



REVISED ZONING BY-LAWS AND SUB-DIVISION REGULATIONS

Approved by:
Massachusetts Attorney General
(10-13-1981), (01-03-2008), (6-30-2017), (12-21-2017) & (6-29-2022)

ZONING BYLAWS
TOWN OF SAVOY
MASSACHUSETTS

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SECTION 1: PURPOSE

The purpose of this bylaw is to provide for the town of Savoy all the protection authorized by Chapter 40A and amendments thereof of the General Laws of the Commonwealth of Massachusetts:

To promote the safety, health, welfare and convenience of the people of the town;

To preserve the rugged rural character of the town;

To encourage the most appropriate use of the land, taking into account the hilly terrain, the stoniness of the surface soil and the prevalence of ledge and heavy clay in the subsoil;

To protect and conserve the natural resources of potable water and clean air;

To control soil erosion and water runoff;

To guard against pollution to the ecology of the environment;

To maintain the vigor of the forest and the vistas of open space;

To secure safety from fire, flood and other dangers by regulating the location and use of buildings and the open space around them;

To facilitate the adequate provision of transportation, schools, parks and other public requirements and to lessen congestion in the streets;

And to perpetuate and increase the value of property and the scenic beauty of the town.

SECTION 2: DEFINITIONS

For the purpose of this bylaw, the word “person” includes a partnership, firm, association, or corporation, or other entities, words in the present tense include the future and words in the singular number include the plural and vice versa. Certain terms or words shall be defined as follows:

ABANDONMENT – Any of the following shall constitute prima face evidence of abandonment or intent to abandon:

A. Any positive act indicting such intent and lasting for a period of two years;

B. When the characteristic equipment and furnishings of the use have been removed from the premises and have not been replaced by the same or similar equipment within two years;

C. Failure to take all necessary steps to resume the use within a period of two years including advertisement of the property for sale or lease;

D. The non-payment of taxes;

E. To neglect to maintain a use or structure free from a threat to life and limb;

ACCESSORY USE OR BUILDING - A use or a building customarily incidental and clearly subordinate to the principal use or building and located on the same lot as the principal use or building or on an adjacent lot under the same ownership.

BUILDING – Any structure having a roof or intended for the shelter, housing or enclosure of persons, animals, materials, motor vehicles.

BUILDING HEIGHT – The vertical distance from the finished grade at any point under consideration to the highest point of the roof.

CAMP GROUND – Any place of camp character as the term is commonly understood, used wholly or in part for recreational camping, which may accommodate tents, mobile camping units, expandable trailer units and other such devices that may be developed and marketed for the camping trade on rented camp sites operated under State Sanitary Code, Article 8. Camp grounds may contain temporary or permanent buildings and facilities for common usage or group activity purposes. Camp ground as used in this bylaw does not include Mobile Home Parks.

DWELLING UNIT – One or more rooms constituting a separate, independent house-keeping establishment with cooking, living sanitary and sleeping facilities for the use of one family.

A. ONE FAMILY DWELLING – A building designed for or occupied by a single family, including mobile homes placed on or affixed to permanent foundation.

B. TWO FAMILY DWELLING – A building designed for or occupied by two families living independently.

C. MULTIPLE-FAMILY DWELLING – A building arranged or designed to be occupied by three or more families living independently of each other.

FAMILY – Any number of persons related by blood, marriage or adoption, including but not limited to disabled veterans, state wards and foster children, living together in a single dwelling unit.

HOME OCCUPATION – A business engaged in within a dwelling or accessory building by a resident thereof as an accessory use, employing not more than one non-resident employee and utilizing no outside structure or equipment. Customary home occupation does not include gift shop, antique shop, art gallery or similar retail establishment.

HOTEL, LODGING HOUSE, MOTEL OR INN – A building in which space is used or rented for lodging or feeding people as paying guests on a transient or permanent basis.

LOT – A clearly defined parcel of land in one owner-ship of sufficient area and dimension to meet this bylaw's minimum requirements for area, frontage, width, yards, open spaces and other requirements under this bylaw.

A. LOT FRONTAGE – The continuous distance along the street line which provides direct access to the lot.

B. LOT WIDTH – The distance between lot side lines at the front setback line measured parallel to or concentric with the street line.

MOBILE HOME – A single, completely enclosed structure built on a chassis, designed as a dwelling unit to be transported after fabrication on its own wheels or detachable wheels or on a flatbed or trailer. For the purpose of this bylaw, the term “mobile home” includes trailers incorporating the characteristics of mobile homes defined herein.

MOBILE HOME PARK – The term “Mobile Home Park” is as used and defined in Massachusetts General Laws Chapter 140, Section 32-F through 32-L inclusive.

NON-CONFORMING USE – A lawfully existing building, structure or use of a building, structure or land which does not on the effective date of this bylaw conform to the regulations contained in this bylaw.

STREET – A public way or a way which is maintained and used as a public way giving access to a lot or a way approved by the Planning Board under the subdivision control law. A street includes the entire width of the right-of-way.

YARD – An open space to be kept free of any structures.

A. FRONT YARD – An open space between the principal buildings and the front line extending the full width of the lot and measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line thirty feet from and parallel with the center line of the street.

B. REAR YARD – An open space the full width of the lot extending from the rear line of the building to the rear line of the lot. In case of a corner lot, the rear yard shall not extend beyond the front yard of the side street.

C. SIDE YARD – An open space between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

SECTION 3: ZONING DISTRICTS

For the purpose of this bylaw the whole area of the Town of Savoy constitutes a single rural, residential and agricultural zoning district with uniform regulations for each class or kind of structures or use permitted.

SECTION 4: USE REGULATIONS

4.1 No building or structure shall be erected and no building, structure, land or part thereof shall be used for any purpose or in any manner other than one or more of the uses authorized in this bylaw by right or by special permit.

4.2 Uses Permitted by Right:

4.2.1 One family dwelling

4.2.2 Two family dwelling

4.2.3 Municipal or governmental use including parks, playgrounds or other recreational facilities owned or operated by a town agency.

4.2.4 Religious or educational use on land owned or leased by:

- a. the Commonwealth or any of its agencies, subdivisions or bodies,
- b. a religious sect or denomination or
- c. a non-profit educational corporation.

This use must comply with the special requirements of Section 4.3.5 a and c of this bylaw.

4.2.5 Accessory structures including but not limited to private garages, storage, storage sheds, patios, breezeways, outdoor fireplaces and swimming pools.

4.2.6 The practice of a profession within the principal or accessory building by a surgeon, physician, clergyman, architect, engineer, attorney, or similar professional person residing in such principal building. No limit is set for resident employees provided that there is no external evidence of any profession other than permitted signs.

4.2.7 The use of a room or rooms in a dwelling or accessory building by a resident of the dwelling for a home occupation or trade such as a seamstress, domestic cook, photographer or teacher. No limit is set for resident employees, however, only one non-resident employee is allowed. There must be no external evidence of any business other than permitted signs.

4.2.8 The use of premises or a building thereon by a resident carpenter, electrician, plumber, painter, mechanic or other artisan in connection with his trade provided that no manufacturing or business requiring substantially continuous employment be carried on.

4.2.9 The rental of no more than two rooms in a dwelling unit regularly occupied by a resident family provided that no separate cooking facilities are maintained.

4.2.10 The display and sale of natural products at a roadside stand by a resident of the premises. The major portion of the products shall be produced in town.

4.2.11 The use of land and structures for agriculture, horticulture or floriculture.

4.2.12 The removal of earth materials, including stripping of top soil when incidental to or required in connection with any of the following operations:

- a. The erection of a building on a lot for which a permit has been properly issued;
- b. The construction of a private road in an approved subdivision;
- c. Any accessory use incidental to a permitted use, including cultivation of land, planting, landscaping or drainage.

No such material shall be removed from the town without a special permit from the Board of Appeals.

