

Current through amendments approved by Special Town Meeting convened on September 21, 2020 and approved by the Office of the Attorney General on December 15, 2020.

TOWN OF WEST BRIDGEWATER

ZONING BY-LAWS

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ZONING BY-LAWS

TOWN OF WEST BRIDGEWATER

1.0. PURPOSE, AUTHORITY AND APPLICATION

1.1. Purpose

1.1.1. The purpose of this By-law is to achieve the objectives of the Zoning Act, Chapter 40A, as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which states the purposes of this act are to facilitate, encourage, and foster the adoption and modernization of zoning ordinances and by-laws by municipal governments in accordance with the provisions of Article 89 of the Amendments to the Constitution and to achieve greater implementation of the powers granted to municipalities thereunder. This act is designed to provide standardized procedures for the administration and promulgation of municipal zoning laws. These objectives include, but are not limited to, the following:

- a. To lessen congestion in the streets.
- b. To conserve health.
- c. To secure safety from fire, flood, panic and other dangers.
- d. To provide adequate light and air.
- e. To prevent overcrowding of land, to avoid undue concentration of population
- f. To encourage housing for persons of all income levels.
- g. To facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and building, including the conservation of natural resources and the prevention of blight and pollution of the environments.
- h. To encourage the most appropriate use of land throughout the Town, including consideration of recommendations of plans adopted by the Planning Board and the comprehensive plan of the regional planning agency.
- i. To preserve and increase amenities.

1.1.2. Additional purposes include but are not limited to the following:

a. To protect aquifers and wetlands.

1.2. Authority

1.2.1. This By-law is adopted under the authority provided by, and in accordance with, the provisions of Chapter 40A of the General Laws, as amended.

1.3. Application

1.3.1. Permitted Uses Only

1.3.1.1. For the purposes of this By-law, any lawful building or structure or part thereof, may be constructed, altered, enlarged, repaired or moved or occupied and any building structure or land may be used for any purpose which does not violate any section of this By-law or any of the provisions of the By-law or any of the provisions of the By-laws of the Town of West Bridgewater.

1.3.1.2. Any construction or use for which a building permit or special permit was legally issued prior to the first publication of the Planning Board hearing on the adoption of this By-law or any amendment thereto, provided such use or construction is commenced within six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to its completion as continuously and expeditiously as is reasonable.

2.0. DEFINITIONS

2.1. Terms and Words

2.1.1. For the purposes of this By-law certain terms and words are defined as follows unless a contrary definition is required by the context or is specifically prescribed:

2.1.1.1. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not discretionary; the word "land" includes the words "marsh" and "water".

2.1.1.2. Accessory Building or Use: A use or detached building, which is located on the same lot with main building or use and which is customarily incidental to that of the main building or the use of the land; the exterior storage of junk, dismantled or abandoned cars, or any other storage detrimental to the health or safety of neighbors or abutters are not accessory uses.

- 2.1.1.3. Accessory Dwelling Unit: A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, sometimes referred to as in-law apartment.
- 2.1.1.4. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For the purpose hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.
- 2.1.1.5. Adult Cabaret: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:
- a. persons who appear in a state of nudity; or
 - b. live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31; or
 - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.
- 2.1.1.6. Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.
- 2.1.1.7. Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined by Section 31 of Chapter 272 of Massachusetts General Laws. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.

- 2.1.1.8. Adult Retirement Community: A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years. Such development should comply in all respects to the requirements of Chapter 151B of the General Laws.
- 2.1.1.9. Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined by Section 31 of Chapter 272 of Massachusetts General Laws. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.
- 2.1.1.10. Aquifer: A geologic formation composed of saturated permeable material that contains significant amounts of potable groundwater capable of being withdrawn for public use.
- 2.1.1.11. Bed and Breakfast: The provision of a room overnight and of breakfast for a fee in a dwelling by the resident thereof to not more than five (5) transient guests.
- 2.1.1.12. Buffer Zone: An open and landscaped strip of land established to separate and protect one type of land use from another. Buffer zones do not include parking or storage areas. See also 2.1.1.37. Landscaped Area and 2.1.1.46. Open Space.
- 2.1.1.13. Building: A structure having a roof or cover for the shelter, housing or enclosure of persons, animals, or property.
- 2.1.1.14. Building Coverage: The building area expressed as a percent of the total lot area.
- 2.1.1.15. Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other name which receives children, not of common parentage, under seven years of age, or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include; any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

- 2.1.1.16. Dwelling: Any building, or part thereof, used for human habitation, but not including commercial accommodations for transient occupancy or a trailer or mobile home, however mounted or affixed.
- a. Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.
 - b. Dwelling, Single-Family: A detached structure containing one (1) dwelling unit intended and designed to be occupied by a single-family.
 - c. Dwelling, Multi-Family, Multiple Family House, Apartment or Apartment House: A structure containing two (2) or more separate dwelling units.
- 2.1.1.17. Family: An individual or two or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit, or a group of not more than six (6) persons not so related living as a single housekeeping unit, but not including sororities or fraternities.
- 2.1.1.18. Family Day Care Home: Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age, or children under sixteen (16) years of age if such children have special needs; provided, however, in either case, that the total number of children shall not exceed six (6), including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.
- 2.1.1.19. Farm: A parcel of land including necessary farm structures and the storage of equipment used in the raising of agricultural products, livestock, poultry and dairy products, horticulture, floriculture or viticulture.
- 2.1.1.20. Floor Area: The gross horizontal area of the several floors of a building excluding areas used for accessory garage purposes, attic and basement areas. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.1.1.21. Frontage: The linear extent of a lot measured in a continuous line along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.
- 2.1.1.22. Garage: Covered space for housing of motor vehicles.
- a. Garage, Private: A garage which is part of or separate from a dwelling, trailer or mobile home, but not for the rental of more than one (1) stall.

- b. Garage, Public: Any garage other than a private garage, available to the public, operated by a public authority or for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, or supplying of gasoline or oil to motor vehicles or fuel to any kind of self-propelled vehicles.
- 2.1.1.23. Gas Station/Service Station or Filling Station: An establishment which provides for the servicing of motor vehicles and operations incidental thereto.
- 2.1.1.24. Greenhouse: A building or accessory building where the products of plant culture are grown or processed.
- a. Greenhouse, Commercial: A greenhouse where the products of plant culture are sold
- b. Greenhouse, Non-Commercial: A building or accessory building used to grow, cultivate or culture plants, from which no sales are processed or conducted.
- 2.1.1.25. Groundwater: All subsurface water that saturates the openings in rocks and unconsolidated deposits.
- 2.1.1.26. Halfway House: A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, and/or treatment.
- 2.1.1.27. Handicapped Space: A parking space reserved for use by a vehicle bearing an authorized handicapped license plate or permit.
- 2.1.1.28. Hazardous Material or Hazardous Waste: Any substance or combination of substances including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if generated or disposed of into or on any land or water in this Town. Any substance deemed a hazardous waste or hazardous material in Massachusetts General Laws, Chapter 21C, as amended, or applicable Federal laws, shall also be deemed a hazardous material for purposes of this By-law.
- 2.1.1.29. Hazardous Waste Facility: Any facility as defined in Chapter 21D of the General Laws of the Commonwealth of Massachusetts.
- 2.1.1.30. Height: The vertical dimension measured from the average elevation of the finished lot at the front of the building to the highest point of the roof.

- 2.1.1.31. Home Occupation: 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 to the use of the dwelling unit for residential purposes, and (d) where there is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, other than one permitted sign.
- 2.1.1.32. Hotel, Inn, Motel, Tourist Home or Lodging House: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or individual exterior entrances; and including an inn, hotel, motor inn, and tourist court, but not including a boarding house, lodging house or rooming house.
- 2.1.1.33. Impervious Surface: An impervious surface shall be considered a surface with a runoff coefficient of greater than ninety (90) percent. All structures, driveways, parking areas and paved surfaces exceeding a ninety (90) percent runoff coefficient shall be considered as impervious surfaces.
- 2.1.1.34. Industrial Park. An industrial subdivision or an area with common areas and/or parking areas planned for occupancy for more than one (1) industrial building.
- 2.1.1.35. Junk Yard: An area, whether enclosed or open, where waste, scrap materials, unregistered vehicles or parts thereof, and/or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, demolished, abandoned, or handled, including, but not limited to, scrap iron and other metals, paper, rags, bottles, rubber tires, equipment, machinery or parts thereof, unregistered vehicles or parts thereof.
- 2.1.1.36. Kennel Commercial: A pack or collection of dogs on a single premises maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, and including any shop where dogs are on sale.
- 2.1.1.37. Kennel Private: A pack or collection of more than three dogs, three months old or over, owned or kept by a person on a single premises and maintained exclusively as domestic pets and not maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes.
- 2.1.1.38. Landscaped Area: Land planted, not including public or private street right-of-way, parking lots, service or loading areas, driveways, sidewalks, easements for above ground utilities, ground area covered by any structure other than those structures directly related to an open space or recreational use, or any other land deemed unsuitable by the Planning Board, including, but not limited to, swamps and wetlands.

2.1.1.39. Loading Space, Off-Street: An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street or other appropriate means of ingress and egress.

2.1.1.40. Lot:

- a. Lot: A parcel of land described by metes and bounds in a deed or on a plan duly recorded in the Plymouth County Registry of Deeds.
- b. Lot, Building: That area of land described on a site plan submitted with an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted, but not including any part of a street.
- c. Lot Corner: A lot at the intersection of, and abutting one (1), two (2) or more streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees, or where the intersection is bounded by a curve having a radius of less than one hundred (100) feet.
- d. Lot Coverage: The area of a site occupied by impervious surface.
- e. Lot Depth: The distance measured perpendicular to and at every point along the frontage required.
- f. Lot Line: The established division line between lots or between a lot and a street.
 1. Lot Line, Front: The dividing line or lines, between a street and the lot line.
 2. Lot Line, Rear: The line, or lines, bounding a lot at the rear and approximately parallel to and at the maximum distance from the front line.
 3. Lot Line, Side: The line, or lines, bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of a corner lot, or through lots, all lines extending from streets shall be considered side lot lines.
- g. Lot, Width: The minimum distance between the side lot lines measured on any line parallel to a line joining the intersection of the side lot lines with the right-of-way at any point between said intersection and the nearest point of the principal building and the right-of-way line.

- 2.1.1.41. Manufactured Home: A structure which is transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- 2.1.1.42. Manufactured Housing Community: Any lot or tract of land of not less than fifty (50) acres upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with manufactured homes.
- 2.1.1.43. Membership Club: A private organization, including its building or grounds, which specifically includes country clubs and fraternities and other organizations to which membership is limited or controlled.
- 2.1.1.44. Motor Vehicle Junkyard: An establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- 2.1.1.45. Non-Conforming Use or Structure: A lawfully existing use or structure which does not conform to the regulations for the district in which such use of land or building exists but which was lawfully established prior to the time of the applicability of such regulations.
- 2.1.1.46. Office: A building, room, or spaces in which the affairs of a business or professional person are conducted.
- 2.1.1.47. Open Space: The area of land not covered by impervious surfaces, which is left in its natural state or landscaped with trees, shrubs, ground cover, plants or grass.
- 2.1.1.48. Parking Area: A building, structure, lot or part thereof where off-street parking spaces are provided.
- 2.1.1.49. Parking Space: An area for the temporary or permanent storage of a vehicle.
- 2.1.1.50. Public Utility: A public service corporation , either private or municipal, supplying or transmitting gas, electricity or communications to any and all members of the public and subject to any federal, state , or town regulation by virtue of its natural, or legal monopoly, excluding a corporation or other organization, which provides cellular telephone services.
- 2.1.1.51. Principal Building: A structure in which is conducted the principal use for which the structure may be used, occupied or maintained.
- 2.1.1.52. Recorded: Recorded shall mean recorded in the District Registry of Deeds except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

- 2.1.1.53. Recycling Plant: A facility in which recoverable resources, such as, but not limited to, newspapers; magazines; books; paper products; glass and metal cans are processed, which processing may include, but is not limited to, collection, sorting, storage, reprocessing, and treatment to return such products to a condition in which they may again be used for production.
- 2.1.1.54. Redemption Center: A facility in which bottles and cans are collected, sorted, stored and processed prior to recycling, in accordance with Massachusetts General Laws, Chapter 94, Sections 321 and 326.
- 2.1.1.55. Residential Care Facility: A facility consisting of independent or semi-independent dwelling units, each occupied by not more than two (2) residents per dwelling unit, at least one (1) of whom is fifty-five (55) years of age or older or handicapped individuals; said facility shall have available on-site passive and active recreational facilities, supervised and unsupervised activities, housekeeping assistance, and full-time medical personnel to provide medical services, including, but not limited to, dietary and nutritional assistance and nursing care.
- 2.1.1.56. Restaurant: An establishment where food and beverages are prepared and served to patrons.
- 2.1.1.57. Retail: The sale of goods or articles individually or in small quantities directly to the consumer.
- 2.1.1.58. Screen: Shield from view in the manner described in Section 6.7, Screening and Landscaping.
- 2.1.1.59. Setback: The minimum horizontal distance between the street or property line and any part of the foundation nearest the street or property line.
- 2.1.1.60. Shopping Center: An area of thirty thousand (30,000) square feet or more planned for occupancy by more than one (1) retail or service establishment which will share common facilities and be managed as a unit.
- 2.1.1.61. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.
- 2.1.1.62. Site Plan: A plan prepared in accordance with Section 7.2. Site Plan.

- 2.1.1.63. Street: A public way or private way either shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.
- a. Private Way: A street which has not been accepted by the Town or certified by the Town Clerk as a public street under the Subdivision Control Law.
- b. Street Line: The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts; the sum total of lengths of front lot lines abutting a street.
- 2.1.1.64. Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building framework, retaining wall, tent, viewing stand, platform, porch, swimming pool, bin, fence, sign, flagpole, mast for radio antenna, satellite antenna or the like.
- 2.1.1.65. Trailer: Any vehicle or object on wheels or having no motive power of its own, but which is drawn by or used in combination with a motor vehicle and including a portable structure built on a chassis designed as a dwelling for travel, recreation or vacation use.
- 2.1.1.66. Transient: When referring to residency or guests, for a short period of time, measured in periods of less than thirty (30) days, which is not expected to be extended or to continue.
- 2.1.1.67. Use: The purpose for which land or a building is designed, occupied or otherwise utilized.
- 2.1.1.68. Warehouse: A structure or part of a structure for storing goods, wares and merchandise, whether the owner or for others, and whether it is a public or private warehouse.
- 2.1.1.69. Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure except for fences (See 2.1.1.57.Setback).
- 2.1.1.70. Yard Front: A yard extending between lot side lines across the lot adjacent to each street it abuts.
- 2.1.1.71. Yard Rear: A yard extending between the side lines of a lot adjacent to the rear line of the lot.
- 2.1.1.72. Yard Side: A yard extending along each side line of a lot between the front and rear yards.

3.0. ESTABLISHMENT OF DISTRICTS

3.1. Districts

3.1.1. The Town of West Bridgewater is hereby divided into the following zoning districts:

General Residential and Farming District
Business District
Industrial District
Town Center District
Flood Plain District (Overlay District)
Water Resource Protection District (Overlay District)

3.1.2. General Residential and Farming District: The purpose of the General Residential and Farming District is to provide suitable areas devoted to residential uses and agricultural pursuits.

3.1.3. Business District: The purpose of the Business District is to provide areas for the conduct of business activities.

3.1.4. Industrial District: The purpose of the Industrial District is to provide areas for industry, research and office and industrial parks

3.1.5. Town Center District: The purposes of the Town Center District are to create a traditional town center-like setting in West Bridgewater's Central Square that has the potential to become more pedestrian-oriented. The District shall primarily include commercial uses providing local goods and services rather than regional goods and services. Buildings shall be of proportionately small scale commensurate with the provision of local goods and services to reinforce the town center setting. Housing is also encouraged in this district on upper floors above ground floor commercial stores along the street frontage.

