contained in a permit issued pursuant to this section.

§ 165-163 Development and performance standards.

Any proposed Marijuana Business shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and

minimize impacts on resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Chapter **165**, the following standards shall be in addition to or take precedence over design standards of § **165-83** and Appendix 4 Intensity of Use Schedule:

A. Dimension and density requirements.

- (1) Setbacks. The purpose of setbacks is to mitigate adverse impacts on abutting properties. For Marijuana Business, compliance with front, side and rear setbacks shall be as follows:
 - (a) Front yard. The front yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential use district, the front yard shall not be less than 50 feet;
 - (b) Side yard. Each side yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;
 - (c) Rear yard. The rear yard depth shall be at least 25 feet from the property line provided, however, that where the locus abuts a conservation use, recreation use or residential district, the rear yard shall not be less than 50 feet;
- (2) The SPGA may grant a waiver from setback requirements if the applicant can demonstrate:
 - (a) Failing to do so would render the siting of the Marijuana Business unfeasible; and
 - (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
 - (c) The waiver will not adversely affect the intent of this bylaw section in terms of development and design standards.

B. Design standards.

- (1) Lighting. Lighting of a Marijuana Business 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 RMD shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (2) Landscaping. Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening and/or fencing and planting, exterior lighting and structures;

- (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought-tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner within one growing season. The long-term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.
- (3) Signage. Signs on a Marijuana Business shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:
- (a) Location, materials and details of proposed signs shall be submitted;
 - (b) A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number;
 - (c) Facility shall not be used for displaying any advertising except for reasonable identification of the operator;
- C. 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 Marijuana Business and per best management practices and otherwise prescribed by applicable laws, regulations, and bylaws, particularly but not limited to Town of Georgetown's Chapter 49 Earth Removal and Chapter 57 Erosion and Stormwater Control. The limit of work shall be shown on the submitted Site Plan.
- D. Operation and maintenance. The applicant, owner or operator shall maintain the facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. 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 Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the Marijuana Business and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified on said plan until the facility is closed.
- E. Removal and decommissioning.
- (1) Removal requirements. Any Marijuana Business that will be closed, has been closed or is determined to be abandoned in a manner consistent with Article XV of Town of

Georgetown's Zoning Bylaw shall be removed. The owner or operator shall have completely physically removed the facility, as it pertains to the interior of the structure and specialized to the use of a Marijuana Business, no more than 150 days after the date of discontinued operations. At least 30 days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the SPGA and the Building Inspector by certified mail of the proposed date of discontinued operations and include plans for removal.

- (2) Decommissioning shall consist of:
 - (a) Physical removal of all specialized structures and equipment required for a Marijuana Business facility;
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

Attachments:

Attachment 1 - Table of Zoning and Zoning Map Amendments

Attachment 2 - Use Regulations Schedule

Attachment 3 - Intensity of Use Schedule

ZONING

165 Attachment 1

Town of Georgetown TABLE OF ZONING AND ZONING MAP AMENDMENTS

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
2	4-25-1957	165-3H/ 3A, 12	Created Outside Agricultural and Residential District
3	6-16-1958	165-3F	Created IB District
4	3-2-1959/15	165-96C	Occupancy permits
5	3-2-1959/17	165-3C/5	Created CB District
6	9-6-1956	--	Added to section subsequently repealed
7	3-5-1962/35	165-3	Rezone from IB to Agricultural and Residential
8	3-2-1964/30	165-3	Rezone from IB to Agricultural and Residential
9	3-2-1964/31	165-3	Rezone from IB to Agricultural and Residential
10	3-1-1965/37	Article IV, footnote	Mobile home ban
11	3-7-1966/27	165-3	Rezone from Agricultural and Residential to Business and Commercial District
12	3-7-1966/33	--	Repealed 3-4-1969, Art. 46
13	3-4-1968/31	--	Changed Board of Selectmen to Building Inspector
14	8-5-1968/5	165-99	Penalties
15	3-4-1969/42	165-85	Increase Board of Appeals membership
16	3-4-1969/44	165-3D/7	Zoned to CC District
17	3-4-1969/45	Article IX	Parking and loading; minimum residential livable floor area; roadside stands
18	3-4-1969/46	Article II, Article IV (footnote), Article IX	Changes to Use and Intensity Schedules; repealed mobile home ban; parking
19	3-4-1969/47	Article II, Article IV	Changes to Use and Intensity Schedules; repealer
20	3-3-1970/42	165-3	Added to CA District