4.3 Uses Requiring a Special Permit from the Board of Appeals:

4.3.1 The conversion of a dwelling existing at the time of adoption of this bylaw into a multiple-family dwelling. The lot area must exceed the minimum lot size by at least ½ acre of each dwelling unit above one.

4.3.2 The removal of top soil, loam, sand, gravel, stone or other earth materials for commercial purposes. No excavation, processing, loading or other operations, structures or facilities shall be closer than 100 feet of any property line.

4.3.3 Retail business or consumer establishments including but not limited to food store, barber or beauty-shop, antique or gift shop, motor vehicle service station, small appliance repair shop and eating establishment. Adequate off-street parking facilities must be available on the premises.

4.3.4 Outdoor recreational clubs including tennis club, sportsmen's club, country club, golf course, picnic grove, camp ground, or any other recreational open uses of land compatible with a residential environment. No building, structure, or developed area shall be less than 100 feet from any street line or lot line in residential use.

4.3.5 Motel, inn, or ski lodge, subject to the following special requirements:

- a. The minimum size of the lot shall be 5 acres and frontage of 250 feet;
- b. There shall be at least 3,000 sq. ft. of usable land area per each rental unit;
- c. No building, structure, or developed area shall be less than 100 feet from any street line or lot line in residential use.

4.3.6 An accessory use to a by-right use, whether or not on the same parcel, which is necessary in connection with scientific research or development or related production provided that the proposed accessory use does not substantially derogate from the public good.

4.3.7 Commercial piggeries, fur farms, poultry farms and slaughter houses.

4.3.8 Scrap or salvage yards provided that they be located on a lot of at least 10 acres and that open storage, loading and service areas are screened from any adjacent residents or street.

4.3.9 The sale and service of used vehicles.

4.3.10 Any other use determined by the Board of Appeals to be similar in character to one or more specifically authorized herein, provided the Board finds that the proposed use is in harmony with the general purpose and intent of this bylaw and not offensive or detrimental to the neighborhood.

4.3.11 The Board of Appeals may impose additional safeguards and requirements for any use under this section as in their judgment are necessary for the protection of public health, safety and welfare.

4.4 Every use permitted by right or authorized by special permit under the provisions of this bylaw shall be subject to the State Building Code, State Sanitary Code, the town's Board of Health Regulations and all other applicable statutes, bylaw and regulations, including Parking and Sign regulations as set forth in this bylaw.

4.5 Prohibited Uses:

4.5.1 The distillation of bones, rendering of fat or reduction of animal matter.

4.5.2 Mobile home parks or the expansion of any mobile home park existing on the effective date of this bylaw.

4.5.3 The deposit or cause for deposit of refuse of any kind on town streets or town property except in the public dump especially provided for that purpose.

4.5.4 The storage of materials, equipment or refuse on private property within 150 feet of a town street or adjacent private property.

4.5.5 The storage in the open of unlicensed, abandoned, wrecked, junked or dilapidated motor vehicles (defined under Ch. 140, Sec. 57 General Laws) and/or parts thereof.

4.5.6 The collection, treatment, storage, burial, incineration or disposal of chemical and/or radioactive waste within the town boundaries. Such wastes shall include, but not be limited to, wastes classified and commonly known as low-level radioactive waste, transuranic waste and hazardous chemical waste.

4.5.7 Wind Energy Conversion Facilities, which shall include wind turbines and any and all associated equipment, machinery and structures for use of wind energy to generate electric energy.

SECTION 5: INTENSITY REGULATIONS

5.1 Any building or structure used for dwelling purposes or for housing a principal permitted use, shall be so located on a lot as to meet the following requirements, except as otherwise provided in this bylaw:

5.1.1 The lot not be less than three acres per dwelling unit and no more than one dwelling or principal building shall be located on such a lot.

5.1.2 The frontage for any such lot shall be not less than 150 feet on a street.

5.1.3 The minimum yard and which dimensions for any building or structure shall be:

- a.** Front yard – 30 feet
- b.** Lot width – 100 feet
- c.** Side yard – 20 feet
- d.** Rear yard – 20 feet

5.1.4 The height of any building or structure shall not exceed 35 feet. Height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

5.1.5 The lot coverage by buildings and structures, including accessory buildings and hard surfaced areas, shall not exceed ten percent of the total lot area.

5.2 No lot, nor any building or structure thereon, shall be changed in size so as to violate lot area, frontage, yard, width or any other requirements of this bylaw.

5.3 No separate accessory building shall be erected within ten feet of any other building.

5.4 A lot or parcel of land having an area or frontage of lesser amounts than required in this bylaw may be considered as coming within the area and frontage requirements of this section provided such lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of adoption of this bylaw as regulated in Chapter 40A, Section 6 of the General Laws.

SECTION 6: SPECIAL PROVISIONS

6.1 Non-conforming uses

6.1.1 Any lawful non-conforming use or structure in existence or begun at the time of adoption of this bylaw may be continued although such use does not conform to this bylaw.

6.1.2 Any non-conforming building or structure which is damaged after the effective date of this bylaw by fire, flood, explosion, earthquake, war, riot or natural disaster may be restored, reconstructed or used for any other purpose allowed under this bylaw provided the building or structure has not been abandoned.

6.1.3 Pre-existing structures or uses may be extended, altered, or changed to another non-conforming use by special permit from the Board of Appeals provided the Board finds that the change, extension or alteration is not substantially more detrimental to neighborhood character than the existing non-conforming use.

6.1.4 Once changed to a conforming use, reversion to a non-conforming use shall not be made.

6.1.5 A non-conforming use which has been abandoned shall not be reestablished and any future use shall conform to this bylaw.

6.2 Visibility at corners

6.2.1 On any corner lot, there shall be no building, structure, fence, shrubbery or planting that will obstruct clear vision in the space between three and eight feet above the ground within the triangular area formed by the corner and points twenty feet from the corner along the street lines.

6.3 Temporary buildings

6.3.1 A temporary building, including a mobile home, may be used as a temporary residence or office during an incident to the construction of a permanent building on the premises. A special permit for such temporary building must be obtained for the Board of Appeals prior to use.

6.3.2 A temporary building may be used while reconstructing a dwelling destroyed by fire, flood, earthquake or other natural disaster. A building permit for such temporary building must be obtained from the Inspector of Buildings prior to use.

6.3.3 A temporary building shall not be occupied for a period exceeding one year from the date of the permit.

6.3.4 Any temporary building used as a dwelling must meet the requirements of the State Sanitary Code.

6.4 Parking

6.4.1 Suitable off-street parking areas shall be provided on all premises in accordance with the following schedule for each building or structure which is erected, altered or enlarged after the effective date of this bylaw:

- a.** Dwellings – off-street parking as necessary.
- b.** Accessory home occupation or office – one space for each non-resident employee plus adequate parking for clients.
- c.** Business – adequate space for employees, customers, service and supply areas.

6.5 Signs

6.5.1 A special permit must be obtained from the Board of Appeals for the use of any sign or other advertising device which can be seen from any place to which the public has the right of access and which

- a.** has a surface area greater than six square feet and less than twenty-five square feet or
- b.** is illuminated by artificial means.

6.5.2 No sign with a surface area greater than twenty-five square feet is permitted.

6.5.3 No sign which utilizes flashing illumination or moving parts is permitted.

6.5.4 No permit is required for a non-illuminated sign of less than six square feet.

6.6 Special permits

6.6.1 The Board of Appeals is designated by this bylaw as the Special Permit Granting Authority and is empowered to act in accordance with the provision of Section 9 of Chapter 40A.

6.6.2 The Board of Appeals may grant a special permit under the provisions of this bylaw when it shall have found that the use involved will not be detrimental to the established or future character of the neighborhood and the town. Conditions, safeguards and limitations both of time and use may be established if deemed necessary.

6.6.3 Special permits shall only be issued following a public hearing held within sixty-five days after the filing of an application with the town clerk.