3.1.6. Flood Plain District: The purposes of the Flood Plain as an overlay district to all other zoning districts are to protect the public health, safety, and general welfare; to protect human life and property from the hazards of periodic flooding; to preserve the natural flood control characteristics and the flood storage capacity of the flood plain; and to preserve and maintain the groundwater table and water recharge areas within the flood plain. (See Section 4.5.).

3.1.7. Water Resource Protection District: The purposes of the Water Resource Protection District as an overlay district to all other zoning districts are to protect the public health of the residents of the Town from contamination of existing and potential public groundwater supplies and to protect, preserve and maintain the aquifers and recharge areas of existing and potential groundwater supplies within the Town as sources of public water. (See Section 4.6).

3.2. Location of Districts

3.2.1. Zoning Map. Except for the Flood Plain District (Overlay District) and the Water Resource Protection District (Overlay District), the location and boundaries of the Zoning Districts are hereby established as shown on a map, entitled "Zoning Map of the Town of West Bridgewater", approved by the Planning Board on June 7, 2006 and filed with the office of the Town Clerk, which map, together with all explanatory matter thereon, is hereby adopted and incorporated herein by reference and made a part of this By-law. Changes may be made in the zoning district boundaries and other matter shown on the Zoning Map in accordance with the provisions of Chapter 40A, Section 5 of the General Laws. Whenever any such change is made, the Town Clerk shall provide for such revision to be made on the Zoning Map within thirty (30) days of the effective date of the amendment, but no delay in updating the Zoning Map shall effect the validity and application of such amendment. In the event of a conflict between the Zoning Map and the records of the Town Meetings at which the changes and additions to the Zoning Map were made, such records shall take precedence.

3.3. Boundaries of Districts

3.3.1. Where the boundary lines are shown upon said map within the street lines of public and private ways, or utility transmission lines, the side lines of such ways or lines shall be the boundary lines, unless otherwise indicated.

3.3.2. Boundary lines located outside of street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between boundary lines and transmission lines are the distances in feet of the boundary lines from such lines, the distances being measured at right angles to lines unless otherwise indicated.

3.3.3. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

3.3.4. When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.

- 3.3.5. Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of West Bridgewater on file in the offices of the Planning Board and Town Clerk of the Town of West Bridgewater.
- 3.3.6. See also Section 4.5. for the Flood Plain District and Section 4.6. for the Water Protection District boundaries.
- 3.3.7. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of said map.

3.4. Boundary Line Dividing A Lot

- 3.4.1. Where a district boundary line divides any lot existing at the time such line was adopted, the regulations for the less restricted portions of such lot shall extend not more than thirty (30) feet into the more restricted portion of such lot, provided the lot has frontage on a street in the less restricted district; and provided the extension into the more restricted district is allowed by special permit by the Board of Appeals subject to appropriate conditions or safeguards where such are deemed necessary for safety or to provide a buffer between the use in the less restricted district and the more restricted district.

4.0. USE REGULATIONS

4.1. Application of Use Regulations

4.1.1. Prohibited Uses

- 4.1.1.1. Except as provided by law, all existing and future uses of land, buildings and structures not set forth in Section 4.4., Table of Use Regulations, are expressly prohibited.

4.2. Restrictions Affecting All Districts

- 4.2.1. No lot shall be used, and no new buildings or structures shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used in any part of the Town, any other provision of this By-law to the contrary notwithstanding, for any of the following purposes:

- a. For any purpose which by the emission or discharge of any fumes, vapor, gas, dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter, or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise would be injurious to the public.

- b. For any purpose which would be for any reasons injurious to the health, safety, or welfare of the community in any of the zoning districts.

4.3. Use Designations

4.3.1. In each zoning district, land, buildings and other structures may be used as a principal use or any accessory use or as a special permit only as specifically set forth in the Table of Use Regulations, Section 4.4. All uses in the underlying districts are subject to the restrictions set forth in the overlay districts in Sections 4.5. and 4.6. Symbols used in the Table of Use Regulations shall mean the following:

GRF - General Residential and Farming District

B - Business District

I - Industrial District

TC - Town Center District

Y - A use permitted as of right

N - A use not permitted

SA - A use permitted only under a special permit granted by the Board of Appeals

SPB - A use permitted only under a special permit granted by the Planning Board

4.4. The following is the Table of Use Regulations

TABLE OF USE REGULATIONS

PRINCIPAL USE	GRF	B	I	<u>TC</u>
<u>Residential Uses</u>				
1. Single family dwelling	Y	Y*	N	Y
1A. Single family dwelling In a Business District a lot containing 30,000 square feet with a minimum of 150 feet frontage that is not on West Center, East Center, North Main or South Main Streets may be used for residential purposes (single family dwelling) by special permit granted by the Zoning Board of Appeals.	Y	SA	N	
2. Two-family dwelling	Y	Y*	N	Y
3. Conversion of existing owner-occupied dwelling to two family dwelling *This zoning change will only apply to buildings in existence at the time of the bylaw change (May 23, 2005).	SA	SA*	N	Y
4. Manufactured Housing Community (Mobile Home Park)	SPB	N	N	N
5. Adult Retirement Community	SPB	SPB	SPB	SPB
6. Mixed Residential/Commercial (Maximum of 2 bedrooms/unit, no residential on ground floor)	N	N	N	Y

<u>Agricultural uses</u>	Y	Y	Y	Y
1. Farming, dairy, nursery, market garden, greenhouse or other agricultural, horticultural, floricultural or viticulture uses, including the sale of natural products				
<u>Educational, Religious, Institutional, and Recreational Uses</u>				
1. Educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or subdivisions or by a non-profit educational corporation	Y	Y	Y	Y
2. Churches or other places of religious worship	Y	Y	Y	Y
3. Day Care Center	Y	Y	Y	Y
4. Hospitals and outpatient clinics	N	SA	SA	SA
5. Nursing homes, convalescent homes, group homes, homes, rest homes, residential care facilities, and other similar uses	SA	SA	SA	SA
6. Family day care home	SA	SA	N	SA
7. Membership clubs, private nonprofit clubs, golf clubs, and country clubs.	SA	SA	SA	SA
8. Health clubs and racquet clubs	N	SA	Y	SA
9. Public Library	SA	SA	SA	SA
10. Public park, playground, or other public recreational facility	SA	SA	SA	SA
11. Cemetery	SA	N	N	N
<u>Governmental and Public Service Uses</u>				
1. Municipal or public buildings	SA	SA	SA	SA
2. Municipal or public utilities necessary in connection with serving the Town	SA	SA	SA	SA
3. Public utility buildings or yards screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height.	N	SA	Y	SA
4. Public parking garage	N	SA	SA	SA
5. Easement for drainage, utilities, walkways, roads and driveway	Y	Y	Y	Y
<u>Retail, Business and Consumer Services</u>				
1. Adult Bookstore	N	N	SA	N
2. Adult Cabaret	N	N	SA	N
3. Adult Motion Picture Theater	N	N	SA	N
4. Adult Paraphernalia Store	N	N	SA	N
5. Adult Video Store	N	N	SA	N
6. Animal Hospital/Clinic	N	SA	SA	N
7. Bed and breakfast	SA	Y	N	Y

8. Dry cleaning, on site	N	N	N	N
9. Funeral homes and funeral chapels	N	Y	N	SA
10. Gasoline service stations, including routine maintenance operations	N	N	SA	N
11a.Home occupation or trade with: No exterior storage nor more than two non- resident employees.	Y	Y	Y	Y
11b.Home occupation or trade with exterior storage and/or non-resident employment	N	SA	SA	N
12. Hotels and motels	N	SA	SA	N
13a.Kennels Commercial	SA	SA	SA	N
13b.Kennels Private	SA	SA	SA	N
14. Motor vehicle sales and repair facilities, including repairing, painting, storing or washing of vehicles	N	SA	SA	N
15. Offices	N	Y	Y	Y
16. Redemption center	N	Y	Y	N
17. Restaurant, fast food with drive-up or window service	N	SA	SA	SA
18. Restaurant where there is no drive-up service, food and beverages are consumed indoors, and with a maximum gross floor area of two thousand (2,000) square feet	N	Y	Y	SA
19. Restaurant where there is no drive-up service, food and beverages are served indoors and with a gross floor area greater than two thousand (2,000) square feet	N	SA	SA	SA
20a.Retail business or service conducted within a structure	N	Y	Y	Y
20b.Retail business or service with drive-up or window service	N	SA	SA	SA
20c.Retail business or service with exterior display	N	SA	SA	SA
21. Shopping center	N	SPB	SPB	N
Commercial and Industrial Uses				
1. Bottling or packaging of previously prepared products	N	SA	SA	N
2. Contractor's offices and storage yards, screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height	SA	SA	SA	N
3. Industrial park	N	N	Y	N
4. Junk yard	N	N	N	N
5. Manufacturing	N	SA	Y	N
6. Motor vehicle junkyard	N	N	N	N
7. Wireless Communications Facility	SPB	SPB	SPB	SPB
8. Recycling plant	N	N	SA	N

9. Warehouse and distribution centers, except fuel	N	N	Y	N
10. Large Scale ground mounted Solar PV Installation: >250kW	N	N	Y	N
11. Mid-Scale ground mounted Solar PV Installation: 150kW-250 kW	N	Y	Y	N
12. Small Scale ground mounted Solar PV Installation: up to 150 kW	Y	Y	Y	N
13. Digital Message Boards: Computerized programmable electronic visual communication devices used for the advertisement purposes for good and services, manufactured for the outside environment.	SA	SA	SA	SA
<u>Permitted Accessory Uses and Structures</u>				
1. 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 scientific development or related production, may be permitted upon the issuance of a special permit provided the special permit granting authority finds that the proposed accessory use does not substantially derogate from the public good	SA	SA	SA	SA
PRINCIPAL USE	GRF	B	I	TC
2. Accessory uses customarily incidental to a permitted residential use on the same premises, such as barns, cabanas, pools, and garages for the vehicles of the occupants, provided that they are not detrimental to the residential neighborhood because of traffic, noise, odor or lighting in connection with the use	Y	Y	Y	Y
3. Accessory uses customarily incidental to a permitted commercial use on the same premises, such as barns, cabanas, pools, and garages for the vehicles of the occupants, provided that they are not detrimental to the neighborhood because of traffic, noise, odor or lighting in connection with the use	N	Y	Y	SA

4.5. Flood Plain District

4.5.1. Statement of Purpose The purposes of the Floodplain District are to:

4.5.1.1 Ensure public safety through reducing the threats to life and personal injury.

4.5.1.2 Eliminate new hazards to emergency response officials.

- 4.5.1.3 Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- 4.5.1.4 Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- 4.5.1.5 Eliminate costs associated with the response and cleanup of flooding conditions.
- 4.5.1.6 Reduce damage to public and private property resulting from flooding waters.
- 4.5.2. Floodplain District Boundaries and Base Flood Elevation and Floodway Data
- 4.5.2.1 Floodplain District Boundaries and Base Floodplain Boundaries
- 4.5.2.1.1 The Floodplain District is herein established as an overlay district.
- 4.5.2.1.2 The District includes all special flood hazard areas designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.
- 4.5.2.1.3 The map panels of the Plymouth County FIRM that are wholly or partially within the Town of West Bridgewater are panel numbers 25023C0162J, 25023C0164J, 25023C0166J, 25023C0167J, 25023C0168J, 25023C0169J, 25023C0186J, 25023C0188J, 25023C0281J, 25023C0282J and 25023C0301J dated July 17, 2012.
- 4.5.2.1.4 The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012.
- 4.5.2.1.5 The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.
- 4.5.2.2 Base Flood Elevation and Floodway Data
- 4.5.2.2.1. Floodway Data: 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.

4.5.2.2.2 Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4.5.3. Notification of Watercourse Alteration

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

- Adjacent Communities

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

4.5.4. Use Regulations

4.5.4.1 Reference to Existing Regulations

4.5.4.1.1 The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

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

4.5.4.1.2 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.

4.5.4.2 Other Use regulations

4.5.4.2.1 In Zones AE, along watercourses within the Town of West Bridgewater that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4.5.4.2.2 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; and
- c. adequate drainage is provided to reduce exposure to flood hazards.

4.5.4.2.3 Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

4.5.4.2.4 There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

4.5.5. Permitted Uses

4.5.5.1 The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

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

4.5.6. Definitions:

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The areas designated as Zone A and Zone AE.

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

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

District means floodplain district.

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

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

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

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

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

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

One-Hundred Year Flood - see Base Flood

Regulatory Floodway - see Floodway

Special Flood Hazard Area means an area having special flood shown on a FIRM as Zone A or AE.

Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

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

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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

Zone AE means the 100-year floodplain where the base flood elevation has been determined.

Zone X are areas identified in the community Flood Insurance Study as "areas of moderate or minimal flood hazard," or take any action relative thereto.

4.6 Water Resource Protection District

4.6.1 Purpose

The purpose of this Water Resource Protection District is to: promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the town of West Bridgewater;

- a. preserve and protect existing and potential sources of drinking water supplies;
- b. conserve the natural resources of the West Bridgewater; and
- c. prevent temporary and permanent contamination of the environment.

4.6.2 Scope of Authority

The Water Resource 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 and uses in a portion of one of the underlying zoning districts that fall within the Water Resource Protection District must additionally comply with the requirements of this Bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in this District.

Definitions

4.6.3.1 In addition to the definitions in Section 2, the following definitions apply to this section:

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

CMR: Code of Massachusetts Regulations.

DEP: Massachusetts Department of Environmental Protection.

Water Resource Protection District: Those land area(s) designated on a map adopted pursuant to this Bylaw that provide recharge to an existing or planned public drinking water supply well. The District includes all areas designated as a Zone II and approved by the DEP.

Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics 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. Hazardous materials include, without limitation: synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and

thinners in quantities greater than normal household use; and all substances defined as hazardous or toxic under M.G.L. c.21C and 21E and 310 CMR 30.00.

Hazardous Waste: Any waste defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.010. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint and waste pesticides.

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.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

M.G.L.: Massachusetts General Law

Petroleum Product: Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Non-sanitary wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)), or state regulations and criteria for solid waste disposal.

Potential Drinking Water Sources: Areas that could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include DEP approved Zone I, Zone II, or Zone III areas.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material that is a hazardous waste as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the head-works of a facility

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M.G.L. c.21. s.52A.

Zone I: The DEP designated protective radius around a public water system well or well-field.

Zone II: The DEP approved area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated as defined in 310 CMR 22.00.

Refer to Section 2 of this bylaw for additional definitions.

4.6.4. Establishment and Delineation of Water Resource Protection District

4.6.4.1. 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. This map is at a scale of 1 inch to 1000 feet and is entitled 'Water Resource Protection District', town of West Bridgewater dated July 2009. This map is hereby made a part of this of Bylaw and is on file in the Office of the Town Clerk.

4.6.4.2. The boundaries of the district include the DEP approved Zone II. To facilitate locating the boundaries on the ground, they have been adjusted to identifiable features such as street lines or property lines.

4.6.5. District Boundary Disputes

4.6.5.1. 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.

4.6.5.2. The burden of proof shall be upon the owner(s) of the land to demonstrate that the location of the District boundary with respect to a parcel(s) of land is uncertain. At the request of the owner(s), the town may engage a professional engineer, 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 the cost of the investigation. Amendments to the Water Resource Protection District require Town Meeting approval.

4.6.5.3. Where the boundary line of the Water Resource Protection District divides a lot or parcel, the requirements established by this bylaw shall apply to the entire lot or parcel.

4.6.6. Permitted Uses

4.6.6.1. The following uses are permitted within the Water Resource Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- a. conservation of soil, water, plants, and wildlife;

- b. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- c. foot, bicycle and/or horse paths, and bridges;
- d. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- e. maintenance, repair, and enlargement of any existing structure, subject to Section 4.6.7 and Section 4.6.8 of this bylaw;
- f. residential development, subject to Section 4.6.7 and Section 4.6.8 of this bylaw;
- g. farming, gardening, nursery, conservation, forestry, harvesting, and grazing, on parcels of 5 acres or more in accordance with Chapter 40A, Section 3 of the General Laws, subject to Section 4.6.7 and Section 4.6.8 of this bylaw;
- h. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.
- i. all permitted uses including but not limited to principal structures, parking lots, roads and all impervious areas shall be designed using Best Management Practices for storm water management as required by law and shall be permanently maintained in full working order by the owner.