GEORGETOWN CODE

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
21	3-3-1970/43	165-3A	Amend description of RA District
22	3-3-1970/46	Article X	Signs
23	3-3-1970/47	165-3C, Article IV	Added Floodplain District
24	3-3-1970/48	Article VII	Planned unit developments
24a	3-3-1970/48	165-11	Amends Use Regulations Schedule (PUD's)
25	3-3-1970/49	165-95, 165-96	Building and occupancy permits
26	4-6-1970/6	165-28G	Floodplain amendment
27	4-6-1970/7	165-85	Increase associate members of Board of Appeals
28	4-6-1970/8	165-5	Meaning of terms
29	4-6-1970/8	165-7	Added definitions
30	4-16-1970/9	165-11	Amended Use Regulations Schedule (pipe organ making)
31	4-16-1970/9	165-7	Added definition of "pipe organ making"
32	8-10-1970/1	165-3G, 165-11/ 2, 25	Add RC District; amended Intensity of Use Schedule
33	3-1-1971/42	165-50	Planned unit development amendment
34	3-1-1971/43	165-51	Planned unit development amendment
35	3-1-1971/44	165-49	Planned unit development amendment
36	3-20-1972/42	165-28	Floodplain amendment
37	12-4-1972/1	165-28	Floodplain amendment
38	12-4-1972/2	165-3A and H/3	Rezone from RA to RB District
39	12-4-1972/4	165-3F	Redefine IB District
40	3-19-1973/29	165-7, 165-11	Added definition of "indoor ice-skating arena;" Use Regulations Schedule amendment
41	3-19-1973/37	165-4, 165-20, 165-96B	Various text changes
42	3-19-1973/39	165-96C	Occupancy permits
43	3-19-1973/40	165-3D and F, 165-11/7,8 and 10	Revisions to CC and IB Districts; Use Regulations Schedule amendment
44	6-4-1973/5	165-11, 165-61F, 165-68	Intensity of Use Schedule amendment; parking for apartments

ZONING

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
45	6-4-1973/6	Article VIII	Planned business development
46A	5-4-1974/27	Article XV	Nonconformities
46B	5-4-1974/27	165-7	Revise definition of "lot frontage"
46C	5-4-1974/27	165-96B	Occupancy permits
46D	5-4-1974/27	165-7, 165-11	Added definition of and provisions on educational and private educational uses; amended Intensity of Use Schedule
47	5-4-1974/33	165-11	Amended Use Regulations Schedule (multiple-family dwellings)
48	5-3-1975/23	165-7	Added definition of "housing for the elderly"
49	5-3-1975/28	165-28N	Floodplain amendment
50	5-2-1977/13	---	Numerous text changes pursuant to Ch. 808 of Laws of 1975
51	5-1-1978/13	165-3G	Increase RC District
52	5-1-1978/12	165-28O	Floodplain amendment
53	5-7-1979/18	165-3G/2	Extend RC District
54	5-7-1979/19	165-98	Appeal time limit
55	10-22-1979/7	165-28B, J and K	Floodplain amendment
56	5-5-1980/24	165-28	Floodplain amendment
57	5-5-1980/18	165-96C	Occupancy permits
58	5-4-1981/18	165-10, 165-11, 165-78B and C, 165-79, 165-83D and E	Waiver of requirements; amended Use Regulations Schedule (various entries); special permit conditions and findings; site plan review
59	5-4-1981/19	165-10B and C	Waiver of requirements
60	5-2-1983/23	165-7, 165-80	Various amendments pertaining to adult bookstores
61	5-7-1984/22	165-3D and F	Rezone to IB District
62	3-7-1984/23	165-3C/10B	Rezone to CB District
63	5-7-1984/32	165-3F and H/ 20A	Rezone to RB District
64	5-6-1985/21	165-7, 165-83A and C, 165-99	Revise definition of "lot frontage"; site plan review for nonresidential variances;penalties