6.6.4 The Board of Appeals must act on a special permit within ninety days following the public hearing. The special permit shall be deemed to be granted if the Board of Appeals fails to act within the ninety day period.

6.6.5 A special permit shall lapse in two years from the effective date of filing if a substantial use or construction has not begun under the permit by the expiration date except for a good cause.

6.6.6 Transferal of land or structures from the applicant, petitioner or owner to another applicant, petitioner or owner shall not invalidate or cause to modify the terms of a special permit.

SECTION 7: BOARD OF APPEALS

7.1 Organization

7.1.1 There is hereby established a Board of Appeals consisting of 5 members and 2 associate members to be appointed by the Selectmen as provided in Section 12 of Chapter 40A of the General Laws. The Board of Appeals shall act within its statutory powers as provided in Section 14 of Chapter 40A and on matters within its jurisdiction under this bylaw in a manner prescribed in section 15 of Chapter 40A. This Board shall serve as the Board of Appeals under the subdivision control law as provided in Section 81Z of Chapter 41 the Board of Appeals shall uphold the purpose of this bylaw.

7.2 Authority

7.2.1 To hear and decide appeals by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative board of officer under the provisions of this bylaw.

7.2.2 To hear and decide applications for special permits upon which the Board is empowered to act under this bylaw.

7.2.3 To hear and decide petitions for intensity variances.

7.2.4 To make orders or decisions, reverse or affirm in whole or in part of modify any order or decision and to that end shall have all the powers of the officer from whom an appeal is taken and may issue or direct the issuance of a permit.

7.3 Variances

7.3.1 Variances to the intensity regulations may be granted by the Board of Appeals where it has found that:

- a.** Soil conditions, shape or topography of such land or structures affects the land in question but not the general district or area in which it is located, and
- b.** A literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant and where
- c.** Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially detracting from the intent or purpose of this bylaw.

7.3.2 The Board of Appeals may impose conditions, safeguards and limitations both of time and use upon a variance. Once granted, a variance shall remain in effect until the use is abandoned or changed. Transferal of the land or structures from an applicant, petitioner or owner to another applicant, petitioner or owner shall not invalidate or cause to modify the terms of a variance.

7.3.3 A variance shall only be issued following a public hearing held within sixty-five days after the filing of an application with the town clerk.

7.3.4 The Board of Appeals must act on a variance application within seventy-five days after filing of an application with the town clerk. The variance shall be deemed granted if the Board of Appeals fails to act within the seventy-five day period.

7.3.5 A variance shall lapse if, based upon the determination of the Board of Appeals, it is not exercised within one year of the date that the variance was granted.

The Board of Appeals now has authority to extend the time for exercising a variance not to exceed six (6) months and prior to expiration of the original one (1) year period. The Board of Appeals has thirty (30) days to act on applications for extensions. If the Permit Granting Authority does not grant such extension within thirty (30) days of the date of application therefore, and upon expiration of the original one (1) year period, such right may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

SECTION 8: ADMINISTRATION AND ENFORCEMENT

8.1 This bylaw shall be enforced by the Inspector of Buildings appointed by the Selectmen. The Inspector has the power to withhold a permit for the construction, alteration or moving of any building or structure if such action would be in violation of this bylaw or other applicable statutes, bylaw and regulations.

8.2 A permit must be obtained from the Inspector of Buildings prior to construction, alteration or moving of a building or structure where:

- a. Such construction, alteration or moving amounts to reconstruction, extension or structural change,
- b. The purpose or manner of use is substantially different from the use to which the structure or building was put before alterations or
- c. The use is of the same purpose but to a substantially greater extent.

8.3 Construction or operation under a building permit or a special permit shall conform to any subsequent amendment of this bylaw unless the permit is issued before the first publication of the required notice of a public hearing for such amendment by the Planning Board. Construction or operation must conform to any amendment of this bylaw if the construction or operation has not begun within six months after the permit is issued or if it is not continuing towards completion as continuously or expeditiously as is reasonable.

8.4 Whoever violates any of the provisions of this bylaw shall, upon conviction thereof, pay a fine not to exceed \$100 for each offense. Each continuing day of such a violation constitutes a separate offense.

SECTION 9. COMMERCIAL WIND ENERGY FACILITIES

(DELETED BY ARTICLE #1 AT SPECIAL TOWN MEETING DECEMBER 21, 2017)

SOLAR ENERGY SYSTEM INSTALLATIONS ZONING BYLAW

10.0 SOLAR ENERGY SYSTEM INSTALLATIONS

10.1 Purpose

The Purpose of this bylaw is to provide a permitting process and facilitate the creation of new large-scale Ground- Mounted Solar Energy System Installations (see Section Definitions) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, mitigate impacts on rural character, property values and on environmental, scenic, natural and historic resources of the town and to provide adequate financial assurance for the eventual decommissioning of such installations, as well as defining medium and small scale Solar Energy System Installations and the permitting requirements for them.

10.2 Applicability

This section applies to Solar Energy System Installations proposed to be constructed after the effective date of this bylaw. This section also applies to modifications after construction that alters the type, number, configuration or size of the Solar Energy System Installations.

10.2.1 All Solar Energy System Installations that are directly mounted on a roof or building are allowed by-right, as an accessory structure, Savoy Zoning Bylaws (Section 4). Roof mounted SESI may only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

10.2.3 A Solar Energy System Installations proposed to be constructed on the Savoy Landfill shall be by-right, as an accessory structure, Savoy Zoning bylaws (Section 4). The SESI may only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

10.3 Definitions

Special Permit Granting Authority or SPGA: Means the Town of Savoy Zoning Board of Appeals.

Access Road: A roadway constructed on the site for use in the construction and operation of the Large-Scale SESI.

Solar Energy System Installation (SESI): A device, structure, or structural design feature, all equipment, substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

Owner: The person(s) owning the Solar Energy System Installation (SESI).

Property Owner: The person(s) holding proprietary interest in land on which the (SESI) is located or proposed to be located. The property owner may not be the (SESI) owner.

Applicant: The person(s) applying for a SESI “special permit” under this bylaw.

Operator: The Person (s) or group in charge of installation, maintenance, repair or general operation of the SESI.

Rated Nameplate Capacity: The maximum rated output of electric power production of the SESI in Alternating Current (AC) or Direct Current (DC).

Photovoltaic System: An active solar energy system that converts solar energy into electricity.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

Solar Access: The access of SESI to direct sunlight.

Solar Collector: A device, structure or a part of device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Small Scale Solar Energy System Installations: Any size roof mounted or building mounted SESI or a ground mounted SESI that occupies up to 10,000 sq. ft. of a lot and the electricity generated is used primarily for on-site consumption.

Medium Scale Solar Energy System Installations: A SESI that is structurally mounted directly on the ground and is not roof-mounted occupies more than 10,000 sq. ft. and up to 80,000 sq. ft. of a lot and the electricity generated is used primarily for on-site consumption.

Large-Scale Solar Energy System Installations: A SESI that is structurally mounted directly on the ground and is not roof-mounted occupies more than 80,000 sq. ft. of a lot and the electricity generated is used primarily for off-site consumption. Rated Nameplate Capacity, ref. section 10.11.3;

10.4 Small Scale Solar Energy System Installations, General Requirements

10.4.1 A small Scale SESI is allowed by- right, as an accessory structure, Savoy Zoning Bylaws (Section 4).

10.4.2 A small scale SESI may only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

10.4.3 A small scale SESI solar collector and support structure proposed to be ground mounted may not exceed a height of fifteen feet (15').

10.4.4 A small scale SESI proposed to be ground mounted, whenever possible, as first option be placed in the rear or side yard location.

10.5 Medium Scale Solar Energy System Installations, General Requirements

10.5.1 No Medium scale SESI may be erected constructed or installed without first obtaining a special permit from the SPGA in accordance with this section and Savoy Zoning bylaws "Special Permit". Medium scale SESI special permit requirements shall be limited to meeting the following.