4.6.7. Prohibited Uses

4.6.7.1. The following uses are prohibited within the Water Resource Protection District:

- a. landfills and open dumps as defined in 310 CMR 19.006;
- b. Class 3 automobile graveyards and junkyards, as defined in M.G.L. c.140B, s.1;
- c. landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L.c. 21 s.26 through s.53; M.G.L.c. 111 s.17; M.G.L. c.83, s.6 and s.7, and regulations promulgated thereunder;
- d. facilities that generate, use, treat, store, or dispose of hazardous waste that are subject to M.G.L. c.21C and 310 CMR 30.00, except for:
 - 1. very small quantity generators as defined under 310 CMR 30.000;
 - 2. household hazardous waste centers and events under 310 CMR 30.390;
 - 3. waste oil retention facilities required by M.G.L. c. 21, s.52A;

- 4. water remediation treatment works approved by DEP for the treatment of contaminated waters
- e. petroleum products including gasoline, diesel, and heating oil bulk fueling stations and transfer terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquefied petroleum gas and products for normal household use.
- f. storage of liquid hazardous materials, as defined in M.G.L.c. 21E, and/or liquid petroleum products unless such storage is:
 - 1. above ground level and on an impervious surface; and
 - 2. either in container(s) OR above ground tank(s) within an approved protected structure in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers OR 110% of the largest container's storage capacity, whichever is greater.
- g. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- h. 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;
- i. storage of animal manure unless covered or contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- j. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 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;
- k. discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water; this prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5) except:
 - 1. 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 treatment works;

2. treatment works approved by the DEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 3. publicly owned treatment works.
- l. stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district;
 - m. storage of commercial fertilizers, as defined in M.G.L. c.128, s.64, unless such storage is within an approved structure designed to prevent the generation and escape of contaminated runoff or leachate.
 - n. Class 2 auto dealers with on-site service facilities
 - o. dry cleaners that use or store liquid hazardous material on site.

4.6.8. Uses and Activities Requiring a Special Permit

4.6.8.1. 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:

- a. enlargement or alteration of existing uses that do not conform to the Water Resource Protection District;
- b. 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 Section 4.6.7). Such activities shall require a special permit to prevent contamination of groundwater;
- c. Commercial farming, gardening, nursery, conservation, forestry, harvesting, and grazing on parcels of less than 5 acres.
- d. hospitals, nursing homes, convalescent homes, sanitariums, funeral establishments, veterinary hospitals and cemeteries.
- e. Class 1 auto dealers with service facilities and Class 2 auto dealers without service facilities.

- f. car washes.

4.6.9. Procedures for Issuance of Special Permit

4.6.9. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, Conservation Commission and Water Department that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section 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 section. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations and other parts of this zoning bylaw. The SPGA shall document the basis for any departures from the recommendations of the other town boards, departments or commissions in its decision.

4.6.9. The procedure for a Special Permit shall conform to Section 7.5 Special Permit of this bylaw.

4.6.9.3 After notice and public hearing, and after due consideration of any recommendations received from local boards within 30 days of the date copies were transmitted to them, SPGA may grant a special permit provided it makes a written finding that the proposed use:

- a. is consistent with the purposes and intent of Section 4.6;
- b. is appropriate to the hydrogeology, natural topography, soils and other characteristics of the site to be developed;
- c. will not, during construction or thereafter, have any adverse environmental impact on the Water Resource Protection District.
- d. will not adversely affect an existing or designated future public well.

4.6.10. Enforcement

4.6.10. Refer to Section 7.7 of this bylaw.

4.6.11. Severability

4.6.11.1. 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 there under.

5.0. INTENSITY OF USE REGULATIONS

5.1. Application

5.1.1. No building or structure shall be built which does not comply with the provisions of this section and which does not meet these requirements.

5.1.2. Any increase in area, frontage, width, yard or depth requirements of the By-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirements of the By-law shall not apply for a period of five years from its effective date or for five years after January 1, 1976, whichever is later, to a lot for single and two-family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January 1, 1976, and had less area, frontage, width, yard or depth requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January 1, 1976, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the By-law.

5.1.3. If a definitive plan, or a preliminary plan followed within seven (7) months by a definitive plan, is submitted to the Planning Board for approval under the subdivision control law, and written notice of such submission has been given to the Town Clerk before the effective date of this By-law or amendment thereto, the land shown on such plan shall be governed by the applicable provisions of this By-law, if any, in effect at the time of the first such submission while such plan or plans are being processed under the subdivision control law, and if such definitive plan or amendment thereto is finally approved, for eight (8) years from the date of endorsement of such approval, except in the case where such plan was submitted and approved before January 1, 1976, for seven years from the date of the endorsement of such approval.

5.2. Dimensional and Density Requirements

5.2.1. Table of Dimensional and Density Requirements

The requirements for each district pertaining to minimum lot size, minimum lot frontage, minimum front, side and rear yard setbacks, percentage of building coverage, maximum height of buildings and structures, and the minimum front, side and rear yard setbacks of accessory buildings are those specified in the following Table of Dimensional and Density Requirements.

TABLE OF DIMENSIONAL AND DENSITY REQUIREMENTS

District	Use	Min. Lot Area (Sq. Ft.)	Min. Lot Frontage (In Ft.)	Min. Front Setback (In Ft.)	Min. Side Setback (In Ft.)	Min. Rear Setback (In Ft.)	Building Height (In Ft.)	Coverage	Accessory Building Setbacks (In Ft.)		
									F	S	R
GRF	Single Family Dwelling	30,000	150	35	20	35	35	30%	35	15	10
	Two Family Dwelling	60,000	200	35	20	35	35	30%	35	15	10
	Manufactured Home ⁽¹⁾	8,000	70	20	20	20	N/A	N/A	20	10	10
B	Any Permitted Use	18,750	125	35	20	35	40	30%	35	15	10
I	Any Permitted Use	87,120	250	50	40	40	N/A	30%	50	40	40
TC	Any Permitted Use	10,000	75	5 min. and 15 max	10	10	40 or three floors	50% up to 75% by special permit	None allowed	5	5

5.2.2. Other Dimensional and Density Provisions

- a. Except for business or industrial development, community facilities, public utilities, and uses controlled by special permit procedures, no more than one principal building shall be permitted on a lot.
- b. On a lot having frontage on more than one street, there shall be a setback (depth) for the district in which each street frontage is located.
- c. Certain architectural features may project into required yards as follows:
 - 1. Cornices, canopies, eaves or other similar architectural feature may project into yards a distance not exceeding a total of two (2) feet.
 - 2. Fire escapes may project into side yard and rear yards a distance not exceeding five (5) feet.

⁽¹⁾ Requirements apply to each manufactured home lot. Fifty (50) acres minimum project site.

3. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding two (2) feet, provided that such features do not occupy in the aggregate more than one-third of the length on the building wall on which they are located.
 4. Decks may be located in side and rear yards, provided that they do not project more than five (5) feet into the required yard setback.
- d. The dimensional and density requirements for the principal use of an Adult Retirement Community are contained in Section 8.5 of these by-laws.
 - e. All lots being subdivided shall be designed geometrically to show a 100' (foot) by 100' (foot) square beginning at the minimum front yard setback line for a structure.
 - f. No pork chop, excessively funnel-shaped or other unusually gerrymandered lots shall be allowed if the shape is caused solely by an attempt to meet the lot size requirements of this bylaw.

6.0. GENERAL PROVISIONS AFFECTING ALL DISTRICTS

6.1. Non-Conforming Use of Land or Structures

- 6.1.1. Any structure or use lawfully in existence or lawfully begun or for which a building permit or special permit has been issued before the first publication of notice of the public hearing on the adoption of this By-law or any amendment thereto and which does not conform to this By-law or any amendment thereto shall be deemed to be a nonconforming use. The lawful use of any structure or land existing at the time of the adoption of this By-law or any amendment thereto may continue except as may be otherwise provided.
- 6.1.2. Any lawful use of land or a structure for which a building or special permit was issued prior to the first publication of notice of the public hearing on the adoption of this By-law or any amendment thereto, which provisions, when adopted, by their terms prohibit such use, may be commenced, provided, in the case of a use of a structure permitted by such a building permit or special permit, the construction of such structure commences within six months after the date on which such building or special permit is issued and is continued through to completion as continuously and expeditiously as is reasonable, and further, in the case of a use permitted by such a special permit, which requires no construction under a building permit, such use commences within six months after the date on which such special permit is issued.
- 6.1.3. This By-law and any amendment thereto shall apply to any change or substantial extension of a lawfully existing nonconforming use or structure, to a building or special permit issued after the first notice of public hearing on this By-law or any amendment thereto; to any

reconstruction, extension or structural change of a lawfully existing nonconforming use or structure; and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure.

6.1.4. Nonconforming Uses. The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

- a. Change or substantial extension of the use.
- b. Change from one nonconforming use to another less detrimental nonconforming use.

6.1.5. Nonconforming Structure. The Board of Appeals may grant in the case of nonconforming structures, other than single and two-family structures, a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

- a. Reconstructed, extended or structurally changed.
- b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

6.1.6. Nonconforming Single and Two-family Structures. Nonconforming single and two-family structures may be reconstructed, extended, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and upon the issuance of a building permit where applicable. The following types of changes shall be deemed not to increase the nonconforming nature of said structure:

- a. Alteration to a structure located on a lot with insufficient area, where such alteration complies with all current setback, yard, building coverage and building height requirements.

- b. Alteration to a structure located on a lot with insufficient frontage, where such alteration complies with all current setback, yard, building coverage, and building height requirements.
- c. Alteration to a structure encroaching upon one or more required yard or setback areas, where such alteration will comply with all current setback, yard, building coverage, and building height requirements.
- d. Alteration to a side or face of a structure encroaching upon a required yard or setback area, where such alteration will not encroach upon such area to a distance greater than the existing structure.
- e. Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modifications shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

- 6.1.7. Variance Required. In the event that the reconstruction, extension, alteration or structural change of a nonconforming structure would increase the existing nonconformity or create a new nonconformity including the extension of an exterior wall at or along the same nonconforming distance within a required yard, a variance from the Board of Appeals shall be required.
- 6.1.8. Abandonment. A nonconforming use or structure which has been abandoned or not used for a period of two years shall not be resumed except by a special permit issued by the Board of Appeals.
- 6.1.9. Disaster. Necessary repairs to and/or the rebuilding of a nonconforming structure after damage by fire, storm or similar disaster are permitted; provided they are accomplished without undue delay and do not substantially change the character or size of the building or the use to which it was put prior to such damage.
- 6.1.10. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.
- 6.2. Accessory Buildings and Uses
 - 6.2.1. Use Regulation

6.2.1.1. Accessory buildings and uses are those located on the same lot with the principal building or use which are customarily incidental to that of the main building or the use of land. They are subject to the dimensional and density requirements and other specific requirements set forth in this By-law.

6.2.2. Location of Accessory Buildings

6.2.2.1. Separation. All accessory buildings shall be separated from the principal building by ten (10) feet.

6.2.2.2. Private Garages. An accessory building used as a private garage shall be permitted to be located in the front yard, rear yard or side yard, provided that setbacks are maintained and the structures do not encroach into any recorded easements.

6.2.2.3. Storage Buildings (Sheds). All accessory buildings used for storage or similar use shall be permitted to be located in any portion of the rear yard or side yard. No storage building shall be located in the front yard.

6.2.3. Number of Accessory Buildings Restricted on Lots

6.2.3.1. There shall not be more than two (2) accessory buildings or structures unattached (private garages, storage sheds, excluding swimming pools and related equipment) located on a single lot in a General Residential and Farming District.

6.3. Off-Street Parking Requirements

6.3.1. Required Parking

6.3.1.1. All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated entirely off-street on the same premises as the activity it services. The following minimums must be met, unless these are reduced on a Special Permit from the Board of Appeals or other Special Permit Granting Authority upon determination that special circumstances render a lesser provision adequate for all parking needs.

- a. Residential Use: Two (2) parking spaces per dwelling unit plus one (1) space for each bedroom over two (2).
- b. Retail business, commercial or personal service establishment: One (1) parking space for each two hundred (200) square feet of floor area.
- c. Office, professional, business or public: One (1) parking space for each two hundred (200) square feet of floor area.

- d. Industrial, Warehouses and Distribution Centers: One (1) parking space per each thousand (1,000) square feet of floor area, plus one (1) space for each three (3) employees on the largest shift.
- e. Place of Assembly, Restaurant: One (1) parking space per every four (4) seats.
- f. Medical or dental office or clinics: Two (2) spaces for every examination room.
- g. Other Use Categories: Use categories to be determined by the Inspector of Buildings in accordance with standards.
- h. Town Center District: No parking allowed between primary structure and the street.

6.3.1.2. Where more than one (1) use occurs on one (1) site, the requirements of this Section 6.4.1. shall be cumulative.

6.3.2.2. Location of Parking Areas

6.3.2.1. No off-street parking area shall be located within five (5) feet of a street line or within five (5) feet of all other property lines except where abutting uses share parking with a written contractual understanding.

6.3.2.2. No parking area shall be located or designed as to impede a public way.

6.3.2.3. No parking area shall be located or designed so as to necessitate backing onto or off a public way.

6.3.3. Development and Maintenance of Parking Areas

6.3.3.1. For parking areas of ten (10) cars or more the following shall apply:

- a. Off-street parking areas shall be designed and constructed in accordance with the Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.
- b. There shall not be more than one (1) entrance and one (1) exit from such parking areas per three hundred (300) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall be arranged for shared egress.

6.3.3.2. Parking areas must be so located and parking so designed that egresses likely to be used for more than two hundred (200) trips per day, serving more than forty (40) dwelling units or eighty (80) employees or forty (40) restaurant seats or one (1) gas pump shall provide four hundred (400) feet visibility in both directions of a street.

6.4. Off Street Loading Requirements

6.4.1. Required Off-Street Loading

6.4.1.1. Adequate off-street loading facilities and space must be provided where possible, to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures.

6.4.2. Development and Maintenance of Off-Street Loading Facilities

6.4.2.1. Facilities shall be so sized and arranged, where possible, that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so.

6.4.2.2. Off-street loading areas shall be designed and constructed in accordance with the Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.

6.5. Sign Requirements

6.5.1. General Residential and Farming District

6.5.1.1. Signs, which are not flashing or luminous tube, are permitted in the General Residential and Farming District as follows:

- a. One (1) real estate sign advertising rental, lease or sale of the premises not exceeding six (6) square feet in area, including supporting frame structure.
- b. One (1) sign or bulletin board incidental to a permitted use, not exceeding 18" x 24" including the supporting frame structure, unless authorized by a special permit of the Board of Appeals and in no case to exceed six (6) square feet in area.

6.5.2. Business and Industrial Districts Signs, which are not flashing are permitted in the Business and Industrial Districts as follows:

- a. They relate to the premises on which they are located and only identify the occupant of such premises or advertise the service, and/or merchandise available within said premises.
- b. There shall be no temporary signs, banners, streamers, or placards erected suspended, posted or affixed in any manner outdoors on a building exterior of premises except for:
 1. Those granted by right upon written application to the Building Inspector which in no case shall exceed a period of sixty (60) days. Approval of the application

shall not be withheld unless said signs are not in conformance with the provisions of this By-law or create traffic and safety hazards.