GEORGETOWN CODE

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
65	5-6-1985/22	165-7, 165-11	Added definition of "buffer zone"; amended Intensity of Use Schedule
66	11-4-1985/24	165-7, Article V	Various amendments pertaining to Water Resources District
67	11-4-1985/7	165-7	Added definition of "municipal building"
68	5-4-1987/18	165-3H/ 16, 24	Rezone to RB District
69	5-4-1987/20	165-3F and G/ 25	Rezone to RC District
70	5-4-1987/21	165-24	Base flood elevation
71	5-22-1988/22	165-74; 165-77	Extend time for public hearing on special permit
72	5-2-1988/24	165-7	Revise definition of "parking space"
73	5-2-1988/25	165-7	Revise definition of "building"
74	5-5-1988/27	165-3B/5	Added to CA District
75	5-1-1989/18	165-49	Planned unit development amendment
76	5-1-1989/19	165-7, 165-11	Amended Intensity of Use Schedule (maximum lot coverage)
77	5-1-1989/20	165-11	Amended Intensity of Use Schedule
79	5-1-1989/22	165-81	Special permit amendment
80	5-1-1989/32	165-3F and H/ 24	Rezone to RB District
81	6-11-1990/24	165-71	Housing balance
82	6-11-1990/37	165-7, 165-11, 165-50, 165-68A	Amendment concerning continuous buildable area
83	6-10-1991/20	165-81	Special permit amendment
84	6-10-1991/21	165-11	Amended Intensity of Use Schedule (minimum lot area requirements)
85	6-10-1991/22	165-3B/28	Rezone from RA to CA District
86	10-22-1991/5	165-3/16	Rezone from IB to RB District
87	5-4-1992/17	165-7	Add definition of "lot width"
88	5-4-1992/19	165-51	Planned unit development amendment regarding recreational vehicles
89	5-4-1992/28	165-72	Junk vehicles

ZONING

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
90	11-16-1992/5	Article VI	Groundwater Protection District
91	5-2-1994/28	165-7, 165-73	Common driveway restrictions
92	6-26-1995/6	Article III	Rate of development
93	6-26-1995/8	165-33	Water Resource District amendment
94	6-26-1995/9	165-11, 165-69	Accessory apartments
95	6-26-1995/10	165-7	Add definition of "restaurant, drive-through/drive-up"
96	6-26-1995/13	165-3H	Rezone to IB District (Herrick property)
97	11-13-1995/8	165-44	Groundwater Protection District amendment
98	11-13-1995/9	165-82	Associate member of Planning Board
99	11-13-1995/10	165-69C	Accessory apartments amendment
100	6-16-1997/42	165-80.1	Wireless communication facility special permits
101	6-16-1997/43	165-7, 165-11	Motor vehicle repair shops
102	6-16-1997/44	165-7, 165-11	Restaurants with drive-through facility
103	6-16-1997/45	165-7, 165-11	Amend definition of bulk storage; delete bulk storage from Use Regulation Schedule
104	6-16-1997/46	165-7, 165-65	Amend definition of sign; delete provisions on roofs
105	6-16-1997/47	Article VIII	Deletion of planned business development
106	6-16-1997/49	165-7, 165-61, 165-61.1	Add definition of "parking space -- compact"; amend off-street parking requirements; parking lot aisle dimensions
107	6-16-1997/50	165-11	Amends Intensity of Use Schedule (Commercial B District)
108	6-16-1997/51	165-11	Amends Intensity of Use Schedule (maximum lot coverage)
109	6-16-1997/52	165-7, 165-11	Hotels, motels and inns; bed and breakfasts