1. All small scale requirements stated in this bylaw (section 10.4.2 – 10.4.4).
2. Additionally meet the requirements of sections 10.8 (I) Visual, 10.11.1 Setbacks, 10.8 Control of Vegetation and approval from the town Fire Chief.

10.6 Large Scale Solar Energy System Installations, General Requirements

10.6.1 General: No large scale SESI may be erected, constructed or installed without first obtaining a special permit from the SPGA in accordance with this section and Savoy Zoning bylaws "Special Permit" in all zoning districts. Any physical modifications to an existing large scale SESI that alters the type or size of such existing installation will require a special permit from the SPGA.

10.6.2 Compliance with Laws: The construction, maintenance, modification, operation and removal of the large scale SESI shall comply with all applicable local, state, and federal requirements. Including but not limited to all applicable safety, construction, electrical, and communications requirements. The issuance of a special permit will not limit the town's ability to enforce or seek enforcement of other legal requirements applicable to the large scale SESI; the owner must obtain a local building permit and pay any required fees.

10.6.3 Liability Insurance: Prior to construction of a large scale SESI the owner will provide in an amount and form acceptable to the Board of Selectman evidence of adequate liability insurance against loss or damage to persons, including personal injury or death and structures. Proof of liability insurance will be maintained and submitted to the town annually until the large scale SESI has been removed. All subsequent owners/operators will continue to provide proof of liability insurance in the form and amount approved by the Board of Selectman on an annual basis.

10.6.4 Appurtenant Structures: All appurtenant or accessory structures to large scale SESI will be subject to regulations concerning the bulk and height of structures, lot area and setbacks as specified in Savoy Zoning bylaws. All such structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, will be architecturally compatible with each other. Structures should be screened from view by vegetation and/or located together to avoid adverse visual impacts.

10.6.5 Safety and Environmental Standards

A. Emergency Services

The large scale SESI owner shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Additionally shall cooperate with local emergency services Fire and Police to develop and as needed update an emergency response plan. All means of shutting down the SESI are clearly marked. Use of security fencing or locked gates as necessary are identified with plan for providing the town site access. The owner shall identify a responsible person for public inquiries throughout the life of the large scale SESI.

B. Land Clearing, Soil Erosion and Farmland Impacts

The large scale SESI shall be designed to minimize impacts to agricultural land and should be compatible with continued agricultural use to the maximum extent possible. The facility shall be designed to minimize impacts to adjacent properties. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale SESI or otherwise prescribed by applicable laws, regulations, and bylaws. In no event shall clear cutting of forest exceed 5 acres. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. Locating large scale SESI on grades in excess of 10% shall be avoided to the maximum extent feasible. The SPGA should in their judgment encourage the use of vacant or disturbed property of less agricultural value for locating large scale SESI and discourage the over use of farmland or forest land given the benefits they provide.

C. Habitat Impacts

Large scale ground mounted SESI shall not be located on Permanently Protected Open Space. Projects located within mapped Estimated or Priority Habitat for state-listed species as depicted in the MA Natural Heritage Atlas must receive approval from the Natural Heritage and Endangered Species Program (NHESP).

10.7 Operation, Maintenance & Landscape Plans

A. Operation & Maintenance Plan:

Applicant shall submit a plan with general procedures for the operation and maintenance of the large scale SESI. The owner/operator of the large scale SESI shall maintain the SESI and the site in good condition. This includes, but is not limited to painting, structural repairs, and integrity of security measures (fencing) and the maintenance of buffers, equipment, access roads, DEP storm water control, erosion control measures and vegetation control. Maintenance will be conducted Monday – Friday (excluding state and federal holidays) between the hours of 8:00AM and 5:00pm unless requested by the Select Board or in cases of emergency.

B. Landscape Plan:

Applicant shall submit a Landscape Plan detailing all proposed changes to the landscape of the site including: vegetation removal, temporary or permanent access roads, grading, exterior lighting and screening of structures. The Landscape Plan shall show the type and location of vegetation proposed to screen the installation including appurtenant structures from public ways and adjacent properties. The owner/operator shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the large scale SESI.

10.8 Large Scale Solar Energy System Installation, Design and Performance Standards

A. Height: The height of any large scale SESI solar collector including support structure will not exceed 15 feet.

B. Lighting: No Lighting of the large scale SESI is permitted, except for emergency lights, limited to safety purposes as determined by Savoy Emergency Services or when operational personnel are on site. Emergency lighting will be reasonably shielded from abutting properties. The large scale SESI owner/operator will be responsible for maintenance of lighting systems.

C. Signage: Signs of the large scale SESI must comply with Savoy's sign Zoning By - Law, A sign will be required to identify the owner(s) and provide a 24-hour Emergency contact phone number. Signs will not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large scale SESI.

D. Utility Connections: Reasonable efforts, as determined by the SPGA, will be made to place all utility connections from the large scale SESI underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

E. Roads: Access roads for large scale SESI will be constructed adequately to provide emergency vehicles and equipment access. Access roads will minimize runoff, grading, removal of stone walls or trees and to minimize impacts to environmental or historic resources.

F. Control of Vegetation: Herbicides may not be used to control vegetation at the large scale SESI. Mowing, grazing, or the use of pervious pavers or geotextile materials underneath the solar collectors are possible alternatives.

G. Hazardous Materials: Hazardous materials stored, used, or generated on site at large scale SESI will not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the Massachusetts Department of Environmental Protection (DEP) pursuant to DEP regulations 310 CMR

30.000 and will meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the SESI then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required. A list of any hazardous materials proposed to be located on the site and a plan to prevent their release will be provided to the SPGA and Savoy Fire Chief.

H. Noise: Noise generated by the large scale SESI and associated equipment or machinery must conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. In addition, for the purposes of this by - law, a source of sound will be considered in violation of this by - law if the source:

Results in sound or noise levels greater than 30 dBA.

Said criteria are to be measured both at the property line and at the nearest inhabited residence. In addition, the said criteria must be measured at any property line that is subject to sound elevations higher than ambient sound as a result of higher or lower topography. All testing required by this by - law shall be done by a licensed professional acoustical engineer chosen by the SPGA and paid for by the applicant at the operational startup of large scale SESI. All testing shall be done in accordance with the professional standards of the appropriate accrediting agencies. Additionally during operations the owner will be responsible for mitigating noise complaints of residents and any cost related there-to, satisfactorily to the SPGA and Select Board.

I. Visual Impacts: The large and medium scale SESI will be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding hardy native evergreen vegetative buffers to provide an effective visual barrier from adjacent roads and to screen abutting residential properties, whether developed or not. Buffers must be maintained by the owner of the SESI. Sighting from other areas of town will be as minimal as possible, in the judgment of the SPGA. Natural permanent vegetative buffers such as on state forest land may be substitute to adding additional buffers.

J. Site Control: The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the large scale SESI.

K. Utility Provider Conditional Approval: The applicant shall demonstrate that it has received conditional approval to connect the large scale SESI to the electric grid from the utility provider.

10.9 Application Requirements and Process

10.9.1 General: The application for special permit for a SESI shall be filed by the applicant with the Town Clerk. The application shall include the following.

10.9.2 Site Plan Review: Applicants of large scale SESI must submit a Site Plan Review to the SPGA prior to construction, installation or modification as provided in the following section.

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

10.9.3. Required Documents:

Provide the following documents in addition to or in coordination with those required for Site Plan Review as applicable.

10.9.4. Location Map of the proposed property for large scale SESI. Include all property lines, lot information from the Assessor's records, physical features, roads, topography, structures for the project site; and adjacent property lines within 300 feet.

10.9.5. Proposed changes to the landscape of the site, grading, vegetation clearing, planting, screening, vegetation and existing trees larger than 6" in caliper or structures including their height.