2. Flags, "open" or "closed" signs, banners, or signs of a similar nature provided that there is not more than one (1) for each structure and that no such flag, banner or sign shall exceed twelve (12) square feet.
 3. Holiday or special event decorations which do not obstruct traffic or create a hazard.
- c. On each premise, there is permitted only one (1) sign affixed to the exterior of a building for each occupancy therein. The top edge of each such sign shall not be higher than either the roof ridge of the building or the highest point of the roof, if no ridge pole. No wall /roof mounted sign (s) shall have sign-board area (or display area, if no sign-board) exceeding ninety-six (96) square feet gross area
 - d. Free-standing signs are limited to one (1) per lot, except that more than one (1) free-standing sign will be permitted if there is more than one (1) entrance way, each entrance being a minimum of three hundred (300) feet distance apart on the same side of street or public way.
 - e. The total sign area of all free-standing signs in no case can exceed two (2) times that of a single free- standing sign. The top edge of any such free-standing signs shall not be higher than twenty-five (25) feet vertical measure. No free-standing signs shall be erected where they may obstruct view of traffic. Any such free-standing sign may be located within the front setback space if any, on such lot, but may not be nearer than six (6) feet from front and side lot lines, unless a Variance is granted by the Zoning Board of Appeals.
 - f. No free-standing signs shall have sign-board area (or display area, if no sign-board) exceeding ninety-six (96) square feet gross area, measured from the top of the topmost display elements to the bottom of the lowest display elements and from exterior side to exterior side of display elements, excluding in such measurements, any blank space between display and elements.
 - g. Illuminated signs shall be permitted, but subject to the following restrictions and prohibitions:
 1. There shall be no intermittently illuminated sign of a traveling, animated, or flashing light type, or visible moving or moveable parts, except such portions of a sign that consist solely of indicators of time or temperature.

6.5.3. Setback Requirements

6.5.3.1. The minimum setback requirement affecting all districts shall not be less than six feet (6' 0") from the lot line.

6.5.4 Digital Message Board

- a. Definition: Computerized programmable electronic visual communication devices used for the advertisement purposes for goods and services, specially manufactured for the outside environment.
- b. There shall be only one (1) Digital Message Board allowed per property.
- c. Transitions from one static image to the next shall appear instantaneously without the appearance of flashing, animation or movement of any kind.
- d. Digital Message Boards can only display goods and services available at the petitioner's place of business.
- e. Digital Message Boards may change their static images no more than once every thirty minutes (30) as a free standing, monument, or wall sign. In addressing this issue, the Zoning Board of Appeals may review sight distances and speed limits on surrounding roads.
- f. Such sign shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness based on ambient light conditions.
- g. No Digital Message Board shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter and a distance of 25' from the display.
- h. Digital Message Boards shall display static images only.
- i. During a public safety event, the petitioner, upon request, shall make the Digital Message Board accessible to the Town of West Bridgewater's public safety departments.
- j. Maintenance: Any allowed Digital Message Board that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty-eight hours (48) by the owner or operator of such sign.

6.6. Performance Standards

6.6.1. Administration and Interpretation

6.6.1.1. All proposed uses of buildings, lots or premises within any District after the passage of this By-law shall conform to the standards contained in this Section:

6.6.2. Exterior Lighting

6.6.2.1. No exterior lighting, other than street lighting approved by the Massachusetts Department of Public Works, shall shine on adjacent properties or toward any street.

6.6.2.2. Exterior illumination of buildings or grounds in a General Farming and Residential District, except as may be permitted for required parking areas, shall:

a. Be shown on a site plan approved by the Inspector of Buildings.

6.6.2.3. Any lighting shall be non-flashing.

6.6.3. Dish Antennae and Radio Antenna Towers

6.6.3.1. Accessory dish antennae shall be located in the rear yard, shall be set back at least ten (10) feet from all property lines, principal buildings and accessory buildings, and shall not have a diameter greater than one-third (1/3) of the required rear setback.

6.6.4. Fencing, Screening and Landscaping

6.6.4.1. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed eight (8) feet in height, except hedges, and provided that no fence shall exceed thirty-six (36) inches in height within twenty (20) feet of the street line. No fence, wall, hedge, bush or tree shall be allowed to block traffic site distance within twenty (20) feet of the street.

6.6.4.2. Open storage, loading, or service areas, and parking lots for six (6) or more cars shall be screened from any adjacent residence by a wall, fence, or densely planted trees or shrubs at least three (3) feet in height, or be equivalently obscured by natural vegetation.

6.6.4.3. Trash or debris shall be confined and shall be screened from outside view.

7.0. ADMINISTRATION

7.1. Permits

7.1.1. Permit

7.1.1.1. It shall be unlawful for any person to erect, construct, reconstruct, alter a structure or establish a different use for an existing structure or lot without applying for and receiving a permit therefor from the Inspector of Buildings.

7.1.1.2. Such permit shall be applied for in writing to the Inspector of Buildings. No permit shall be issued unless the plans therefor and the intended use thereof fulfill in all respects the

provisions of this By-law, except as may have been specifically permitted otherwise by action of the Board of Appeals or other Special Permit Granting Authority and provided that a written copy of the terms governing such permission are submitted and attached to an application for and the resulting permit issued.

7.2. Site Plan

7.2.1. Site Plan Required

7.2.1.1. A site plan approved in accordance with this Section is required before the issuance of a building permit for all uses.

7.2.2. Submission Procedure

7.2.2.1. Seventeen (17) paper copies of the site plan and supporting documentation and one electronic/digital copy of the site plan and supporting documentation shall be submitted to the Town Clerk together with an application on a form supplied by the Inspector of Buildings. Said submission shall be filed during normal business hours and immediately shall be forwarded to the Inspector of Buildings.

- a. All residential uses shall be acted on by the Inspector of Buildings unless a Special Permit or Variance is required.
- b. All non-residential uses shall be reviewed by the Inspector of Buildings and, if the submission is complete, forwarded to the Planning Board or the appropriate Special Permit Granting Authority for action or in the case of a variance, to the Board of Appeals.

7.2.2.2. For all uses for which site plan submittal to the Inspector of Buildings is required, the application for site plan review and the site plan may be submitted at the same time as the application for a building permit. For all uses for which site plan submittal to the Planning Board is required, the application for site plan review and the site plan shall be submitted at least twenty-one (21) days prior to the application for a building permit.

7.2.2.3. Within five (5) days of receiving a site plan which complies with all submission requirements, the Inspector of Buildings shall submit five (5) copies of the site plan to the appropriate site plan reviewing authority and one (1) copy of the site plan and supporting documentation to each of the remaining Boards: Planning Board, Board of Selectmen, Conservation Commission, Board of Health, Board of Appeals, Historical Commission, ADA Compliance Committee, Fire Department, Police Department, Highway Superintendent and the Forestry Department/Tree Warden, each of whom shall return comments within thirty (30) days to the Inspector of Buildings or reviewing authority, whichever is appropriate.

7.2.2.4. The Special Permit Granting Authority, or the Board of Appeals in the case of variances, shall not conduct a public hearing for a Special Permit or variance until the appropriate reviewing office or board reviewed the site plan and submitted a report to the Special Permit Granting Authority or Board of Appeals or until after thirty days from the filing of the site plan have elapsed. Notice of the public hearing shall be provided in accordance with the rules and regulations of the Special Permit Granting Authority, or the Board of Appeals, as appropriate, and in accordance with Massachusetts General Laws.

7.2.2.5. Approval of a site plan shall be by:

- a. The Inspector of Buildings for uses covered by paragraph 7.2.2.1.a. above.
- b. The Planning Board for all other uses which do not require a special permit or variance.
- c. The Special Permit Granting Authority for all other uses requiring a special permit and the Board of Appeals in cases requiring a variance.

7.2.2.6. If the site plan complies with the provisions of this By-law, it shall be approved. If it does not so comply, it shall be disapproved. If disapproval, the plan can be revised and resubmitted without prejudice. The applicant may request an extension in writing to correct the plan for compliance with the By-law. Said extension may be granted at the discretion of the appropriate site plan approval authority. Within forty-five (45) days from the date of submission of the plan, the applicant shall be notified of the action taken, except in the case of a site plan submitted with an application for a Special Permit or a variance. Failure to act within forty-five (45) days shall constitute approval. In the case of a Special Permit or a variance, action and notification shall comply with the time requirements for a Special Permit or a variance established by Chapter 40A of the General Laws.

7.2.2.7. If a use shown on an approved site plan is to be changed or expanded, a revised site plan may be required by the Inspector of Buildings.

7.2.2.8. No building permit shall be issued for any building or structure for which site plan approval is required unless approval thereof shall have been obtained in compliance with this Section.

7.2.3. Contents and Format

7.2.3.1. The site plan shall be prepared and certified by a professional architect, registered professional land surveyor, landscape architect or registered professional engineer as required by the General Laws, Chapter 112. It shall show the items described in the following subsections, whether or not development is to be phased, unless an item or items

are waived in writing by the Inspector of Buildings, Board of Appeals or Planning Board, as appropriate.

7.2.3.2. For all one (1) and two (2) family dwellings, and farming site plans:

- a. Location map at six hundred (600) feet per inch or such other scale as is appropriate.
- b. The name of the owner or owners of property shown and the name of the applicant.
- c. Perimeter survey of lot, indicating locations of all easements, rights-of-way, property boundaries, dimensions, lot area and zoning district boundaries, existing and proposed.
- d. Topographic plan indicating existing and proposed contours at intervals not greater than one (1) foot. Sufficient information to clearly indicate areas in the site and within fifty (50) feet of the site where gravel or loam removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark (NGVD).
- e. The location and boundaries of all wetlands as defined by the General Laws, Chapter 131 and the one hundred (100) year flood line as defined by the Federal Emergency Management Act (FEMA) maps on file with the Town Clerk.
- f. All other data required to make a determination of compliance with off-street parking and loading requirements.
- g. Schematic design plans which accurately locate all existing and proposed buildings and structures, parking areas, driveways, driveway openings, and sewerage.
- h. Perc test and soil report.

7.2.3.3. For site plans for the Town Center District: In the Town Center (TC) District, the following design standards shall be incorporated in the site plan:

- a. All requirements as set forth in 7.2.3.2.
- b. Mixed residential and commercial uses are encouraged within the same building.
- c. The adaptive reuse of existing residential structures for commercial use is encouraged.

- d. Buildings shall be located a minimum of five (5) feet from the front property line, but not more than fifteen (15) feet from the property line. Front yards shall be appropriately landscaped and not covered with impervious surface.
- e. Parking lots should be located to the side or rear of the principal building on the locus.
- f. Driveway curb cuts shall be located so as not to interfere with existing intersections. Adjacent businesses are encouraged to share driveway curb cuts and to connect parking areas to minimize traffic hazards.
- g. Sites should be developed to encourage pedestrian access within the locus and the locus and the TC District.

7.2.3.4. For all other uses site plans:

- a. All requirements as noted in 7.2.3.2. above.
- b. Schematic design plans which accurately locate all service areas, usable open space, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), lighting, signs, all facilities for storm drainage, refuse, other waste disposal, and other utility systems, and which define all materials, finishes, structural and mechanical systems, and floor areas (including the proposed uses thereof).
- c. Building elevations which thoroughly illustrate and define the features of the entire project.
- d. Business signs, traffic signs and street signs, security or parking lot lights located on site.
- e. Traffic flow patterns within the site, egresses and entrances, loading and, unloading areas, curb cuts on site and within one hundred and fifty (150) feet of the site, surface construction
- f. A plan for control of erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control, special construction and swale and stream scour protection.
- g. One (1) or more tables indicating, by zoning classifications, the required and proposed front, side and rear setback distances, the intended use of the site and all buildings, the number of people anticipated on site, existing and proposed floor area and number of units and parking areas, with their locations.

7.2.3.5. For all uses requiring a Special Permit, or with drive-in or window services, or more than 100 parking spaces:

- a. All requirements as noted in 7.2.3.2. and 7.2.3.3. above.
- b. Estimated daily hour and peak traffic levels on site and all abutting public and private ways.

7.2.4. Guidelines

7.2.4.1. In considering any site plan submittal the following concerns shall be reviewed:

- a. The protection of visual corridors.
- b. The use of landscaping and/or fencing to establish buffers and screens between incompatible land uses.
- c. The provision of open spaces and pedestrian amenities available to the public.
- d. The arrangement of access points, service roads, driveways, parking areas, lighting, and pedestrian walkways in a manner which facilitates interior circulation and minimizes conflict between vehicles and pedestrians.
- e. Ease of access, travel and on site movement for fire and police equipment and other emergency services for public safety.
- f. Provision for underground placement of utilities.
- g. Provision for surface run-off and the protection of the site and adjacent properties from erosion as a result thereof.
- h. The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy and to permit maximum protection of pedestrian areas from adverse impacts of winds, vapors or other emissions, shadows and/or noise.
- i. Historical considerations and compatibility with abutting properties and the area in which it is located.
- j. Provision for maintenance of common areas.

7.3. Board of Appeals

7.3.1. Establishment

7.3.1.1. There shall be a Board of Appeals of five (5) members and two (2) associate members.

7.3.1.2. Members of the Board in office at the effective date of this By-law shall continue in office. Thereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the provisions of Chapter 40A, Section 12 of the General Laws.

7.3.2. Powers

7.3.2.1. The Board of Appeals shall have the following powers:

- a. Appeals. To hear and decide upon appeal by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings, or selectmen, in violation of any provision of Chapter 40A of the General Laws, as amended, or any provisions of this By-law.

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from an administrative official under the provisions of Chapter 40A of the General Laws as amended, or under this By-law, or by any person including an officer or Board of the Town aggrieved by an order or decision and shall be taken within thirty (30) days from the date of the receipt of written notice of such order or decisions and not otherwise.

- b. Special Permits. The Board may grant a special permit when authorized by this By-law in accordance with the provisions of Section 7.4.
- c. Variances. The Board shall have the power to hear and decide petitions for variances in accordance with Section 10 of Chapter 40A of General Laws, as amended, except for use variances, which are prohibited, provided that:

1. The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the By-law could involve substantial hardship, financial or otherwise, to the petitioner and appellant, and the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of this By-law.
2. The Board may impose conditions, safeguards, and limitations of time and of use, including the continued existence of any particular structures but excluding

any particular condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant petitioner or any owner. If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reinstated only after notice and a new public hearing.

7.3.3. Procedure

7.3.3.1. Rules: The Board shall adopt rules to govern its proceedings pursuant to Chapter 40A and 40B. Such rules shall be made available to the public and a copy shall be filed with the Town Clerk.

7.3.3.2. Public Hearings: Within sixty-five (65) days of receipt of appeal of petition, or a request for a Special Permit, the Board of Appeals shall hold a hearing giving notice thereof in accordance with Chapter 40A of the General Laws.

7.3.3.3. Decisions: The Board of Appeals shall make a decision on the appeal or petition within one hundred (100) days of filing and on the request for a Special Permit within ninety (90) days of filing.

- a. The decision of the Board of Appeals shall be filed with the Town Clerk. The decision shall recite the evidence heard, specific findings made on the evidence heard, the Board's vote on each of the findings required by M.G.L., Chapter 40A, and shall recite the overall decision of the Board and the vote.
- b. The Board shall not grant greater relief, use or rights not requested in the application for appeal, petition or request for Special Permit.
- c. A copy of the decision of the Board shall also be sent to the Selectmen, Inspector of Building, the Planning Board and to the applicant.

7.3.3.4. No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting or permit granting authority finds, by a unanimous vote of a board of three members or by a vote of four members or a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the condition upon which the previous unfavorable action was based, and unless all but one member of the Planning Board consents thereto.

7.4. Special Permit Granting Authority

7.4.1. The Special Permit Granting Authority will issue special permits in accordance with the procedure and provisions of Section 9 of Chapter 40A and of Section 7.5., Special Permits of this By-law.

7.4.2. Unless otherwise specified in this By-law, the Special Permit Granting Authority is the Planning Board.

7.5. Special Permit

7.5.1. Construction or operations under a building or special permit shall conform to any subsequent amendment of the By-law unless the use of construction is commenced with a period of not more than six (6) 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.

7.5.2. Procedure

7.5.2.1. A Special Permit shall be required for all uses which are designated in this By-law as requiring a Special Permit before the Inspector of Buildings may issue a building or occupancy permit.

7.5.2.2. Each application for a Special Permit shall be on forms supplied by the Inspector of Buildings and shall be filed in quadruplicate with the Town Clerk who shall transmit copies thereof to the appropriate Board, Inspector of Buildings and the Planning Board, if it is not the Special Permit Granting Authority. The Planning Board and the Inspector of Buildings shall at any time up to fourteen (14) days after the date of the public hearing held as provided below, transmit to the appropriate Board, a report accompanied by such materials, maps or plans as will aid the Board in judging the application and in determining special conditions and safeguards.