GEORGETOWN CODE

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
110	6-16-1997/54	165-70.1	Temporary structures
111	6-16-1997/55	165-11	Amends Use Regulation Schedule (filling stations)
112	6-16-1997/56	165-11	Amends Intensity of Use Schedule (correct error)
113	6-16-1997/57	165-11	Amends Intensity of Use Schedule (Commercial A District)
114	6-16-1997/58	165-11	Amends Intensity of Use Schedule to add maximum building heights
115	6-16-1997/59	165-7	Amends definition of buffer zone
116	6-16-1997/60	165-7, 165-11	Research and development facility
117	6-16-1997/61	165-7 165-73	Deletes definition of lot width; amends definition of lot, frontage
118	10-27-1997/7	165-7	Amends definition of bulk storage
119	10-27-1997/8		Disapproved by the Attorney General
120	10-27-1997/10	165-7 165-11	Nursing home, convalescent home rest home
121	10-27-1997/12	165-2D, 165-28	Floodplain amendment
122	10-27-1997/13	165-50	Minimum yard and lot requirements in planned unit development
123	10-27-1997/14	165-3/10A, 10B	Rezone from RC to RA District
124	6-15-1998/25	165-80	Adult Entertainment Overlay District
125	6-15-1998/26	165-83	Site plan approval
126	6-15-1998/27	165-7	Delete definition of housing for the elderly
127	6-15-1998/28	165-11	Amend Use Regulation Schedule to delete planned business development
128	6-15-1998/31	165-2D, 165-28	Floodplain districts
129	10-19-1998/13	165-3/30	Rezone from IB to RC District
130	10-19-1998/14	165-3/ 31	Rezone from IB to RB District
131	10-19-1998/15	165-3/32	Rezone from RB to IB District

ZONING

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
132	6-14-1999/27	165-3/14	Rezone from CC to IB District
133	6-14-1999/28	165-3/15	Rezone from CC to IB District and from CC/RB to IB District
134	6-14-1999/29	165-7, 165-11	Rental storage facilities
135	6-14-1999/31	165-3/36	Rezone from IB to RB District
136	6-14-1999/39	165-13	Rate of development: extension of effective date
137	6-14-1999/40	165-14A	Rate of development: new dwelling limitation
138	6-14-1999/41	165-15	Rate of development: individual development phasing
139	6-14-1999/30	Table	Designation of scenic road
140	10-25-1999/16	165-73.1	Access across lot frontage
141	10-25-1999/17	165-83B	Site plan approval
142	6-12-2000/25	165-7, 165-70.1	Storage containers/ trailers
143	10-23-2000/12	165-17, 165-100 through 165-134	Independent senior housing
144	10-23-2000/13	165-7	Definitions of residential condominium, residential cooperative, residential dwelling unit, single-family dwelling
145	10-23-2000/14	165-13	Rate of development: applicability
146	10-23-2000/15	165-14A	Rate of development: new dwelling limitation
147	10-23-2000/-16	165-17	Rate of development: exemptions
148	10-23-2000/-17	165-15	Rate of development: individual development phasing; procedures
149	5-7-2001/14	165-105	Minimum lot area for establishment of ISH
150	6-10-2002/19	165-11	Amends Use Regulation Schedule (earth removal and importation)
151	5-2-2005/21	165-3/20	Rezone from IB to RB District
152	5-2-2005/24	165-94	Preexisting nonconforming structures and uses
153	5-2-2005/25	165-75	Lapse of special permit
154	5-2-2005/26	165-71A	Housing balance

GEORGETOWN CODE

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
155	5-2-2005/28	165-47 through 165-59	Open space residential development (OSRD); repeal of planned unit developments
156	10-17-2005/6	165-13 and 165-14A	Rate of development: applicability and dwelling limitation
157	5-1-2006/33	165-45F	Notice of public hearing for special permit.
158	5-1-2006/35	165-7	Definitions of building and building height
159	5-1-2006/36	165-106 and 165-128	Number of dwelling units per continuous buildable area and housing balance for independent senior housing
160	5-1-2006/37	165-83M	Exterior lighting
161	5-1-2006/38	165-83D	Verification of site plan approval conditions
162	5-7-2007/29	165-80.2	Major development review
163	5-7-2007/30	165-106	Number of dwelling units per continuous buildable area
164	5-7-2007/32	165-83M	Exterior lighting
165	5-7-2007/33	165-69.1	Public tree replacement
166	11-17-2008/7	165-71	Inclusionary housing balance
167	5-4-2009/23	165-10.1	Accessory buildings and pools
168	5-4-2009/24	165-7, 165-11	Definition of bed and breakfast; amends Use Regulation Schedule (bed and breakfast)
169	5-4-2009/25	165-48, 165-52A, 165-55, 165-57A, 165-58	Open space residential design
170	5-4-2009/26	165-7, 165-11	Definition of big box retail establishment; amends Use Regulation Schedule (big box retail establishment)
171	5-4-2009/27	165-2/14	Zones the entirety of Map 14, Lot 7 to "IB"
172	5-3-2010/24	165-9	Conformity with schedules required