10.9.6 Locations of active farmland and prime farmland soils, forest, wetlands and associated buffers, Delineations, Priority Habitat Areas and Bio map 2 Critical Natural Core Habitat defined by the Natural Heritage & Endangered Species Program (NHESP), "Important Habitat Areas" defined by the DEP, and Permanently Protected Open Space.

10.9.7 Locations of floodplains or inundation areas for moderate or high hazard dams;

10.9.8 Locations of local or National Historic Districts;

10.9.9 A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;

10.9.10 Blueprints or drawings of the large scale SESI signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading of from nearby structures;

10.9.11 One to three line electrical diagrams detailing the large scale SESI, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

10.9.12 Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter;

10.9.13 Name, address, and contact information for large scale SESI applicant and proposed installer;

10.9.14 Name, address, phone number and signature of the owner, as well as all co-owners or property owners;

10.9.15 The name, contact information and signature of any agents representing the applicant, installer, owner or property owner, consultants, technical specialists; and documentation of actual or prospective access and control of the project site.

10.9.16 Operation, Maintenance & Landscape Plans ref. section 10.7 (A & B);

10.9.17 Proof of liability insurance, section 10.6.3;

10.9.18 Description of financial surety that satisfies section 10.14 (4);

10.9.19 Sight line representation: A sight line representation shall be drawn from that portion of any public road within 300 feet that would have the clearest view of the proposed facility, and the closest facade of each residential building (viewpoint) within 300 feet of the highest point (visible point) of the large scale SESI. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings.

10.9.20 Proposed construction and equipment delivery access roads.

10.10 Utility Notification

The large scale SESI shall not be constructed until evidence has been given to the SPGA that the utility company that operates the electrical grid where the installation is to be located has been informed of the SESI owner or operator's intent to install an interconnected facility.

10.11 Dimension, Capacity

10.11.1 Setbacks

Setbacks for large and medium scale SESI appurtenant or accessory structures: reference section 10.6.4

Setbacks for large and medium scale SESI solar collectors, solar photovoltaic array or related equipment, shall be as follows:

10.11.2 From property lines, Front Yard shall have a depth of at least 100 feet, Rear or Side Yard: shall have a depth of at least 60 feet.

10.11.3 Rated Nameplate Capacity, Megawatt (MW)

Large scale SESI shall not exceed three megawatt (3 MW) capacity, Alternating Current (AC) or Direct Current (DC).

10.12 Monitoring Conditions, Modifications and Reporting

1. Monitoring Conditions:

The large Scale SESI owner and/or operator shall maintain the facility in good condition. Site access shall be maintained to a level acceptable to the local Highway Superintendent, Fire Chief, Police Chief and/or Emergency Management Director. The owner and/or operator shall be responsible for the cost of maintaining the large scale SESI and any access road(s).

2. Modifications:

All modifications to a large scale SESI made after issuance of the required building permit shall also require approval by the SPGA

3. Annual Reporting:

The owner and/or operator of the large scale SESI shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity

generated by the facility. The Annual Report shall be submitted to the Select Board, SPGA, Fire Chief, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit is issued) no later than 45 days after the end of the calendar year.

10.13 Change of Ownership:

Notice shall be provided to the Select Board of any change of large scale SESI ownership.

10.14 Decommissioning, Removal, Abandonment, Financial Surety and Noncompliance

1. Decommissioning:

Physical removal of all special permitted large scale SESI solar collectors, support structures, equipment and transmission lines from the site.

Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA may allow the owner and/or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Removal Requirements:

Any large scale SESI which has reached the end of its useful life or has been abandoned (no longer productive and/or maintained) 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 and/or operator shall notify the Select Board and SPGA by certified mail of the proposed date of discontinued operations and plans for removal.

3. Abandonment:

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large scale SESI shall be considered abandoned when it fails to operate for more than a period of 12 months without the written consent of the SPGA. If the owner and/or operator of the large scale SESI fail to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned or hazardous large scale SESI. As a condition of the Special Permit approval, the applicant, owner and property owner shall agree to allow entry for the Town to remove an abandoned SESI. The Town will use the Financial Surety described in this section to cover the removal costs.

4. Financial Surety:

The applicant or owner of large scale SESI shall provide a form of surety either through an escrow account, bond or other form of surety approved by the SPGA to cover the cost of removal as defined by decommissioning, abandonment or removal in this section in the event the town must remove the installation to ensure compliance with the special permit and remediate the landscape, in an amount and form determined to be reasonable by the SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the owner and the SPGA. The amount shall include a mechanism for calculating increased removal costs due to inflation during special permit duration and reviewed by the owner, SPGA and Select Board every two years for adequacy.

The applicant or owner shall submit a financial surety agreement with surety collection documents to the SPGA and Select Board, including funding start date, a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer.

5. Noncompliance:

Upon a finding of noncompliance by the SPGA with the special permit conditions, or abandonment as defined in this section, the SPGA shall notify the owner of the large scale SESI at the listed address by certified and first class mail of the noncompliance or abandonment and shall provide 30 days' notice that the surety may be called in so that the town may remove the large scale SESI. In the event the certified mail cannot be delivered, it shall be presumed that the owner of large scale SESI received the first class mail. After the 30 day period, if the large scale SESI is not placed back in operation, or if the owner has not appeared before the SPGA at its request, the town shall collect the surety in the manner established in the surety documents. Costs will include, but not be limited to, the necessary legal, engineering, permitting, procurement, remediation and construction or demolition expenses.

10.15 Term of Special Permit:

Term of Special Permit for a large scale SESI shall be 20 years. The time period may be extended or renewed by the SPGA upon satisfactory operation of the facility. Request for extension or renewal must be submitted at least 12 months prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the SPGA acts. At the end of that period including any renewals or extensions the large scale SESI will be removed as required by this bylaw.

10.16 Town Consultants:

The SPGA and/or Select Board may retain technical experts and consultants as appropriate to assist them. The applicant shall be responsible for the cost of such consultants.

10.17 Severability:

The severability of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

SECTION 11 -- COMMERCIAL and MEDICAL MARIJUANA FACILITIES ZONING BYLAW

MEDICAL/ADULT USE MARIJUANA

11.1 PURPOSE

It is recognized that the nature of the substance cultivated, processed, and/or sold by Medical Marijuana Treatment Centers and Marijuana Establishments may have operational characteristics that should be located in such a way as to ensure the health, safety, and general well-being of the public while also supporting the right of legally authorized adults to access marijuana for their own use. The specific and separate regulation of Medical Marijuana Treatment Centers and Marijuana Establishments is necessary to advance these purposes.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 935 CMR 500.000 and 935 CMR 501.000, Medical Marijuana Treatment Centers and Marijuana Establishments will be permitted to provide the opportunity for the legal

cultivation, product manufacturing, retail sale and other legally authorized uses of marijuana for medical and non-medical adult marijuana use in a manner that complies with state regulations.

11.2 APPLICABILITY

This section applies to the operation of Medical Marijuana Treatment Centers and Adult Use Marijuana Establishments as defined in part 3 of this section. Nothing in this section shall be construed to supersede state law governing the sale and distribution of marijuana, or any federal laws governing the interstate transportation or sale of the same. This section does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

11.3 DEFINITIONS

For the purposes of this section, the following terms shall have the following meanings hereby assigned to them.