7.5.2.3. Each application for a Special Permit shall be subject to the provisions of Section 7.2., Site Plan Approval.

7.5.2.4. The Special Permit Granting Authority shall, at the expense of the applicant, give public notice of the appeal in the manner provided in Chapter 40A, Sections 9 and 11 of the General Laws.

- a. The decision of the Special Permit Granting Authority must be made within ninety (90) days following the date of public hearing, and failure of the said Board to take final action within said ninety (90) days shall be deemed to be a grant of the Special Permit.

7.5.2.5. Any Special Permit, which has been granted by a Special Permit Granting Authority under Section 9 of Chapter 40A and under this By-law, except a Special Permit granted under Section 9A of Chapter 40A and Section 7.5.3.3 of this By-law, shall lapse within two (2) years 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.

7.5.3. Considerations for Approval of Special Permit

7.5.3.1. The Special Permit Granting Authority shall not approve any such application for a Special Permit unless it finds that, in its judgment, use of the site is in harmony with the general purpose and intent of this By-law and subject to and consistent with the conditions, safeguards and limitations herein set forth and subject to all the following conditions:

- a. The specific site is an appropriate location for such a use, structure or condition.
- b. The use as developed and operated will not adversely affect the neighborhood.
- c. There will be no nuisance or hazard to vehicles or pedestrians or volume greater than the capacity of the streets affected.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Access to the site over streets is appropriate for the type of vehicle involved.

7.5.3.2. In addition to the items listed in Section 7.5.3.1., any such application for a use in the Water Resource Protection District shall be subject to the following conditions:

- a. The use is appropriate to the hydrogeology, natural topography, soils and other characteristics of the site to be developed.
- b. The use will not, during construction or thereafter, have any adverse environmental impact on any of the zones of the Water Resource Protection District; and
- c. The use will not adversely affect an existing or designated future public well.

7.5.4. Adult Entertainment Uses. In addition to the considerations for granting a Special Permit contained in Section 7.5.3.1, an application for a Special Permit required by this By-law for an adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store and

adult video store, all as defined in Section 2.0 hereof, shall not be granted unless each of the standards set forth below are fully satisfied:

7.5.4.1. Standards for Granting a Special Permit. No adult entertainment establishment shall be located within the following designated areas:

- a. Five hundred feet (500') from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;
- b. Five hundred feet (500') from the nearest property line of any public or private school;
- c. Five hundred feet (500') from the nearest property line of any church or other religious facility;
- d. Five hundred feet (500') from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;
- e. Five hundred feet (500') from the nearest property line of any group day care center, family day care center, nursing home and hospital.
- f. One thousand feet (1000') from the nearest property line of any other adult entertainment establishment.
- g. The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the adult entertainment establishment is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.
- h. An adult entertainment use may not be allowed within a building containing other retail, consumer or residential uses, and within a shopping center, shopping plaza, or mall.
- i. The adult entertainment use shall comply with the off-street parking requirements contained in Section 6.4 of this By-law.
- j. No adult entertainment use may have any flashing lights visible from outside the establishment.
- k. No adult entertainment use may have a freestanding accessory sign. Further, no sign shall rotate, be illuminated or contain reflective or

fluorescent elements which sparkle in sunlight.

1. No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store shall be displayed in the windows of, or on the building of, any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store.

7.5.4.2. Site Plan: A site plan shall be submitted by the applicant in order that the Special Permit Granting Authority may determine that the above standards have been met. The site plan shall show among other things all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall also show the distances between the proposed adult entertainment establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital and any other adult entertainment establishment.

7.5.4.3. Lapse of Permit: Any special permit granted hereunder for an adult entertainment use shall lapse after one year, including such time required to pursue or await the determination of an appeal 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.

7.5.5. Conditions of Special Permit

7.5.5.1. In approving a Special Permit, the Special Permit Granting Authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the zoning district and the Town. No such limited or conditional Special Permit shall take effect until such notice is recorded in the Registry of Deeds. They may include but are not limited to the following:

- a. Requirement of street, side or rear setbacks greater than the minimum required by this ordinance.
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the special permit granting authority.
- c. Modification of the exterior features or appearances of the structure.
- d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.

e. Regulation of number, design and location of access drives or other traffic features.

f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.

7.6. Fees

7.6.1. The Board of Selectmen shall establish a schedule of fees and expenses for permits, appeals, applications and other matters pertaining to this By-law. The schedule of fees shall be posted in the office of the Inspector of Buildings and may be altered or amended only by the Board of Selectmen.

7.6.2. A development fee shall be paid for all uses requiring a Special Permit in accordance with a schedule adopted by the Board of Selectmen.

7.6.3. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

7.7. Enforcement

7.7.1. Inspector of Buildings

7.7.1.1. This By-law shall be administered by the Inspector of Buildings.

7.7.1.2. Duties of the Inspector of Buildings shall include the receiving of applications, issuing building and use permits, inspection of premises, issuing certificates of occupancy, taking actions on violations and any other lawful pursuit necessary to assure conformance with this By-law.

7.7.1.3. If a violation shall be determined by the Inspector of Buildings by an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this By-law shall cease immediately.

7.7.1.4. If after such notice the premises continue to be used or remain in a condition contrary to the conditions of this By-law, the Inspector of Buildings shall institute appropriate legal proceedings to enforce the provisions of this By-law.

7.7.1.5. Each day, or portion of a day, that any violation is continued after an order to cease and desist, shall constitute a separate offense.

7.7.1.6. If the Inspector of Buildings is requested in writing to enforce the provisions of this By-law against any person allegedly in violation of this By-law and the Inspector of Buildings declines to act he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

7.7.2. Penalties

7.7.2.1 In addition to the procedures for enforcement, as described above, the provisions of this Zoning By-law may also be enforced by the Inspector of Buildings by non-criminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D.

7.7.2.2. Penalties for violations of any provision of this By-law are to be affixed in the maximum amount allowed by law for each offense.

7.7.2.3. Any person violating any of the provisions of this By-law, or any of the conditions under which a permit, special permit, variance or appeal is issued or granted, shall be subject to a fine of fifty (\$50) dollars for the first offense, one hundred (\$100) dollars for the second offense and three hundred (\$300) for each offense thereafter for each day that each violation continued.

7.8.0 MEDICAL MARIJUANA TREATMENT CENTERS

7.8.1 Definitions

“Facility” shall be defined as: The physical structure where medical marijuana is to be cultivated, processed, and sold, as well as all permitted guest and employee parking spaces.

Medical Marijuana Treatment Center: Pursuant to 105 CMR 725.004, Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, herein after to be known as a Registered Marijuana Dispensary (RMD), 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, Registered Marijuana Dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Marijuana for Medical Use: Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as the terms "Qualifying Patient" and "Debilitating Medical Conditions" are defined in 105 CMR 725.004.

Marijuana: As that term is defined under Massachusetts General Laws chapter 94C and as in 105 CMR 725.004.

7.8.2 Purposes

- a. To protect the health, safety, convenience and general welfare of the inhabitants of the Town of West Bridgewater;
- b. To provide for the limited establishment of Registered Marijuana Dispensaries (RMDs) in appropriate places and under strict conditions in accordance with applicable laws;
- c. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said RMDs;
- d. To regulate the siting, design, placement, safety, monitoring, modification, and removal of RMDs;
- e. To limit the overall number of RMDs in West Bridgewater to what is essential to serve the public convenience and necessity.

7.8.3 Applicability

- a. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as an RMD under this Section 7.8.0;
- b. No RMD shall be established except in compliance with the provisions of Section 7.8.0;
- c. Nothing in this bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs;
- d. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

7.8.4 Eligible Locations for Registered Marijuana Dispensaries

7.8.4.1 RMDs may be allowed by Special Permit from the Special Permit Granting Authority, the West Bridgewater Planning Board, in the Industrial District bounded by the westerly line of Route 24, the towns of Bridgewater, Raynham, and Easton, southerly line of West Street, Hockomock River and the southerly line of Walnut Street only provided the facility meets the requirements of this Section 7.8.0 and any applicable requirements found in Section 7.5 et seq.

7.8.5 General Requirements and Conditions for all Registered Marijuana Dispensaries

In addition to the considerations for granting a Special Permit contained in Section 7.5 et seq., an application for a Special Permit required by this By-law for an RMD shall not be granted unless each of the standards set forth in this section are fully satisfied:

7.8.5.1 All RMDs shall be contained within a building or structure.

7.8.5.2 No RMD shall have a gross floor area of less than 2,500 square feet or be in excess of 10,000 square feet.

7.8.5.3 Drive-through services for the purpose of dispensing medical marijuana are prohibited.

7.8.5.4 The hours of operation of an RMD shall be set by the Special Permit Granting Authority, but in any event no RMD shall be open and/or operating between the hours of 8:00 PM and 8:00 AM, Monday through Saturday and closed Sundays.

7.8.5.5 No smoking or burning of marijuana or marijuana-related products shall be permitted on the premises of an RMD, including its curtilage which specifically shall encompass, but not be limited to, an RMD's parking lot areas.

7.8.5.6 No RMD shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

7.8.5.7 No RMD shall be allowed within a building containing residential or consumer uses, or within a shopping center, shopping plaza, or mall.

7.8.5.8 Signage for a Registered Marijuana Dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

7.8.5.9 All RMDs shall provide the West Bridgewater Police Department and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment. Any changes to this information shall be part of the

Annual Reporting required in Section 7.8.8 of this by-law. Failure to comply with this requirement shall result in the nullification of the Special Permit.

- 7.8.5.10 No RMD shall be located within the following designated areas:
- a. Five hundred feet (500) from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use.
 - b. Five hundred feet (500) from the nearest property line of any public or private school.
 - c. Five hundred feet (500) from the nearest property line of any church or other religious facility.
 - d. Five hundred feet (500) from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use.
 - e. Five hundred feet (500) from the nearest property line of any group day care center, family day care center, nursing home and hospital.
 - f. One thousand feet (1000) from the nearest property line of any other RMD.
 - g. The distances specified above shall be measured by a straight line from the nearest point of the facility in which the RMD is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other RMD use, as the case may be.

7.8.5.11 An RMD shall comply with the off-street parking requirements contained in Section 6.3 of this By-law.

7.8.5.12 No RMD may have a freestanding accessory sign.

7.8.6 Special Permit Requirements

7.8.6.1 An RMD shall only be allowed by special permit from the Special Permit Granting Authority in accordance with Massachusetts General Laws chapter 40A, section 9, subject to the following statements, regulations, conditions, and limitations.

7.8.6.2 A special permit for an RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

- a. Cultivation of Marijuana for Medical Use (horticulture);
- b. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
- c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients as defined in 105 CMR 725.004.

7.8.6.3 In addition to the application requirements set forth in Sections 7.8.5 and 7.8.6 of this By-law, a special permit application for an RMD shall include the following:

- a. The name and address of each owner of the facility;
- b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
- c. Evidence of the applicant's right to use the site of the facility for an RMD, such as a deed, lease, purchase and sale agreement or other legally binding document;
- d. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- e. A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor.

7.8.6.4 Mandatory Findings: The Special Permit Granting Authority shall not issue a special permit for an RMD unless it finds:

- a. That the requirements and conditions set forth in Section 7.5.3.1 of the Zoning By-laws have been met as well as the conditions set forth in Section 7.5.3.2 pertaining to the Water Resource Protection District when those latter conditions are applicable;
- b. The facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest as defined in Massachusetts General Laws chapter 40A, section 11;
- c. The facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in

compliance with all applicable state laws and regulations;

d. The applicant has satisfied all of the requirements and conditions of this By-law.

7.8.7 Site Plan

7.8.7.1 A site plan shall be submitted by the applicant in order that the Special Permit Granting Authority may determine that the above standards have been met. The site plan shall show among other things all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall also show the distances between the proposed RMD and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital and any other RMD.

7.8.7.2 Additionally, the site plan submitted shall include the proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc. to ensure the safety of persons and to protect the premises from theft in accordance with 105 CMR 725.110. These security plans shall be submitted in a separate sealed envelope and viewed only by the Special Permit Granting Authority and the Police Chief of the Town of West Bridgewater, or the Police Chief's designee (or his/her designee), as these security plans are deemed excluded from the category of public record pursuant to Massachusetts General Laws chapter 4, section 7(26) (n).

7.8.8 Annual Reporting.

Each RMD permitted under this By-law shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the RMD and/or its owners and demonstrate continued compliance with the conditions of the special permit.

7.8.9 Duration of Permit

A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as an RMD. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all of the information required in this By-law.

7.8.10 Abandonment or Discontinuance of Use

A special permit issued under this By-law shall lapse if not exercised within one year of issuance and the RMD shall be required to remove all material, plants, equipment, and other paraphernalia either prior to surrendering its state issued licenses/permits or within six months of ceasing operations, whichever comes first.

7.8.11 Violations

Any violation of this By-law may be grounds for revocation of the special permit that was issued pursuant to it.

8.0. APPLICABILITY

8.1. Other Laws

8.1.1. When this By-law imposes greater restriction of the use of buildings, structures, or premises, or on height of buildings or requires larger setbacks or open spaces than are imposed or required by any regulations or permits, or by any restrictions, easements, covenants, or agreements, then the provisions of this By-law shall control except only in the case of specific relief by the Board of Appeals.

8.2. Validity

8.2.1. The invalidity of any section or provision of this By-law shall not invalidate any other section or provision hereof.

8.3. Amendment

8.3.1. This By-law may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.

8.4. Wireless Communications Facilities

8.4.1. Purpose. The purpose of this Section is to minimize the visual and environmental impacts of wireless communications facilities consistent with the provisions of the Federal Telecommunications Act of 1996. The Section enables the review and approval of wireless communications facilities by the Town's Planning Board in keeping with existing by-laws and historic development patterns. It establishes reasonable regulations and standards which are intended to preserve the safety, character, appearance, property values, natural resources and historic sites of the Town; to mitigate any adverse visual effects through proper design, location and screening of facilities; and to encourage the shared use of existing facilities to reduce the need for new facilities.

8.4.2. Definitions. As used in this Section, the following words shall have the following meanings:

- a. Wireless Communications Facility: A structure, including a tower, antenna, monopole, satellite dish, or other similar devices and accessory structures, built for the providing of

wireless communications services. A wireless communications facility may include accessory mechanical, electronic or telephone equipment necessary to operate such facility.

b. Wireless Communications Services: A commercial service that receives, transmits or retransmits any form of cellular digital or microwave wireless type communication format duly licensed by the FCC.

c. Building-mounted Wireless Communication Link: Any outdoor wireless communication device, dish or antenna mounted or erected on an existing building, structure or accessory structure designed to provide wireless cellular communication duly licensed by the FCC. Building-mounted link shall not exceed 5-feet above the height of the existing building or structure.

d. Indoor Wireless Communication Link: Any indoor wireless communication device or antenna mounted or installed inside an existing or new building, structure or accessory structure designed for the purpose of providing wireless cellular type communications duly licensed by the FCC. Indoor communication links shall be used to reduce visible impacts and must insure protection to occupants.

e. Wireless Communication Facility Accessory Building: A structure or weatherproof cabinet designed to house, store or protect any form of wireless communication equipment not to exceed 300 square-feet in size and not in excess of 12-feet in height.

f. Wireless Communication Tower: A wireless communication accessory structure designed and constructed in a manner to mount or affix cellular communications devices or antennas, dishes on or inside a tower structure. Towers shall be free standing mono-pole or lattice frame construction engineered to meet latest edition of 780 CMR Massachusetts Building Code requirements. Existing towers are allowed to remain and be used unless abandoned.

8.4.3. Applicability: This Section shall, except as otherwise provided herein, apply to all wireless communications facilities, including any modifications made thereto. This Section shall not prohibit the construction or use of an antenna structure by a federally licensed amateur radio operator, but may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics, provided, however, that such regulation reasonably allows for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators.