ZONING

Amendment No.	Adoption Date/ Article No.	Code Section/ Map No.	Description
173	5-2-2011/36	165-7	Definitions of assisted living/congregate care facility, mixed-use, and outdoor recreation facilities (active/passive, public/private, minor/major)
174	5-2-2011/37	165-7	Definition of building height
175	5-2-2011/38	165-11	Amends Use Regulation Schedule (assisted living/congregate care facility, mixed-use, open space residential development, independent senior housing, outdoor recreation facilities, medical office)
176	5-2-2011/39	165-81	Specifying Planning Board as special permit granting authority
177	5-2-2011/40	165-83	Stormwater management amendments
178	5-2-2011/41	165-73.2	Courts and lanes
179	5-7-2012/30	165-28 and 165-28Q, R and S	Floodplain amendment
180	5-5-2014/36	165-156 through 165-163	Registered marijuana dispensary
181	5-5-2014/40	165-3C/10B	Rezone from CB to RA District
182	5-4-2015/25	165-7	Definitions of medical office, open space residential development, and planned unit development
183	5-4-2015/26	165-135 through 165-141	Solar energy facilities
184	5-4-2015/27	165-11	Amends Use Regulation Schedule (commercial radio and television transmission, signs, temporary structures, pipe organ making) amended; housing for elderly removed; solar energy facilities added

GEORGETOWN CODE

185	11-14-2016/7	165-42	Establishment and delineation of aquifers and recharge areas
186	5-7-2018/23	165-156 through 165-163	Marijuana businesses
187	5-7-2018/25	165-7	Definition of continuous building area
188	5-7-2018/26	165-48 through 165-58	
189	5-7-2018/27	165-11	Amends Use Regulation Schedule (mixed-use)
190	5-6-2019/17	165-7	Definitions of building and building height
191	5-6-2019/18	165-161I	Marijuana businesses amendment

SCENIC ROAD DESIGNATIONS

Name of Street	Location	Adoption Date/ Article No	Amendment No.
Nelson Street	Entire length	6/14/1999/-30	139

ZONING

165 Attachment 2

Town of Georgetown Use Regulations Schedule

Symbols employed shall mean the following:

- P A permitted use
- O An excluded or prohibited use
- A A use authorized by special permit granted by the Board of Appeals as provided in § 165-9 and in Article XIII as authorized by law. (MGL C.40A, § 6) **[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]**
- D A use authorized by special permit granted by the Planning Board as provided in § 165-9 and in Article XIII. **[Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]**
- E A use authorized by special permit granted by the Board of Selectmen as provided in § 165-81, all as provided in MGL C. 40A, § 9A. **[Added 5-2-1983 ATM, Art. 23 (Amdt. No. 60)]**
- W A use authorized by special permit granted by the Board of Health acting as SPGA as provided in §§ 165-33, 165-34 and 165-35. **[Added 11-4-1985 STM, Art. 24 (Amdt. No. 66)]**
- RA Central Residential District
- RB Outside Residential District
- RC Outside Residential C District
- CA Business and Commercial District
- CB Business and Commercial B District
- CC Business and Commercial C District
- IA Light Industrial District
- IB Light Industrial B District

GEORGETOWN CODE

Town of Georgetown Use Regulations Schedule (Cont'd)