- a) Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. The cultivation and processing of marijuana in accordance with these regulations is considered to be a manufacturing use and shall not be deemed exempt from zoning as an agricultural use under the Town's Zoning Bylaw.
- b) Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, §1; provided that cannabis shall not include:
 - i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - ii) hemp; or
 - iii) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.
- c) Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.
- d) Ceases to Operate means a Medical Marijuana Treatment Center or Marijuana Establishment which closes and does not transact business for period greater than 180 days with no substantial action taken to reopen. A determination that an establishment has ceased to operate may be based on its actual or apparent termination of operations.
- e) Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, §76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.
- f) Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process,

package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

- g) Dark Skies Standards: A design standard for lighting fixtures which minimizes glare, light trespass into the nighttime environment and generally reduces skyglow to the most minimum level practically achievable.
- h) Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.
- i) Hemp Cultivator: an agricultural establishment authorized by the Massachusetts Department of Agricultural Resources to cultivate hemp for commercial and industrial purposes
- j) Host Community: A municipality in which a Medical Marijuana Treatment Center or Marijuana Establishment is located or in which an Applicant has proposed locating an establishment.
- k) Host-Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Medical Marijuana Treatment Center or Marijuana Establishment, including stipulations of responsibility between the parties and a community impact fee reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center which fee shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center.
- l) Licensee: A person or entity licensed by the Commission to operate a Medical Marijuana Treatment Center or Marijuana Establishment under 935 CMR 500.000 and 935 CMR 501.000.
- m) Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
- n) Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.
- o) Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.
- p) Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:
 - i) accredited to the International Organization for Standardization 17025 (ISO/IEC 7025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory
 - ii) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
 - iii) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, §34.
- q) Marijuana Membership Club: An organization, club, lodge or other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, regardless of whether marijuana or marijuana products are sold on the premises, but not operating as a licensed Adult On-Site Marijuana Social Consumption Operator.
- r) Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

- s) Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.
- t) Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
- u) Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.
- v) Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- w) Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.
- x) Open Area Cultivation: A marijuana cultivation operation conducted wholly in the open air, and not located in any building, greenhouse or other enclosed area which would be subject to security provisions of 935 CMR 500.110 (6) and 935 CMR 500.120.
- y) Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.
- z) Provisional Medical Marijuana Treatment Center or Marijuana Establishment License: A certificate issued by the Commission confirming that a Medical Marijuana Treatment Center or Marijuana Establishment has completed the application process.
- aa) Registered Marijuana Dispensary (RMD), or Medical Marijuana Treatment Center means an entity formerly and validly registered under 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana or currently and validly registered under 935 CMR 501.100, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

11.4 SCHEDULE OF USES

For the purposes of this section, only those uses in the schedule below shall be allowed in the Town of Savoy. Tier categories are as defined under 935 CMR 500.005

Abbreviations: SP = Special Permit; N = No; Y= Yes (by-right use)

Craft Marijuana Cooperative	SP
Marijuana Cultivator	SP
Tier 1 Marijuana Cultivator	SP
Tier 1 Open Air Cultivation	N
Tier 2 Marijuana Cultivator	SP
Tier 2 Open Air Cultivation	N
Tier 3 or larger Marijuana Cultivator	N
Tier 3 or larger Open Air Cultivation	N
Marijuana Product Manufacturer	SP
Marijuana Retailer	SP

Marijuana Independent Testing Laboratory	SP
Marijuana Microbusiness	SP
Marijuana Research Facility	SP
Marijuana Transporter	SP
Marijuana Membership Club	N
Registered Marijuana Dispensary or Medical Marijuana Treatment Center	SP

11.5 ADDITIONAL REQUIREMENTS/CONDITIONS

For the purposes of this section, only the following uses shall be allowed in the Town of Savoy.

- a) Special Permit Granting Authority (SPGA): for the purposes of this section, the SPGA shall be the Zoning Board of Appeals of the Town of Savoy.
- b) Enforcement: Any violations of the terms of a Special Permit granted under this section and otherwise not of a criminal nature, shall be directed to the Building Inspector or in writing to the SPGA.
- c) State Law: Medical Marijuana Treatment Center or Marijuana Establishment operations shall conform at all times to General Laws, Chapter 94G, and regulations promulgated by the Commission as 935 CMR 500.000 and 935 CMR 501.000.
- d) Special Permits granted under this section shall be limited to no more than one in use at any given time, shall be limited to one per Licensee, and shall apply to no more than one Licensee and no Special Permit shall allow for the concurrent operation of two or more Medical Marijuana Treatment Center and/or Marijuana Establishments on the same parcel of land.
- e) Place:
 - i) No Medical Marijuana Treatment Center or Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment structure is or will be located) of a parcel, occupied at the time the Applicant's license application was received by the Cannabis Control Commission, by any of the following:
 - (A) A public or private school providing education in preschool, kindergarten or any of grades 1-12
 - (B) A public or private library
 - (C) Duly licensed daycare centers
 - (D) Churches, synagogues or other places of worship
 - (E) Public or private parks, playgrounds and recreation areas
 - (F) Any residential use, either established by-right or with a Special Permit
 - ii) All aspects of any Medical Marijuana Treatment Centers and Marijuana Establishments, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at an enclosed, fixed location and shall not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable platform or enclosure.
 - iii) No Medical Marijuana Treatment Center or Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
 - iv) No Medical Marijuana Treatment Center or Marijuana Establishment is permitted to utilize or provide a drive-through service.

- v) Enclosed area cultivation, manufacturing, processing, retail, and standards and testing establishments are encouraged to utilize existing buildings where possible.
- f) Time and Manner:
- i) All Marijuana Cultivation shall be “organic” and comply with 935 CMR 500.120 (7).
 - ii) All Marijuana Cultivation shall be done in soil. Hydroponic cultivation is not allowed.
 - iii) Any type of Medical Marijuana Treatment Center or Marijuana Establishment may only be involved in the uses permitted by its license definition and may not include other businesses or services.
 - iv) No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
 - v) The hours of operation shall be set by the SPGA, but in no event shall a Medical Marijuana Treatment Center or Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
 - vi) No Medical Marijuana Treatment Center or Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
 - vii) The number of adult use marijuana retail establishments permitted to be located within the Town shall not exceed twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be consumed on the premises where sold under chapter 138 of the General Laws.
 - viii) Nuisance: Medical Marijuana Treatment Center or Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets, and areas surrounding the premises and adjacent properties. “Nuisance” includes, but is not limited to, disturbances of the peace, open public consumption of marijuana, excessive pedestrian or vehicular traffic, illegal drug activity under state or local law, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) or other obstructions in the public or private way (sidewalks and streets).
- g) Design Standards:
- Medical Marijuana Treatment Centers and Marijuana Establishments are encouraged to utilize existing vacant buildings where possible, however, in addition to the general requirements in this Section 11(5), parts a through f, the following design standards shall also apply to all Medical Marijuana Treatment Centers or Marijuana Establishments in the Town of Savoy. The special permit application must meet the criteria established for the granting of special permits under the Town of Savoy Zoning Bylaw in addition to the Design Standards below.
- i) Town Character and Aesthetic: To the extent reasonably possible, all structures utilized for any purpose by a licensed Medical Marijuana Treatment Center or Marijuana Establishment shall be compatible in scale, design and aesthetic with the existing neighboring properties in particular, and with the rural, agricultural character of the Town of Savoy in general.
 - ii) Building Scale, Mass and Bulking:
 - (A) Enclosed Structures: for the purposes of this section, an Enclosed Structure shall mean any structure, other than a standard Greenhouse, actively devoted to the cultivation, manufacture, transportation, storage or testing of marijuana products.
 - (01) Maximum Building Footprint: The total combined footprint for all Enclosed Structures shall not exceed 13,500 square feet.
 - (02) Height: No Enclosed Structure shall exceed a total of thirty-five (35) feet in height.
 - (03) Spacing: Enclosed Structures shall be no less than twenty (20) feet apart and in no instance shall a Marijuana Establishment erect more than five (5) Enclosed Structures.