8.4.4. Location: Wireless communication facilities shall be allowed only by way of a special permit issued by the Planning Board (SPB). Wireless communication facilities within the Town Center shall be permitted only using building mounted or indoor wireless communication link design. Wireless communication towers shall not be permitted in this District. Such links shall be designed not to adversely impact any scenic view of any building and ensure proper protection to building occupants.

- 8.4.5. Special Permit; No wireless communications facility shall be erected or installed unless a Special Permit therefor has been granted by the Planning Board, as the Special Permit Granting Authority. Any existing facility having a valid special permit that requires reconstruction, extension or to be substantially changed in nature as determined by the Inspector of Buildings shall be required to file a request for modification of an existing special permit granted by the Planning Board (SPB). Existing facilities having a valid permit on file shall be allowed to replace, repair or maintain existing equipment if deemed not to be a substantial change by the Inspector of Buildings.
- 8.4.6. General Requirements: The following are the general requirements for the construction and erection of wireless communications facilities:
- a. All new towers shall be mono-pole, free standing, and self-supporting construction design. Guyed lattice frame wireless towers are prohibited. For any new tower erected, the applicant shall provide the Inspector of Buildings with a stamped certificate and a plan from a duly registered professional engineer certifying actual construction height and location per approved special permit and site plan.
 - b. The clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the tower.
 - c. Night lighting shall be prohibited unless required by Federal authorities and shall be the minimum necessary.
 - d. No tower or other structure shall be more than one hundred eighty (180) feet above the natural grade unless a greater height is specifically permitted by the Special Permit Granting Authority.
 - e. The shared use of towers and the co-location of communication devices is encouraged. All towers constructed as principal uses shall be designed to accommodate the maximum number of communications facilities possible.
 - f. Wherever feasible, wireless communications facilities shall be located on existing towers or other nonresidential structures, minimizing the construction of new towers.
 - g. Wireless communications building mounted communication link placed on existing buildings shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building. No facility shall project more than five (5) feet above the existing roofline of the building. Any equipment associated with the facility shall be located within the building.
 - h. Towers and facilities shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.

i. Indoor wireless communication links shall be allowed by special permit (SPB) within any accessory use location of any building or structure. Accessory area locations shall, for the purposes of this by-law, mean any attic storage space, church steeple, etc.

j. Antennas shall be situated on a structure in such a manner as to screen them from visibility from abutting streets or shall be located and landscaped in such a manner as to minimize their visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

k. Antennas or dishes located on a structure shall not exceed ten (10) feet above the level of its attachment to the structure.

l. No structure shall extend in a horizontal distance from the centerline of the tower more than twenty-five (25) feet without approval of the Special Permit Granting Authority.

m. There shall be no signs, except for announcement signs, no trespassing signs, and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform to the provisions of this By-law governing signs which are contained in Section 6.6.

n. At its discretion, the Special Permit Granting Authority may require the applicant, at some time between the submittal of the Special Permit application and the date of the public hearing to be held thereon, to simulate the proposed wireless communications facility at the proposed location, through the use of some appropriate device. Notice of the time of the proposed simulation shall be given to the general public.

o. The following activities shall be exempt from special permit requirements:

- i. Medical facilities solely for the transmitting and receiving of clinical data or information;
- ii. Temporary Federal, State or local Incident Command Post Centers;
- iii. Duly licensed FCC Digital Television communication equipment
- iv Duly licensed FCC Wireless internet communication access link;
- v. Minor repairs or normal maintenance of any tower or facility having a valid special permit (SPB) on file;
- vi. Duly licensed FCC private amateur radio stations.

8.4.7. Procedure for Special Permit; An application for a Special Permit under the provisions of this Section shall be made in accordance with the procedure set forth in

Section 7.5.2. of this By-law.

8.4.8. Site Plan: The application for a Special Permit shall be accompanied by a site plan prepared and submitted in accordance with the provisions of Section 7.2. of this By-law.

8.4.9. Considerations for Approval of a Special Permit; In addition to the findings required by Section 7.5.3. of this By-law, the Special Permit Granting Authority shall find as follows before approving an application of a Special Permit:

a. The location of the tower or device is suitable, and the size, height, and design are the minimum necessary for the purpose.

b. The proposed tower or device will not adversely impact historic structures or scenic views.

c. There are no feasible alternatives to the location of the proposed tower or device, including co-location that would minimize their impact.

d. The proposed tower or device is in compliance with Federal and State requirements regarding aviation safety.

Abandonment or Discontinuance of Use: All unused towers or parts thereof, including accessory structures, shall be removed within one (1) year of cessation of use, and the property shall be restored to substantially the same condition as it was in prior to the erection of the tower. All unused towers or parts thereof, including accessory structures, which have not been used for two (2) years and have not been removed may be dismantled and removed and the site restored by the Town, and the cost of such removal and restoration shall be paid to the Town by the owner. A bond to cover the cost of such removal and restoration shall be posted by the applicant in an amount determined by the Planning Board at the time of the granting of a Special Permit.

8.5. Adult Retirement Community

8.5.1. Purpose. The purposes of this By-law are:

a. To provide an alternative stand alone single family housing opportunity for persons 55 years of age and older;

b. To provide an attractive and suitable residential environment that is more

amenable to the needs of people in their later years;

c. To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population;

d. To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features, and to retain the rural character of the Town; and

e. To address the affordable housing gap that exists in the Town by fostering an atmosphere conducive to the setting aside of a certain percentage of units in each ARC as age restricted affordable housing units.

8.5.2. Special Permit; The Planning Board is the Special Permit Granting Authority for this By-law. In the General Residential/Farming District, the Business District, and the Industrial District, the Planning Board may grant a Special Permit for an Adult Retirement Community (ARC) as defined in this By-law. Since this development constitutes a subdivision, a definitive subdivision plan must be approved by the Planning Board in conjunction with the granting of a Special Permit hereunder.

8.5.3. Definitions: For the purpose of this By-law, the following words and phrases shall have the following meanings.

a. Adult Retirement Community (ARC): A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years. Such developments shall comply in all respects to the requirements of Chapter 151B of the General Laws.

b. Community Facility(ies): Developed common areas, constructed solely for the use of the residents of the ARC and their guests. The Community Facility(ies) may include buildings housing activities and amenities, such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facility(ies) may also include outdoor activities and amenities such as swimming pools, gardens, paths and walkways, putting greens, and the like. All Community Facilities shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.

c. Affordable Housing Units: Units defined as affordable housing by Chapter 40B of the General Laws. At least ten percent (10%) of the units of each ARC must be designated as affordable. Such units must be disbursed throughout the Community, phased in during development, be deed restricted and remain such in perpetuity. Oversight of these units will rest with the Planning Board. Preference for the sale of these units shall be to then current

Town residents. A greater percentage may be negotiated between the Planning Board and the Developer in each ARC. The Planning Board may grant a density bonus to the applicant consisting of one additional market rate dwelling unit for each affordable unit so provided.

8.5.4. Adult Retirement Community General Standards: The following general standards shall apply to an ARC:

8.5.4.1. Permitted uses: Land in the ARC is specifically limited to housing for the use, residence and occupancy by persons who have achieved a minimum of fifty-five (55) years of age as provided for in MGL Chapter 151B and to community facilities for residents of the ARC and their guests.

8.5.4.2. Area and Dimensional Requirements.

a. Minimum Tract Size: The tract of land for an ARC must contain at least twenty-five (25) contiguous acres and have at least one hundred fifty (150) feet of frontage on a public way.

b. Lot Area, Frontage, Width and Yard Requirements:

1. Minimum Lot Area: Nine Thousand (9,000) square feet

2. Minimum Lot Frontage: Seventy-five (75) feet

3. Minimum Lot Width: Seventy-five (75) feet

4. Minimum Yard Requirements: Front yard 20 feet, rear yard 15 feet, and side yard 10 feet.

c. The Planning Board may modify the setbacks and distances if it finds that such modified setbacks and distances will not detract from the purpose and intent of the ARC. Any specific setback waiver requests required must be delineated in the ARC application.

8.5.4.3. Building Location Requirements.

a. No building shall be located within 20 feet of a public way or private way or within 30 feet of the boundary line of the ARC. Accessory structures up to 80 square feet are allowed.

b. The Planning Board may modify the setbacks and distances if it finds that such modified setbacks and distances will not detract from the purpose and intent of the ARC.

8.5.4.4. Number of Dwellings.

a. The maximum number of ARC dwelling units in the Town shall be limited to a number equivalent to ten percent (10%) of the existing single-family residential housing units (excluding ARC units) located in the Town. The number of single-family residential housing units for the purpose of this By-law shall be established by the Board of Assessors as of January 1 of the calendar year in which the special permit application is filed.

b. The maximum number of dwelling units permitted in an ARC shall be computed by dividing the developable area of the ARC tract (in square feet) by one-half (1/2) of the minimum lot size required in the underlying zoning district. For the purpose of this computation, the “developable” area shall be the total area of the tract, including the flood plains, drainage easements and areas subject to existing valid open space restrictions.

c. The minimum number of dwelling units in any one (1) ARC shall be forty (40).

d. The maximum number of dwelling units in any one (1) ARC shall be 125 unless specifically increased by the Planning Board. This shall not include affordable units granted.

8.5.4.5. Streets and Utilities: All streets in the ARC shall be private ways. All streets, and all sewage, drainage, storm water management facilities and utilities shall be designed and constructed in compliance with the Town's Subdivision Rules and Regulations, except as specifically modified by the following design standards:

a. The minimum width of rights-of-way shall be forty (40) feet;

b. The minimum widths of roadways (paved travel area) shall be twenty-two (22) feet for streets providing access for more than 40 dwellings.

c. Common driveways may be used in an ARC. Common driveways must be placed only on or adjacent to lots serviced by the Common Driveway. No more than 3 homes may be serviced by any one Common Driveway.

d. No recreational vehicles, campers, motorized or non-motorized boats or trailers or the like can be parked or stored at an ARC home. The ARC development must provide a recreational storage area for recreational vehicles, campers, motorized or non-motorized boats or trailers. This area shall be screened from the homes in the ARC.

8.5.5. Waivers: Waivers to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a special permit hereunder provided that the Board determines such waivers are in the public interest and are not inconsistent with the purposes of Section

8.5.1. Documentation accompanying each ARC proposal must specify all of the waivers from the Subdivision Rules and regulations that are being sought with the approval of said ARC.

8.5.6. Conditions: Any plan approved as an ARC must contain or refer to recorded covenants regarding each of the following:

a. The streets within the ARC shall remain permanently a private way, which shall not be extended;

b. The private way shall not be connected to any other way except where it originates on a public way, except another private way within the ARC.

c. The lots shall obtain access from the private way if, and only if, ownership of the lot provides automatic membership in a homeowner association or any other entity responsible for all maintenance and snow removal of or from the private way. The homeowners association or entity (Association) hereafter shall retain all rights in the private way.

d. The private way does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.

e. A perpetual easement in favor of the Town (specifically its Water Department) shall be granted to allow access for the maintenance of the water lines and meters as appropriate. The Association must make whatever easement agreements it deems necessary with other public utilities installed in the ARC for the benefit of the residents. Draft copies of such easements must be reviewed by the Planning Board and Town Counsel before the granting of the ARC Special Permit. Copies of the final recorded documents must be presented to the Planning Board upon completion of the ARC before the Planning Board will release the final surety.

8.5.7. Common Land.

8.5.7.1. Dimensional Requirements: In an ARC, at least thirty (30) percent of the total tract area shall be set aside as Common Land for the use of the ARC residents. The following additional requirements shall apply:

a. The minimum required area of the Common Land shall not contain a greater percentage of wetlands (as defined in MGL Chapter 131, Section 40), than the percentage of wetlands areas found in the overall tract of land on which the ARC is located.

b. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing

access to the Common Land from a public or private way, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of ARC development.

c. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

d. The Common Land shall include adequate upland access from a way public or private.

8.5.7.2. Use of the Common Land: The Common Land shall be dedicated and used for natural resource protection, recreation, park purposes, Community Facilities, outdoor education, agriculture, horticulture forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land except as follows:

a. A portion of the Common Land may also be used for the construction of leaching areas associated with septic disposal systems or sewer treatment facilities serving the ARC or for water supply wells serving the ARC, if the Planning Board determines that such use will enhance the specific purpose of the ARC and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such treatment plants, leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the ARC in perpetuity.

b. A portion of the Common Land may also be used for private ways, serving the ARC community as pedestrian walks, bicycle paths and emergency access or egress to the Common Land or adjacent land, if the Planning Board determines that such a use will enhance the specific purpose of the ARC and promote better overall site planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner(s) of the Common Land.

c. The Common Land may be subject to easements for the construction, maintenance and repair of utility and drainage facilities serving the ARC or adjacent parcels.

d. The Common Land shall remain unbuilt upon, provided that an overall maximum of fifteen (15) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, exclusive of private ways.

e. The proposed use of the Common Land shall be specified on a plan, and appropriate dedications and restrictions shall be part of the deed to the Common Land.

f. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of the ARC and to further efforts to equitably distribute a variety of open space benefits throughout the ARC

community.

8.5.7.3. Ownership of Common Land: The Common Land shall be conveyed in the whole or in part to a corporation or trust owned or to be owned by the owners of the dwelling units within the ARC, or to an entity responsible for the management of the ARC, or to a non-profit entity, the principal purpose of which is the conservation of open space. (In no case shall ownership of the common land be turned over to the Town.) The Planning Board shall approve the form of ownership of the Common Land.

8.5.7.4. If any portion of the Common Land is turned over to some other entity or the ARC Association, a restriction, approved by the Planning Board and enforceable by the Town, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an ARC as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual ARC.

8.5.7.5. The proposed ownership of all Common Land shall be specified for the ARC.

8.5.7.6. At the time of its conveyance (if applicable), the Common Land shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this By-Law.

8.5.8. Site Development Standards: The following site development standards shall apply to the ARC:

a. Within the ARC, adequate access shall be provided to each dwelling unit. The access shall be convenient and appropriate for residents and emergency services.

b. To the greatest extent possible, open spaces, common land, house sites, streets and house lots shall be designed with due respect to natural landscape features, scenic views, topography, soils and natural drainage patterns.

c. All utilities shall be installed underground.

d. Within the ARC, there shall be a buffer zone of at least twenty-five (25) feet in width around the entire perimeter of the development. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit Plan. The detailed plan for planting and screening shall be prepared by a registered landscape architect and shall be part of the Special Permit application. The actual requirement regarding buffering, plantings and

screenings shall be determined by the Planning Board as part of the Special Permit process.

e. The hydrants and all water mains within the private right of way shall be owned by the Town so that it may service and maintain the property

f. The ARC shall conform with the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B.

8.5.9. Application Process: An application for a Special Permit for an ARC shall be submitted in the following manner:

a. Pre-submission Meeting: Prior to submission of the special permit application to the Board, the applicant is strongly advised to meet with the Town Planner or other Board designee to review the proposed development of the parcel of land, in order to explore general conditions involving the site and to discuss potential problems. Conceptual plans, which should be professionally prepared, will assist in this discussion, and should show the critical features of the ARC plan.

b. Special Permit Application and Definitive Subdivision Plan: The Special Permit application shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Town's Subdivision Rules and Regulations. The applications for Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

8.5.10. Planning Board Action: In evaluating the proposed ARC, the Planning Board shall consider the following:

a. the general purpose and objectives of this By-law;

b. the existing and probable future development of surrounding areas;

c. the appropriateness of the proposed layout of streets, ways, lots and structures; and

d. the proposed layout and use of the Common Land in relation to the proposed dwelling units in the ARC, adjoining public or private common land or open space, or the topography, soils and other characteristics of the tract of land in question.

8.5.10.1. The Planning Board may grant a special permit for an ARC if it finds that the ARC:

a. complies with the requirements of this Section 8.5., other applicable requirements of the Zoning By-Laws and any regulations and guidelines promulgated thereto, and, where

applicable, the construction and design standards of the Town's Subdivision Rules and Regulations;

b. is consistent with the purposes of this By-law; and

c. is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.