	RA	RB	CA	CB	CC	IA	IB	RC ¹⁰
Residential Use:								
Open space residential development ¹	D	D	O	O	O	O	O	D
Single-family dwelling	P	P	O	O	O	O	O	P
Multiple-family dwelling ²	A	O	A	O	O	A	O	O
Conversion of single-family dwelling for multiple dwelling ²³	A	A	A	O	O	A	O	A
Boardinghouse	A	O	A	O	O	O	O	O
Nursing home, convalescent home or rest home ²⁷	A	A	A	O	O	O	O	A
Private garage	P	P	P	P	O	P	P	P
House trailer ²⁴	O	O	O	O	O	O	O	O
Apartment house	A	O	A	O	O	A	O	O
Accessory apartment ¹⁸	A	A	O	O	O	O	O	A
Assisted living/congregate care facility ³³	D	D	O	O	D	O	D	D
Mixed-use ³³	O	O	D	D	O	O	O	O
Independent senior housing ³³	D	D	O	O	O	O	O	D
Recreational Use:								
Camping ground ³	O	A	O	O	O	O	O	A
Club or lodge ³	A	A	A	O	O	O	O	A
Indoor amusement ⁷	O	O	A	A	A	O	A	O
Outdoor amusement	O	A	O	O	O	O	A	A
Stables, private	P	P	O	O	O	O	O	P
Stables, public	O	A	O	O	O	O	O	A
Boathouse, private	P	P	O	O	O	O	O	P
Camp	O	A	O	O	O	O	O	A
Riding academy	O	A	O	O	O	O	O	A
Outdoor passive recreational facility ³³	P	P	P	P	P	P	P	P
Minor active public recreational facility ³³	D	D	O	O	D	D	D	D
Minor active private recreational facility ³³	D	D	O	O	D	D	D	D
Major active recreational facility ³³	D	D	O	O	D	D	D	D
Rural Uses:								
Grange ⁸	P	P	A	A	A	A	A	P
Farm ⁸	P	P	P	P	P	P	P	P
Roadside stand	P	P	A	A	O	P	P	P
Business Uses:								
Commercial greenhouse ³	A	A	O	O	O	O	O	A
Home occupation	P	P	P ⁵	P ⁵	O	P ⁵	P ⁵	P
Bed and breakfast ²⁵	A	O	P	P	O	O	O	O
Retail stores and service ¹³	O	O	P	P	P	O	A	O
Auto sales and service	O	O	O	P	A	O	O	O
Wholesaling	O	O	A	P	A	P	P	O
Business offices ¹³	O	O	P	P	P	P	P	O
Hotels, motels and inns ²⁵	O	O	D	P	P	O	O	O
Funeral home ³	O	O	A	A	O	O	O	O
Motor vehicle repair ¹⁹	O	O	O	O	O	O	A	O
Filling station ²⁹	O	O	O	A	A	O	A	O
Dog kennel	O	A	O	O	O	O	O	A
Animal hospital	O	A	O	A	O	O	O	A
Printing shop	O	O	P	P	O	P	P	O
Private parking	P	P	P	P	O	P	P	P
Restaurant ²¹	O	O	P	P	P	O	A	O
Nursery school	A	A	A	A	O	O	O	A

ZONING

Town of Georgetown Use Regulations Schedule (Cont'd)

	RA	RB	CA	CB	CC	IA	IB	RC ¹⁰
Restaurant with a drive-through facility ²⁰	O	O	O	O	O	O	O	O
Indoor ice-skating arena ^{9,30}	O	O	O	O	P	O	P	O
Adult bookstore or adult motion-picture theatre ¹¹	O	O	A	A	A	O	O	O
Big box retail establishment ³²	O	O	O	O	A	O	O	O
Medical office ³³	O	O	D	D	D	D	D	O
Pipe organ making ¹⁷	O	O	P	O	O	O	O	O
Signs ³⁴	P	P	P	P	P	P	P	P
Solar energy facilities ³⁵	P	P	P	P	P	P	P	P
Industrial Uses:								
Earth removal ^{14,31}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
Light industry	O	O	O	O	A	P	P	O
Warehouse	O	O	A	A	O	P	P	O
Commercial radio and television transmission ³⁴	O	A	O	O	O	O	A	A
Junkyards	O	O	O	O	O	O	O	O
Transport terminal ^{3,22}	O	O	O	O	O	O	A	O
Research and development ²⁶	O	O	O	O	P	D	D	O
Storage facilities, rental ²⁸	O	O	O	O	O	O	A	O
Institutional Uses:								
Municipal building	P	P	P	P	O	P	P	P
Public utility ⁸	A	A	A	A	A	A	A	A
Public utility with service yard ⁸	O	O	O	O	O	A	A	O
Hospital ³	A	A	A	A	O	O	O	A
Cemetery	A	A	O	P	O	O	O	A
Religious ¹⁵	P	P	P	P	P	P	P	P
Educational ¹⁵	P	P	P	P	P	P	P	P
Private educational	A	A	A	A	A	A	A	A
Municipal utility ³⁶	P	P	P	P	P	P	P	P
Temporary structures ³⁴	P	P	P	P	O	P	P	P