- (B) Greenhouses: For the purpose of this section, a Greenhouse shall mean any structure with walls and roof made of transparent or translucent material in which plants requiring regulated climatic conditions are grown and allowed in all areas where Marijuana Cultivation is allowed provided that:
 - (01) The greenhouse installation conforms to all regulations regarding security, screening, ventilation, odor and any other provisions of 935 CMR 500, 935 CMR 501 and of this bylaw.
 - (02) The total footprint of all structures devoted to active cultivation, including greenhouse space, does not exceed 13,500 square feet of total area.
 - (03) No greenhouse exceeds a total height of twenty (20) feet.
- (C) Retail Establishments: The total gross floor of Retail Marijuana Establishments or a Medical Marijuana Treatment Center where retail is the main activity shall not exceed 2,500 square feet.
- (D) Setbacks: With the exception of retail uses, all marijuana establishments shall have a minimum setback of 150 feet as measured from the nearest edge of any public right-of-way or abutting property boundary.
- (E) Roofing: No Enclosed Structure, as defined herein, shall have a roof pitch of less than 5/12, unless the applicant can demonstrate to the satisfaction of the SPGA that any deviation from this standard is in better keeping with §5(g)(i) of this section.
- iii) Visual Impact: Marijuana plants, products, and paraphernalia shall not be visible from the outside of the building in which the Medical Marijuana Treatment Center or Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. No outside storage of marijuana, related supplies, or promotional material is permitted. Any artificial screening device erected to eliminate the view from a public way shall also be subject to a vegetative screen and the SPGA shall consider the surrounding landscape and views to determine if an artificial screen would be out of character with the neighborhood.
- iv) Ventilation and odor: all Medical Marijuana Treatment Centers and Marijuana Establishments shall be ventilated in such a manner that no:
 - (A) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - (B) No odor from marijuana, marijuana products or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Medical Marijuana Treatment Center or Marijuana Establishment or at any adjoining use or property.
- v) Signage: All signage shall comply with all other applicable signage regulations in the Zoning Bylaw, 935 CMR 500, and 935 CMR 501.
- vi) Lighting: to the extent permissible by state law and regulations, all Medical Marijuana Treatment Centers and Marijuana Establishments shall make every reasonable effort to minimize the effects of security and other necessary light installations on the surrounding community and shall comply with "dark skies" standards whenever possible.
- h) Reporting Requirements:
 - i) Prior to the commencement of the operation or services, any Medical Marijuana Treatment Center or Marijuana Establishment approved under this section shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the SPGA with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
 - ii) The local Building Inspector, Board of Health, Police Department, Fire Department, Board of Selectmen and SPGA shall be notified in writing by the Medical Marijuana Treatment Center or Marijuana Establishment facility owner/operator/manager:

- (A) A minimum of 30 days prior to any change in ownership or management of that establishment.
 - (B) Within 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
- iii) Permitted Medical Marijuana Treatment Centers or Marijuana Establishments shall file an annual written report to, and appear before, the SPGA no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- iv) The owner or manager of a Medical Marijuana Treatment Center or Marijuana Establishment is required to respond by phone, text message or email within twenty-four hours of contact by a town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.
- i) Issuance/Transfer/Discontinuance of Use:
 - i) Special Permits/Site Plan Approvals shall be issued to the Medical Marijuana Treatment Center or Marijuana Establishment owner only.
 - ii) Special Permits/Site Plan Approvals shall be issued for a specific type of Medical Marijuana Treatment Center or Marijuana Establishment on a specific site/parcel only.
 - iii) Special Permits/Site Plan Approvals shall be non-transferable to either another Medical Marijuana Treatment Center or Marijuana Establishment owner or another site/parcel.
 - iv) Special Permits/Site Plan Approvals shall have a term limited to the duration of the Applicant's ownership/control of the premises as a Medical Marijuana Treatment Center or Marijuana Establishment, and shall lapse if:
 - (A) The Medical Marijuana Treatment Center or Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 180 days; and/or
 - (B) The Medical Marijuana Treatment Center or Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.
 - v) The Medical Marijuana Treatment Center or Marijuana Establishment shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
 - vi) In the event that any Medical Marijuana Treatment Center or Marijuana Establishment has reasonable grounds to temporarily cease operations for a period greater than 180 days, the SPGA may, at its discretion, extend the term limit, provided that:
 - (A) The licensed Medical Marijuana Treatment Center or Marijuana Establishment submits to the SPGA a written statement explaining the need for such an extension, the steps being taken to resume operations and the amount of time considered necessary to realize those steps; AND
 - (B) No such cessation of operations shall be for a period longer than 365 days in total.
 - vii) A marijuana cultivator or manufacturer shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
 - viii) Prior to the issuance of a Building or Occupancy Permit for a Medical Marijuana Treatment Center or Marijuana Establishment, the Applicant shall be required to furnish evidence that a decommissioning bond or other form of financial security pursuant to the requirements of 935 CMR 500.105 §16 has been posted with the Commission in an amount which shall be sufficient to cover the costs of removing all materials, plants, equipment and other paraphernalia in the event the Applicant fails to do so.
 - (A) Should the applicant not furnish sufficient evidence, or such financial security is deemed insufficient in the opinion of either the SPGA or Town Treasurer to cover potential costs to the Town for the removal of said material, the Applicant shall post with the Town Treasurer an addition bond or other form of financial security acceptable to said Treasurer in an amount set by the SPGA, which shall cover any and all potential costs to the Town for the removal of said material.

- (B) In the event that the Town finds a licensed Medical Marijuana Treatment Center or Marijuana Establishment to have ceased operations, the Building Inspector shall give the owner 30 days' written notice in advance of taking any action. Should the Applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 30 days written notice, any bond posted with and under the control of the Town Treasurer shall be returned to the Applicant.
- (C) All licensed Medical Marijuana Treatment Centers and Marijuana Establishments in the Town of Savoy shall be required to furnish to the Town an annually updated estimate of decommissioning costs which shall include any increases resulting from changes to operations, annual inflation or any and all other factors, as well as a full accounting of any bonds or other financial securities held with the Commission and/or the Town. The owner shall be responsible for the cost of any annual increases in posted bonds necessary to cover the cost of decommissioning.
- ix) The SPGA may hire, at the applicant's expense, professional, third-party consultant(s) of their choosing to assist them in evaluating the Special Permit application, terms of the host community agreement, estimating any bond amounts as required by Section 5 (i)(viii) of this bylaw, or any other requirements contained herein.

11.6 APPLICATION REQUIREMENTS

A Medical Marijuana Treatment Center or Marijuana Establishment shall only be allowed by Special Permit from the SPGA in accordance with MGL c.40A §9 and other provisions of this chapter. All Special Permits for Medical Marijuana Treatment Centers and Marijuana Establishments shall be subject to following requirements and conditions:

- a) Community Host Agreement: All applications for a Special Permit shall include an executed Community Host Agreement with the Town through the Board of Selectmen.
- b) Community Outreach meeting for Marijuana Establishments: All applications for a Special Permit shall include certification that a Community Outreach Hearing in accordance with 935 CMR 500 has occurred. Additionally, the applicant shall demonstrate that reasonable efforts have been made to ensure that any and all handouts, presentations and other audio/visual materials utilized in a public hearing have been designed so as to accommodate the needs of sight and/or hearing-impaired residents.
- c) Site Plan Approval: No Special Permit for any Medical Marijuana Treatment Centers and Marijuana Establishments shall be issued without site plan approval by the SPGA. In addition to the standards set forth herein, the site plan must meet all dimensional, parking, and other requirements set forth by this zoning bylaw.
- d) License requirements:
 - i) The Applicant shall submit proof that the application to the Commission has been deemed complete by the Commission pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as an integral component of the application to the SPGA and no Special Permit application shall be deemed complete by the SPGA until this information is provided.
 - ii) No Special Permit shall be granted by the SPGA to an applicant without the Medical Marijuana Treatment Center or Marijuana Establishment first having been issued a Provisional License from the Marijuana Control Commission pursuant to 935 CMR 500 or 935 CMR 501.
 - iii) No person shall operate a Medical Marijuana Treatment Center or Marijuana Establishment without having a license in good standing from the Cannabis Control Commission.
- e) Security Plan: All applications for a Special Permit shall include a security plan describing all proposed security measures including lighting, fencing, gates and alarms, and any other such measures that will satisfy the requirements of 935 CMR 500.110.