8.5.10.2. If the Special Permit granted under this Section is for more than seventy-five (75) units, the Planning Board may, at its discretion, specify that the construction of the ARC shall be phased in accordance with the following schedule:

a. Phase I (0-12 months from issuance of first dwelling building permit). Total number of building permits issued for dwelling units shall not exceed fifty percent (50%) of the total number of dwelling units approved under the Special Permit. This number shall include a proportionate number of the affordable units as well as commencement on a proportionate amount of the common facilities;

b. Phase II (12-24 months from issuance of first dwelling building permit). Total number of building permits issued for dwelling units shall not exceed seventy-five percent (75%) of the total number of dwelling units approved under the Special Permit. This number shall include a proportionate number of the affordable units as well as commencement on a proportionate amount of the common facilities;

c. Phase III (24-36 months from issuance of first building permit). Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under the Special Permit.

d. No more than one ARC Special Permit per developer per calendar year shall be approved.

8.5.11. Special Permit Conditions.

8.5.11.1. As a condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this By-law, and to protect the health, safety and welfare of the inhabitants of the neighborhood and the Town.

8.5.11.2. As a condition of the approval, the Planning Board may establish a provision for the expiration of the Special Permit should development of the ARC in accordance with the approved plan not commence within three years. At that time, the Special Permit shall be revoked and the applicant will have to begin the process all over gain.

8.5.12. Change in Plans After Grant of Special Permit: No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning Board. A new or

amended Special Permit will be required if the Planning Board determines any proposed change to be substantial.

8.5.13. Building Permits: No building permit shall be issued for any structure within an approved ARC unless such structure is in compliance with this By-law and with the terms and conditions of the Special Permit issued hereunder.

8.6. Ground Mounted Solar Photovoltaic (PV) Installations.

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

8.6.2 Applicability: This section applies to all ground mounted solar PV installations for which building permits, whether for initial construction or modifications thereto, are sought. The provisions set forth in this By-law shall apply to the construction, operation, and/or repair of ground-mounted installations and also pertains to physical modifications. Large-Scale Installations are prohibited in the General Residential and Farming (GRF) except on Qualifying Parcels, and Town Center (TC) Districts. Large Scale Installations are allowed by right in the Industrial (I) District, whether as a primary or accessory structures and, in the General Residential and Farming (GRF) District on Qualifying Parcels with appropriate setbacks with a Special Permit. Mid-Scale ground mounted installations are allowed by right in the Business (B) district and Industrial (I) districts, whether as a primary or accessory structures and, in the General Residential and Farming (GRF) District on Qualifying Parcels with appropriate setbacks with a Special Permit. Mid-Scale and Small-Scale Installations are prohibited in the Town Center (TC) District. Small-scale installations are allowed as of right in the General Residential and Farming Districts (GRF), Business (B), and Industrial (I) districts, whether as a primary or accessory structures. Small-Scale Installations are prohibited in the Town Center District.

8.6.3 Definitions: For the purpose of this By-law, the following words and phrases shall have the following meanings.

- a. As-of-Right: As-of-Right shall mean that development may proceed without the need for a special permit, variance, amendment, or waiver from the Zoning By-laws but is still subject to applying for a building permit through the Inspector of Buildings.
- b. Inspector of Buildings/Zoning Enforcement Officer: The person designated by the West Bridgewater Board of Selectmen charged with the enforcement of the Zoning By-laws.
- c. Building Permit: A construction permit issued by the Inspector of

Buildings; the building permit evidences that the project is consistent with the State and Federal building codes as well as the Town's Zoning By-laws, including those governing ground-mounted and roof mounted solar photovoltaic installations.

- d. Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a nameplate capacity of 250 kW or larger direct current.
- e. Mid- Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a nameplate capacity between 150 kW and up to 250 kW direct current. Qualifying Parcel: A parcel of continuous land in agricultural use at least fifteen (15) acres in size that may sustain no more than 10 acres of solar panels, -, and compliant with the provisions of Section 8.6.5.3 of these By-laws. For the purposes of this section, no lot may be created from parcels of land not land held in common ownership at the effective date of this section and from any new lots created by division of land which occurred after the effective date of this section.
- f. Small-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a nameplate capacity of less than 150 kW direct current.
- g. Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).
- h. Roof mounted Solar Photovoltaic Installations: A solar photovoltaic system that is structurally mounted on the roof of a structure. Such an installation is allowed by right in every district with the issuance of a building permit in accordance with section 7.2 of these By-laws.

8.6.4. General Requirements.

8.6.4.1. Compliance with Laws, By-Laws and Regulations; The construction and operation of all ground-mounted solar photovoltaic installations shall be consistent with all applicable Town, State and Federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code.

8.6.4.2 Building permit; No solar photovoltaic installation shall be constructed, installed or

modified, as provided in this section without first obtaining a building permit.

8.6.4.3. Fees: The application for a building permit for any solar photovoltaic installation must be accompanied by the fee required for a building permit.

8.6.4.4. Building Permit review: All solar photovoltaic installations shall undergo a review by the Inspector of Buildings per section 7.2 prior to issuance of a building permit, in order to ensure that the project complies with the requirements of this Zoning By-law. The building permit applicant shall facilitate this review by submitting the documentation that is specified in Section 8.6.4.5 below. At the conclusion of construction, the Inspector of Buildings shall inspect the Solar Photovoltaic Installation to ensure that said construction was completed in conformity with both the building permit and submitted documentation, or any modification thereto that the Building Inspector required prior to the issuance of a building permit. Any material modification of the Solar Photovoltaic Installation after the issuance of a building permit shall require the same review process. The Inspector of Buildings may seek the review and recommendations of other Town departments or consultants with respect to the Section 8.6.4.5 documentation prior to the issuance of a building permit. All plans and maps that an applicant submits as part of this review process shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts.

8.6.4.5. Required Documents; The project proponent shall provide the following documents to the Building Inspector as part of the pre-building permit review process:

a. A Site Plan showing:

1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing
3. and planting, exterior lighting, screening vegetation or structures;
4. Blueprints or drawings of the ground-mounted Solar PV Installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed
5. layout of the system and any potential shading from nearby structures;
6. One or three line electrical diagrams detailing the Ground-mounted Solar PV Installation, associated components, and electrical Interconnection methods, with all National Electrical Code compliant disconnects and

overcurrent devices;

7. Documentation of the major system components to be used, including the PV panels, mounting systems, and inverter, and environmental containment of oils if greater than fifty (50) gallons used in equipment;
 8. Name, address, and contact information for proposed system installer;
 9. Name, address, telephone number, and signature of the project proponent, as well as all co-proponents or property owners, if any;
 10. The name, contact information, and signature of any agents representing the project proponent.
- b. Documentation of actual or prospective access and control of the project site.
 - c. An operation and maintenance plan.
 - d. Zoning district designation for the parcel(s) of land comprising the project site.
 - e. Proof of property and casualty liability insurance in the amount of not less than one million dollars (\$1,000,000.00).
 - f. Description of financial surety that satisfies Section 8.6.7.2.1.
 - g. Evidence of Utility Notification as described in Section 8.6.4.8.
- 8.6.4.6. Site Control: The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Large-Scale, Mid-Scale or Small-Scale Installation. If a lease or rental agreement is used to satisfy this requirement, said lease or rental agreement shall be for a period of not less than ten (10) years, and shall include a clause that expressly permits the use of the property for the construction, maintenance and use of a ground mounted Solar PV Installation.
- 8.6.4.7. Operation and Maintenance Plan; The project proponent shall submit a plan for the operation and maintenance of the Large-Scale, Mid-Scale, or Small-Scale Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as, general procedures for operational maintenance of the installation.
- 8.6.4.8. Utility Notification: Prior to the issuance of a building permit for the construction of a Large- Scale, Mid-Scale, or Small-Scale Installation, the building permit applicant shall provide the Building Inspector with documentation that the utility company that operates the electrical grid where the Large-Scale, Mid-Scale or Small-Scale Installation is

to be located has been informed of the intent of the applicant to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

8.6.4.9. Standards for Granting Special Permit: No permit for Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be granted unless the Board of Appeals shall find that the proposed Large-Scale Ground-Mounted Solar Photovoltaic Installation shall not be contrary to the best interests of the Town. For this purpose, a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered contrary to the best interests of the Town if it : (1) will be injurious or dangerous to the public health and safety; (2) will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property; (3) will result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted; (4) will have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land ,(5) will prohibit a majority of the land in agricultural use to continue to be in agricultural use and, (6) will alter an area of significant topographic significance.

8.6.5. Design Standards.

8.6.5.1 Setbacks: Setbacks for all ground mounted installations shall be the same as the primary use setbacks in the underlying district where allowed.

8.6.5.2. Height: The height limit for all Scale Installations shall be ten (10) feet except for Large Scale Ground-Mounted Solar Photovoltaic Installations in General Residential and Farming (GRF) on a Qualifying Parcel in which the height limit shall be no more than fourteen (14) feet.

8.6.5.3. Buffers: A natural buffer shall be provided around the entire facility, including the Large-Scale, Mid-Scale or Small-Scale Installation and any accessory structures, for the purpose of screening from view the same by a person standing at ground level, from adjacent streets and properties. Such buffering can be existing vegetation or landforms, or new plantings and shall be continuous, save only where access drives must pass through the buffer. Said buffer needs to conform with the setback requirements of Section 8.6.5.1 as determined by the Inspector of Buildings, such vegetation shall be of a type that will grow to at least ten (10) feet within five years of the completion of construction of the Large-Scale, Mid-Scale or Small-Scale Installation. When vegetation is planted, at least 75% of such planted vegetation shall be evergreen species. Landscape plans, as detailed in Section 8.6.4.5.a.2 showing existing and proposed vegetation shall be provided as part of the Site Plan, with specifications as to type and size noted so that it can be clearly understood what will be planted.

8.6.5.4. Signage: One identification sign, no larger than sixteen (16) square feet, is allowed. Subject to any state or federal statutes, rules or regulations providing otherwise, any other

warning or directional signs are allowed as approved by the Inspector of Buildings. Large-Scale, Mid-Scale or Small-Scale Installations shall not be used for displaying any advertising.

8.6.5.5. Lighting: Lighting of all Scale Installations shall be consistent with Town, State and Federal statutes, rules, regulations and by-laws. Lighting of other parts of the facility, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall not shine light onto abutting properties.

8.6.5.6. Utility Connections: All utility connections from the Large-Scale, Mid-Scale or Small-Scale Installations shall be underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

8.6.5.7. Accessory Structures: All accessory structures to all ground-mounted PV installations shall meet the setback, lot coverage and other requirements of the relevant zoning district and overlay districts.

8.6.5.8. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale, Mid-Scale or Small-Scale Installation or otherwise prescribed by applicable laws, regulations, and By-laws. Top soil will not be removed from the site.

8.6.6. Monitoring and Maintenance.

8.6.6.1. Solar Photovoltaic Installation Conditions: The Large-Scale, Mid-Scale or Small-Scale Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the appropriate Town Officials. The owner or operator shall be responsible for the cost of maintaining the solar PV installation.

8.6.6.2. Modifications: All material modifications to all such Installations made after issuance of the required building permit shall require approval by the Inspector of Buildings.

8.6.7. Abandonment or Decommissioning.

8.6.7.1 Removal Requirements: Any Large-Scale, Mid-Scale or Small-Scale Installation which has reached the end of its useful life, or has been abandoned consistent with Section 8.6.7.2 of this By-law, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Inspector of Buildings by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all Large-Scale, Mid-Scale or Small-Scale Installations, structures, all electrical equipment, all appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, security barriers and overhead and underground electric lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with Town, State, and Federal waste disposal regulations;
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Inspector of Buildings may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

8.6.7.2. Abandonment: Absent written notice to the Inspector of Buildings of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale, Mid-Scale or Small-Scale Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Inspector of Buildings. If the owner or operator of the Large-Scale, Mid-Scale or Small-Scale Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

8.6.7.2.1 Financial Surety: Proponents of Large-Scale, Mid-Scale or Small-Scale Installations shall provide a form of surety through an escrow account, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit to the Inspector of Buildings a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism, for calculating increased removal costs due to inflation.

8.6.8 Severability: The provisions of this By-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provision or application of this By-law.

9.0. EARTH REMOVAL

9.1. Purpose: The purpose of this section is to establish the rules and regulations which shall govern the removal of earth on or from any parcel of land in any zoning district.

9.1.2. Definitions: As used in this section, the following words shall have the following meanings:

a. Earth: Earth shall include soil, loam, gravel, stone or any other earth materials.

b. Removal: Removal shall include the moving of earth from one location to another location within the boundaries of a lot or tract of land as well as the moving of earth off of any said lot or tract of land.

9.1.3. Applicability: This section, except as is otherwise provided herein, shall apply to all removal of earth within the Town.

9.1.4. Permit Required: No earth, except as otherwise provided herein, shall be removed on or from any parcel of land in any zoning district in the Town without a special permit from the Board of Appeals.

9.1.5. Exemptions: The removal of earth material in any of the following operations shall be exempt from the provisions of this section:

a. Removal of earth material in connection with the construction of buildings and accessory improvements, including, but not limited to, the installation of septic systems, driveways, walks, parking areas and swimming pools, provided the quantity of material removed shall not exceed that displaced by the portion of the building, or accessory improvement located below the finished grade and provided that all permits and approvals required by the Inspector of Building prior to beginning such construction have been received.

b. Removal of earth material incidental to the grading or landscaping of a single lot, provided said removal does not change the elevation of any portion of said lot by more than two (2) feet and further provided that the amount of earth to be removed or altered does not exceed one hundred and fifty (150) cubic yards. In an approved subdivision, this exemption shall apply only to the grading and landscaping of individual lots therein for which a building permit has been issued and shall not be construed as permitting the grading of the entire land area in the subdivision. Said grading and landscaping shall not result in the raising of the elevation of any land within the floodplain district.

c. The removal of earth material, exclusive of the removal permitted under the provisions of paragraphs a and b immediately above, necessary to complete an approved subdivision, provided said removal does not exceed an aggregate of four hundred and fifty (450) cubic yards of each material per one hundred (100) feet of street length within the street right-of-

way width inclusive of any earth to be removed in association with the construction of side slopes adjacent to the right-of-way within a 1:3 slope to a maximum horizontal distance of ten (10) feet, and further provided that said removal is restricted to the moving of earth from one location to another location within the boundaries of the subdivision.

d. Removal of earth material from an operating farm, nursery, golf course, cemetery, or other similar use, to the extent that such removal is necessary to the continuing operation of the same. The exemption allowed hereunder shall apply to existing operations only, and shall not be considered to include earth removal that may be required by new construction or any expansion of current operations.

e. Removal of earth material by or on behalf of the Town of West Bridgewater for the maintenance of its streets, public utilities or for other purposes which benefit the Town. If necessary, temporary processing of earth on site such as screening, crushing or stockpiling of material may be granted by special permit by the Board of Appeals.

9.1.6. Standards for Granting Permit: No permit for the removal of earth shall be granted unless the Board of Appeals shall find that the proposed earth removal operation shall not be contrary to the best interests of the Town. For this purpose, a removal operation shall be considered contrary to the best interests of the Town which: (1) will be injurious or dangerous to the public health and safety; (2) will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property; (3) will result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted; (4) will have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land and, (5) will alter an area of significant topographic significance.

9.1.7. Permits in Approved Subdivision: Approval of a preliminary or a definitive subdivision plan by the Planning Board under the Subdivision Control Law shall not be construed as authorizing the removal of earth from the land included in the Subdivision Plan except in accordance with the provisions of this By-law. Removal of earth from any such land shall be allowed only in the same manner as removal from other parcels of land in the Town.