NOTES:

- ¹ [Added 3-7-1970 ATM, Art. 48 (Amdt. No. 24a); amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50); 5-2-2011 ATM, Art. 38 (Amdt. No. 175)] See Article VII, Open Space Residential Development.
- ² [Added 5-4-1974 ATM, Art. 33 (Amdt. No. 47)]
- ³ [Amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]
- ⁴ (Reserved)
- ⁵ In existing residence only.
- ⁶ [Repealed 6-6-1997 ATM, Art. 55 (Amdt. No. 111)]
- ⁷ [Amended 3-19-1973 ATM, Art. 29 (Amdt. No. 40); 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]
- ⁸ [Amended 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]
- ⁹ [Added 3-19-1973 ATM, Art. 29 (Amdt. No. 40); amended 3-19-1973 ATM, Art. 40 (Amdt. No. 43A)]
- ¹⁰ [Added 8-10-1970 STM, Art. 1 (Amdt. No. 32)]
- ¹¹ [Added 5-2-1983 ATM, Art. 23 (Amdt. No. 60)]
- ¹² Earth removal and importation permitted in accordance with the Earth Removal and Importation Bylaw. [Amended 5-24-1993 ATM, Art. 39; 6-10-2002 ATM, Art. 19 (Amdt. No. 150)]
- ¹³ [Amended 3-19-1973 ATM, Art. 40 (Amdt. No. 43A)]
- ¹⁴ [Amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58)]
- ¹⁵ [Amended 5-4-1974 ATM, Art. 27 (Amdt. No. 46D)]
- ¹⁶ [Added 5-2-1977 ATM, Art. 13 (Amdt. No. 50)]
- ¹⁷ [Added 4-16-1970 ATM, Art. 9 (Amdt. No. 30); amended 5-4-2015 ATM, Art. 27 (Amdt. No. 184)]
- ¹⁸ [Added 6-26-1995 ATM, Art. 9 (Amdt. No. 94)]
- ¹⁹ [Amended 6-16-1997 ATM, Art. 43 (Amdt. No. 101)]

NOTES (cont'd):

GEORGETOWN CODE

- ²⁰ [Amended 6-16-1997 ATM, Art. 44 (Amdt. No. 102)]
²¹ [Amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58); 6-16-1997 ATM, Art. 44, (Amdt. No. 102)]
²² The entry for bulk storage, as amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58), which immediately followed, was repealed 6-16-1997 ATM, Art. 45, (Amdt. No. 103).
²³ The entry for tourist home, as amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58), which immediately followed, was repealed 6-16-1997 ATM, Art. 52 (Amdt. No. 109).
²⁴ The entry for Auto court, as amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58), which immediately followed, was repealed repealed 6-16-1997 ATM, Art. 52 (Amdt. No. 109).
²⁵ [Added 6-16-1997 ATM, Art. 52 (Amdt. No. 109); amended 5-4-2009 ATM, Art. 24 (Amdt. No. 168)]
²⁶ [Added 6-16-1997 ATM, Art. 60 (Amdt. No. 116)]
²⁷ [Amended 5-4-1981 ATM, Art. 18 (Amdt. No. 58); 10-27-1997 STM, Art. 10 (Amdt. No. 120)]
²⁸ [Added 6-14-1999 ATM, Art. 29 (Amdt. No.)]
²⁹ [Amended 6-16-1997 ATM, Art. 55 (Amdt. No. 111)]
³⁰ The entry for Planned business development, as amended, which immediately followed, was repealed 6-15-1998 ATM, Art. 28 (Amdt. No. 127.)
- ³¹ [Amended 6-10-2002 ATM, Art. 19 (Amdt. No. 150)]
³² [Added 5-4-2009 ATM, Art. 26 (Amdt. No. 170)]
³³ [Added 5-2-2011 ATM, Art. 38 (Amdt. No. 175); amended 5-7-2018 ATM, Art. 27 (Amdt. No. 189)]
³⁴ [Amended 5-4-2015 ATM, Art. 27 (Amdt. No. 184)]
³⁵ [Added 5-4-2015 ATM, Art. 27 (Amdt. No. 184)]
³⁶ The use category Other Uses, which immediately followed, was repealed 5-4-2015 ATM by Art. 27 (Amdt. No. 184). Article 27 also inserted the specific uses within said category into other categories, with the exception of housing for elderly, which use was removed.