9.1.8. Required Site Plan: Each application for a permit for earth removal shall be accompanied by a site plan prepared by a registered land surveyor, at a scale of eighty feet to the inch or larger, indicating the following:

a. Property lines, abutting owners of record, and buildings or other structures within one hundred feet of site boundaries, adjacent public streets and private ways.

b. Unique features of the area which may be affected by earth removal operations, such as

landmarks, exposed ledges of geological significance and control points and bench marks used in triangulation and topographical surveying.

c. Natural features such as water courses, wetlands, 100-year floodplain boundary if present, and ground water elevation. An environmental impact statement may be required by the Board of Appeals if deemed necessary due to the extent of the operation.

d. Topographic mapping showing existing contours to U.S. Coastal and Geodetic Survey Datum at intervals of not more than two feet and contours of finished grade after the conclusion of the operation.

e. Proper provision of safe and adequate water supply and sanitary sewerage, and for temporary and permanent drainage on the site.

f. Proper provisions for vehicular traffic and control of entrances and exits to public streets and private ways.

g. Delineation of fence locations.

h. A separate key sketch at a scale of one inch equals two thousand feet with a proposed earth removal site shaded to show relation of the surrounding road networks shall be shown on the plan and key sketch shall be in the same direction.

9.1.9. Conditions of Permit: In granting a permit for earth removal hereunder, the Board of Appeals shall impose reasonable conditions governing the removal operation. Such conditions shall include, but not be limited to, the following:

a. Removal operations shall not be conducted closer than fifty feet to a public street or private way or to any adjoining property line unless otherwise specifically provided for by the Board of Appeals.

b. Hours of operation shall be designated by the Board of Appeals.

c. Routes of transportation shall be designated. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling from the load, and the operators shall clean up any spillage that does occur on public ways. Access roads leading to public ways shall be treated to reduce dust and the transporting of surface material to the pavement of public ways.

d. Adequate provisions shall be made for drainage during and after completion of operation. No area shall be excavated so as to cause an accumulation of free-standing water unless the Board of Appeals shall permit the creation of a pond in an area not used as a source of drinking water.

- e. Lateral support shall be maintained for all adjacent properties and no banks shall be left after completion of operation with a slope which exceeds one foot of vertical in two foot of horizontal distance.
 - f. Maximum depth of any and all excavations shall at all times be at least four feet above the maximum ground water elevations unless the Board of Appeals finds that deeper excavation shall not be injurious to the public health and welfare, in which case limitations on excavations, including excavation associated with proposed stormwater detention/retention basins, channels and swales, shall be as determined by the Board of Appeals.
 - g. Off-street parking shall be provided. Any shelters or buildings erected or moved onto the premises for use by personnel or storage of equipment shall be removed from the premises within sixty (60) days after permit expiration date.
 - h. Any access to excavated area or areas in the process of excavation shall be adequately posted with "KEEP OUT DANGER" signs.
 - i. During operation, any excavation, quarry, bank or work face having a depth of ten feet or more and/or creating a slope of more than thirty degrees downward shall be fenced. Such fence shall be located ten feet or more from the edge of said excavation and shall be at least six feet in height.
 - j. Provision shall be made for the adequate control of dust during operation. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.
 - k. Topsoil and loam from the site shall be stockpiled on the property and, as operations proceed, areas brought to grade shall be covered with at least four inches of topsoil and/or loam and seeded with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization; provided, however, that those portions of a site which have been approved by the Board of Appeals as future locations for concrete, bituminous concrete, and/or buildings need not be so covered. Final restoration work shall be completed within six (6) months after expiration or withdrawal of a permit or completion of operation.
 - l. All tree stumps, boulders and other residual material shall be disposed of off the site, unless otherwise specifically provided by the Board of Appeals.
- 9.1.10. Period of Permit: Any permit granted for earth removal shall be for a period not to exceed one year. For a continuation of an operation beyond the period designated in the initial permit, a new application must be made and a new permit granted in the same manner as for the initial permit, except that the Board of Appeals may waive requirements for the submittal of a site plan. Such waiver must be granted in writing to the applicant by the Board of Appeals. All other provisions relating to operational standards and permit

procedures shall apply.

- 9.1.11. Performance Bond: The Board of Appeals shall require that a performance bond be posted in an amount determined by the Board of Appeals to be sufficient to guarantee conformity to the provisions of any permit issued hereunder. Such bond shall not be released until there is filed with the Board of Appeals a certification from a registered engineer and registered land surveyor and an approval from the Inspector of Buildings that the site conditions at the completion of all work are in accordance with the requirements of the permit.
- 9.1.12. Existing Operations: Any earth removal operation which is being lawfully conducted on any premises on the effective date of this By-law without a permit from the Board of Appeals may continue to be conducted until it is abandoned, but said earth removal operation shall not be extended. Discontinuance of such operation for more than twelve consecutive months shall be deemed to constitute abandonment. For the purposes of this section, the abandonment period shall not be broken by temporary operation except when such operation is for a period of at least sixty consecutive days. Any earth removal operation being conducted under a permit issued by the Board of Appeals prior to the effective date of this ordinance may continue until the expiration of said permit.

Necessity for Other Permits: Any earth removal and/or grading permitted by this section shall not be deemed to eliminate the need for appropriate authorization for excavation or fill in the Flood Plain District or in any wetland area subject to General Laws Chapter 131 or for any other permit required by this By-law or state or federal law.

10.0 TEMPORARY MORATORIA.

10.1. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

- 10.1.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Advisory Board is required to issue regulations regarding implementation by September 15, 2017.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will issue licenses

for Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

10.1.2 Definitions.

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", 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, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. (k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", 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.

10.1.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Advisory Board regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

- 10.1.5. Severability. The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law 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.

CRONOLOGICAL AMENDMENT ADOPTION

2004

Amend zoning by-law and zoning map by extending the business zoning district on the western side of North Main Street/Route 28 to include land now located within the general residential and farming zoning district, along the boundary line of the city of Brockton so as to include all of the parcels shown on map 11, lot 24 and map 18, lot 122 of the West Bridgewater assessors' maps, within the business zoning district. Approved by Town Meeting convened on June 7, 2004, and approved by the Office of the Attorney General on August 19, 2004. Article 23.

8.5 Add new by-law section--Adult Retirement Community By-Law approved by Town Meeting convened on October 12, 2004, and approved by the Office of the Attorney General on January 27, 2005. Article 1.

2005

Amend Table of Use Regulations, to allow Residential Uses in Business Zone, zoning change only to apply to buildings in existence at the time of the by-law change (May 23, 2005). Approved by Town Meeting convened on May 23, 2005, and approved by the Office of the Attorney General on August 19, 2005. Article 25.

2006

Establish new district to be known as Town Center District. Approved by Town Meeting convened on June 12, 2006 and approved by the Office of the Attorney General on October 4, 2006. Article 23. Zoning Map changed to show Town Center District approved by Town Meeting convened on June 12, 2006 and approved by the Office of the Attorney General on October 4, 2006. Article 23.

2007

Amended Section 4.4 Table of Use Regulations, by adding under "Principal Use" Residential uses 1A. Approved by Special Town Meeting convened on October 30, 2006 and approved by the Office of the Attorney General on January 4, 2007.

2008

Map Change: Rezone from General Residential Farming (GRF) to Industrial, the following parcels of land on Manley Street to be consistent with the goals and objectives of the Town's 2000 Master Plan Mission Statement and Strategic Outline: Assessor's Map 3 Lots 18, 19, and 20 for a total of 17+/- acres. Approved by Special Town Meeting May 5, 2008, and approved by the Office of the Attorney General on June 12, 2008.

Map Change: Rezone from General Residential Farming (GRF) District to Business District the parcels of land on Lincoln Street beginning at a point of the westerly side of Lincoln Street at the south easterly corner of Parcel 3 as shown of Assessor's Map 51. Approved by Special Town Meeting June 9, 2008, and approved by the Office of the Attorney General on August 21, 2008.

2009

Map Change: Rezone from General Residential Farming (GRF) to Industrial (I), the following parcels of land on Manley Street to be consistent with the goals and objectives of the Town's 2000 Master Plan Mission Statement and Strategic Outline: Assessors' Map 3, Lots 13, 14 and 15 for a total of 46+/- Acres. Also included on Manley Street Assessors' Map 3, Lot 12 for a total of 2.6 Acres. Approved by Special Town Meeting January 12, 2009, and approved by the Office of the Attorney General on May 14, 2009.

Map Change: Rezone from General Residential Farming (GRF)/Business (B) to Industrial (I), the parcel know as Lot 023 on Assessors” Map 39, also known as 29 Howard Street. Approved by special Town Meeting January 12, 2009, and approved by the Office of the Attorney General on May 14, 2009.

Amend Section 2.1 Terms and Words by adding 2.1.1.50 Public Utility and renumbering the remaining definitions accordingly. Approved by Special Town Meeting January 12, 2009, and approved by the Office of the Attorney General on May 14, 2009.

Amend Section 6.5 Sign Requirements by adding and inserting a new subsection entitled: 6.5.2 (h) Off Premise Outdoor Advertising Billboard signs. Approved by Special Town Meeting January 12, 2009, and approved by the Office of the Attorney General on May 14, 2009.

2010

Map Change: Water Resource Protection District Map dated July 2009, replaces the Water Resources Protection District Map dated May 2001. Approved by Special Town Meeting, January 25, 2010, and approved by the Office of the Attorney General on May 24, 2010.

Amend the Town’s Water Resource Protection District By-Law by deleting in its entirety and substituting a new revised Section 4.6 entitled Water Resource Protection District. Approved by Special Town Meeting, January 25, 2010, and approved by the Office of the Attorney General on May 24, 2010.

Amend the Town’s Zoning By-Laws Table of Use Regulations Section 4.4 Commercial and Industrial Uses-Item #5, “Manufacturing”, by deleting (SA) Special Permit use designation within the Industrial (I) District and insert “(Y)” permitted use designation only”. Approved by Special Town Meeting, January 25, 2010, and approved by the Office of the Attorney General on May 24, 2010.

Amend the Town’s Zoning By-Laws Section 7.2.2.4 contained within Section 7.2 Site Plan Review by striking the language “until forty-five days from the filing of the site plan have elapsed” and replacing it with “until after thirty days from the filing of the site plan have elapsed.” Approved by Special Town Meeting, January 25, 2010, and approved by the Office of the Attorney General on May 24, 2010.

Amend the Town’s Zoning By-Laws Section 8.4.2 Definitions by deleting b. in its entirety and inserting a new definition Wireless Communication Services. Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws 8.4.2. Definitions by inserting the following new definitions and/or terms:

c. Building-mounted Wireless Communication Link

d. Indoor Wireless Communication Link

e. Wireless Communication Facility Accessory Building

f. Wireless Communication Tower . Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.4. Location by deleting it in its entirety and adding a new Section 8.4.4. Location. Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.5. Special Permit by deleting the last sentence entirety and inserting two new sentences at the end. Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.6. General Requirements by deleting paragraph "a" in its entirety and inserting a new paragraph "a". Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.6. paragraph "g" by deleting the word "facilities" in the first sentence and replacing it with "building mounted communication link." Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.6. by deleting paragraph "i" in its entirety and inserting a new paragraph "i". Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 8.4.6. by adding a new paragraph "o". Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Amend the Town's Zoning By-Laws Section 4.4. Table of Use Regulations Commercial and Industrial Uses No. 7 by deleting the current use designation in said table and insert new designations. Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on October 5, 2010.

Map Change: Rezone from General Residential Farming (GRF) to Industrial (I) parcels of land on Turnpike St., Assessors' Map 7 Plots 11, 14 and a portion of 14. Approved by Annual Town Meeting convened on June 7, 2010, and approved by the Office of the Attorney General on Oct 5, 2010.

Amend the Town's Zoning By-Laws "Table of Dimensional & Density Requirements Section 5.2.2 Other Dimensional Requirements" by adding Section 5.2.2 (e) & (f). Approved by Special Town Meeting convened on December 13, 2010 and approved by the Office of the Attorney General on January 7, 2011.

2012

Amend the Town's Zoning By-Laws "Flood Plain District" 4.5, by striking the entire 4.5 Flood Plain District and replacing it with a new 4.5 Flood Plain District. Approved by the Annual Town Meeting convened on June 11, 2012 and approved by the Office of the Attorney General on July 13, 2012.

2013

Amend the Town's Zoning By-Laws Section 7.0 Administration –Site Plan – Submission Procedures sections 7.2.2.1 and 7.2.2.3. Approved by Annual Town Meeting convened on June 10, 2013 and approved by the Office of the Attorney General on October 29, 2013.

Amend the Town's Zoning By-Laws adding a new Section: 10.0 Temporary Moratoria and further to amend the Table of Contents to add Section 10.0 "Temporary Moratoria" and add section entitled 10.1 Temporary Moratorium on Medical Marijuana Treatment Centers. Approved by Annual Town Meeting convened on June 10, 2013 and approved by the Office of the Attorney General on October 29, 2013.

Amend the Town's Zoning By-Laws adding a new Section: 10.2 Temporary Moratorium of ground-mounted Solar Photovoltaic (PV) Installations and further to amend the Table of Contents to add Section 10.2. Approved by Annual Town Meeting convened on June 10, 2013 and approved by the Office of the Attorney General on October 29, 2013.

Amend the Town's Zoning By-Laws by amending Section 4.4 TABLE OF USE REGULATIONS, adding under "Commercial and Industrial Uses" section the attached uses per district as well as a new Section 8.6 Ground Mounted Solar Photovoltaic (PV) Installations. Approved by Annual Town Meeting convened on June 10, 2013 and approved by the Office of the Attorney General on October 29, 2013.

2014

Amend the Town's Zoning By-Laws by repealing the present Sections 10.1 through 10.1.5 Temporary Moratorium on Medical Marijuana Treatment Centers and amending Section 7.0

Administration by adding new Section 7.8.0 etseq. Approved by the Annual Town Meeting convened on June 9, 2014 and approved by the Office of the Attorney General on September 10, 2014.

Amend the Town's Zoning By-Laws by removing Section 6.5.2h in its entirety and replace section 6.5.2.h with a new Section. Approved by Annual Town Meeting convened on June 9, 2014 and approved by the Office of the Attorney General on September 10, 2014.

Amend the Town's Zoning By-Laws by repealing the Temporary Moratorium on ground-mounted Solar Photovoltaic (PV) Installations. Approved by Annual Town Meeting convened on June 9, 2014 and approved by the Office of the Attorney General on September 10, 2014.

2016

Amend the Town's Zoning Bylaws by adding the following new section: "10.0 TEMPORARYMORATORIA." and further to amend the Table of contents to add Section 10.0. "Temporary Moratoria" and the ensuing parts as proposed. Approved by Special Town meeting convened on December 14, 2016 and approved by the Office of the Attorney General on January 18, 2017.

2019

Amend the Town's Zoning Bylaws Section 7.8.1 by adding the following language as follows: 7.8.1. Definitions "Facility" shall be defined as: The physical structure where medical marijuana is to be cultivated, processed, and sold, as well as all permitted guest and employee parking spaces. Approved by Annual Town Meeting convened on June 3, 2019 and approved by the Office of the Attorney General on September 5, 2019.

Amend the Town's Zoning Bylaws by amending Section 7.8.5.10 (g) as follows (old language stricken, new language in bold): 7.8.5.10 No RMD shall be located within the following designated areas: (g) "The distances specified above shall be measured by a straight line from the nearest ~~property line of the premise~~ **on point of the facility in** which the RMD is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other RMD use, as the case may be." Approved by Annual Town Meeting convened on June 3, 2019 and approved by the Office of the Attorney General on September 5, 2019.

2020

Amend the Town's Zoning Bylaws by amending Section 8.6. Ground Mounted Solar Photovoltaic (PV) Installations. Approved by Annual Town Meeting convened on June 29, 2020 and approved by the Office of the Attorney General on December 3, 2020.

Amend the Town Zoning Bylaws by amending Section 4.4 Table of Use Regulations by adding the following under Commercial and Industrial Uses. Approved by Annual Town Meeting convened on June 29, 2020 and approved by the Office of the Attorney General on December 3, 2020

Amend the Town Zoning Bylaws by amending Section 6.5. Sign Requirements as printed on the warrant. Approved by Annual Town Meeting convened on June 29, 2020 and approved by the Office of the Attorney General on December 3, 2020

Amend the existing Zoning Map of the Town of West Bridgewater by removing the following described land from Business (B) District and establishing the same as Industrial (B) District, as printed on the Warrant. Approved by Special Town Meeting convened on Sept 21, 2020 and approved by the Office of the Attorney General on December 15, 2020.