ZONING

165 Attachment 3

Town of Georgetown Intensity of Use Schedule

	RA ¹⁷	RB	CA	CB	CC ^{2,11}	IA	IB ¹⁰	RC ³
Minimum Lot Requirements								
Area (1,000) square feet ¹²	15 ¹	40 ⁸	15 ¹	40	80	15 ¹	80	80 ⁹
Depth (feet)	100	150	100	150	200	100	200	200
Frontage (feet)	125	160	50	160	200	125	200	200
Minimum Yard Requirements								
Front (feet) ⁵	20	30	0 ¹⁴	20 ¹³	50	20	50	50
Side (feet)	15	20	0 ⁵	10 ⁶	40 ⁶	10 ⁶	40 ⁶	40
Rear (feet)	10	30	10 ⁵	20 ⁶	30 ⁶	10 ⁶	30 ⁶	50
Maximum Lot Coverage¹¹ (percent of total lot area)	--	--	--	65%	60%	60%	60%	--
Maximum Building Coverage (percent of total lot area) ¹⁶	--	--	60%	30%	30%	30%	30%	--
Landscaped Open Space Required (percent of total lot area) ¹⁵	2,000 square feet	--	--	35% ⁷	40% ⁷	40% ⁷	40% ⁷	--
Maximum Building Height¹⁸ (in stories) (not to exceed in feet)	2.5 35	2.5 35	2.5 40	2.5 40	3 45	2 40	2 40	2.5 35

5 - 10 - 2001

NOTES:

- For multiple-family units or apartments, 10,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-4-1973 ATM, Art. 5 (Amdt. No. 44); 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]
- [Amended 3-19-1973, ATM, Art. 40 (Amdt. No. 43D)]
- [Added 8-10-1970, STM, Art. 1 (Amdt. No. 32)]
- Corner lot shall maintain from yard requirements for each street frontage.
- Increase to 20 feet when abutting a residential district. Required side and rear yards to be landscaped open space. All landscaped open space shall be subject to a site plan review consistent with this Code. [Amended 6-16-1997 ATM, Art. 57 (Amdt. No. 113)]
- Increase to 100 feet buffer zone as defined in § 165-7 when abutting a residential district. If a fire lane is required, it shall not be in the one-hundred-foot strip. [Amended 5-6-1985 ATM, Art. 22 (Amdt. No. 657)]
- Required in front yard.
- For multiple-family units, 20,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-11-1990 ATM, Art. 37 (Amdt. No.)]
- For multiple-family units, 40,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-11-1990 ATM, Art. 37]
- A lot in the IB or CC District shall have a minimum of 40,000 square feet of continuous building area (CBA). The CBA shall not include any freshwater wetland as delineated per Chapter 161, Wetlands Protection, nor any pond or stream. [Amended 5-1-1989 ATM, Art. 20 (Amdt. No. 77)]
- [Amended 5-1-1989 ATM, Art. 19 (Amdt. No. 76); 6-16-1997 ATM, Art. 51 (Amdt. No. 108)]
- In RA, RB and RC Districts, not less than 15,000 square feet of the required area of a lot shall consist of continuous building area (CBA) as defined in § 165-7. [Added 6-10-1991 ATM, Art. 21]
- The primary use in the Commercial B District shall be set back not more than 90 feet from the right-of-way. [Added 6-16-1997 ATM, Art. 50 (Amdt. No. 107)]
- In no instance shall new construction in the Commercial A District result in a building setback of more than 10 feet. [Added 6-16-1997 ATM, Art. 57 (Amdt. No. 113)]
- [Amended 6-16-1997 ATM, Art. 51 (Amdt. No. 108)]
- [Added 6-16-1997 ATM, Art. 51 (Amdt. No. 108)]
- [Amended 6-16-1997 ATM, Art. 56 (Amdt. No. 112)]
- [Amended 6-16-1997 ATM, Art. 58 (Amdt. No. 114)]