- f) Odor Control Plan: All applications for a Special Permit shall include an Odor Control Plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- g) Management Plan: All applications for Special Permit shall include a management plan with a comprehensive description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to the Medical Marijuana Treatment Center or Marijuana Establishment or off-site direct delivery.
- h) Energy Use Plan: All applications for a Special Permit shall include an energy use plan which shall demonstrate best practices for energy conservation, water usage, and waste disposal. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.
- i) Decommissioning Plan: All applications for Special Permit shall include a plan providing for the decommissioning of the Medical Marijuana Treatment Center or Marijuana Establishment. Such decommission plans shall include a cost estimate provided by a qualified, third-party expert and shall detail dismantling, disposal of equipment and all other reasonably anticipated costs associated the decommissioning of the Medical Marijuana Treatment Center or Marijuana Establishment, along with detailed accounting of any bonds posted with the Commission in accordance with 935 MCR 500 and Section 5 (i)(viii) of this section. The SPGA reserves the right to request a comparison estimate provided by an independent, qualified professional estimator of the board's choosing, the cost of which shall be borne by the Applicant.
- j) Waivers: The Applicant shall be required to submit specific information regarding any waivers from 935 CMR 500.000 or 935 CMR 501.000 granted by the Commission. The SPGA shall consider said waivers based on the following Commission criteria in 935 CMR 500 or 935 CMR 501.000.
 - i) Compliance would cause undue hardship to the investor;
 - ii) If applicable, the requestor's non-compliance does not jeopardize the health or safety of any patient or the public;
 - iii) If applicable, the requestor has instituted compensating features that are acceptable to the SPGA; and
 - iv) The requestor provides to the SPGA written documentation, in a form and manner determined by the SPGA, supporting its request for a waiver.
- k) Other Requirements:
 - i) The name and address of each owner and operator of the Medical Marijuana Treatment Center or Marijuana Establishment facility/operation.
 - ii) Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500 and 935 CMR 501.
 - iii) Evidence that the Applicant has site control and right to use the site for a Medical Marijuana Treatment Center or Marijuana Establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
 - iv) A notarized statement signed by the Medical Marijuana Treatment Center or Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
 - v) A detailed floor plan identifying the areas available and functional uses (including square footage).
 - vi) All signage being proposed for the facility.

- vii) A pedestrian/vehicular traffic impact study to establish the Medical Marijuana Treatment Center or Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along access areas including, but not limited to the public right of ways, will not be unreasonably obstructed.

11.7 FINDINGS

In addition to the standard Findings for a Special Permit or Site Plan Approval the SPGA must also find all the following:

- a) The Medical Marijuana Treatment Center or Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- b) That the Medical Marijuana Treatment Center or Marijuana Establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c) That the Medical Marijuana Treatment Center or Marijuana Establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations; and
- d) That the Applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- e) That the Medical Marijuana Treatment Center or Marijuana Establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- f) That the Medical Marijuana Treatment Center or Marijuana Establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

11.8 SEVERABILITY

If any provision of this section is found to be invalid by a court of competent jurisdiction, the remainder of this section shall not be affected but shall remain in full force. The invalidity of any provision of this section shall not affect the validity of the remainder of this zoning bylaw.

SECTION 12: AMENDMENT AND VALIDITY

12.1 This bylaw may be amended at a town meeting in accordance with the provisions of section 5, Chapter 40A of the General Laws of Massachusetts.

12.2 Amendments to these zoning bylaws may be initiated by submittal of the proposed amendments to the Board of Selectmen. The amendments may be submitted by any of the following:

- a. Board of Selectmen
- b. Board of Appeals
- c. Planning Board
- d. Berkshire County Regional Planning Commission
- e. Ten registered voters of Savoy pursuant to Section 10 of Chapter 39 M.G.L.
- f. Any individual owning land to be affected by a change or adoption.

12.3 Should any section or provision of this bylaw be declared unconstitutional or invalid, that decision shall not affect the validity of any other section of this bylaw.

12.4 This bylaw or any amendment thereto shall take effect on the date on which the adoption or amendment is voted by the town meeting.

12.5 This bylaw repeals and replaces the protective bylaw originally adopted on September 3, 1974.

12.6 Record of Amendments and Revisions:

- a.** June 29, 1978 – Revision per Chapter 808 of the acts of 1975, updating Chapter 40A of M.G.L.
- b.** October 13, 1981 – Addition of section 4.5.6 Prohibiting disposal of chemical and radioactive waste.
- c.** October 10, 1984 – Revision per Chapter 195 of the acts of 1984, approved by the Governor on July 12, 1984 updating section 7.3.5 extending the time for lapses of variances in the granting authority discretion and upon written application by the grantee only.
- d.** January 3, 2008 Commercial Wind Energy Facilities
- e.** June 30, 2017 – Solar Energy System Installation
- f.** December 21, 2017 – Deletion Commercial Wind Energy Facilities
- g.** June 29, 2022 – Adoption of Commercial and Medical Marijuana Facilities Zoning Bylaw.
(approved by the AG 2/1/2022)

SUBDIVISION REGULATIONS

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FORM A. Application for Endorsement of Plan
Believed Not to require Approval

FORM B. Application for Approval of
Preliminary Plan

FORM C. Application for Approval of
Definitive Plan

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FORM E. Covenant Approval Release

FORM F. Certificate of Performance

SECTION 1 PURPOSE

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-law; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions.

SECTION 2 AUTHORITY

Under the authority vested in the Planning Board of the Town of Savoy by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Savoy.

SECTION 3 GENERAL

3.10 Definitions

“Lot”. An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

“Preliminary Plan”. A plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title “Preliminary Plan”; (b) the names of the record owner and the applicant and the name and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

“Road” – See “Street”.

“Sketch Plan”. May be a simple free-hand sketch, preferably on topographic survey, showing proposed layout of streets, lots, and other features in relation to existing conditions.

“Street”. A public way, or a private way either shown on a plan approved by the Planning Board in accordance with the Subdivision Control Law, or otherwise qualifying a lot for frontage under the Subdivision Control Law.

“Subdivision”. The division of a tract of land into two or more lots shall include Re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so effected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision.

3.20 Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Sub-division Control Law may submit his plan and application Form A (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if required, give a written receipt therefore.

“Any plan of land submitted must conform with the required detailed herein under paragraph 4.202 ‘Contents’.”

If the Planning Board determines that the plan does not require approval it shall without a publish hearing endorse on the plan the words “Approval under the Subdivision Control Law not required.”

Determination

A. In determining whether a plan complies with the purpose of the Subdivision Control Law as to the provision of adequate access to all of the lots by ways which are safe and convenient to travel the plan must show, among other things, that buildable parts of lots are accessible from their respective borders

from the way shown on the plan, and that is no intent to provide access to any lot by a way not shown on the plan which would constitute a subdivision within the meaning of the Subdivision Control Law.

B. In determining whether a way has been used and maintained as a public way, the Clerk shall submit to the board written evidence of public maintenance under vote of the town and of continued substantial use by the general public without permission of the landowners along the way, continuous for at least 20 years.

C. In determining whether an existing way is adequate to qualify a plan as not constituting, the Board shall consider the following conditions, among others:

- 1) Is the right-of-way at least thirty two feet wide and of reasonable horizontal alignment?
- 2) Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
- 3) Is the roadway constructed at least twenty four feet wide, with at least twenty two feet of gravel, and with adequate provisions for drainage?
- 4) If the road could ever service more than two dwelling units, is the surfacing adequate without further improvements by the town?
- 5) Have provisions been made for public utilities without cost to the town?

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

If the Planning Board fails to act upon a plan submitted under this section within fourteen days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

3.30 Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definite Plan of such subdivision has been approved and endorsed by the Planning Board as hereinafter provided.

SECTION 4 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

Before preparation of an official subdivision plan it is strongly recommended that the sub-divider submit a sketch plan of the proposed subdivision to the Planning Board and consult with the Board informally regarding procedures, design standards and required improvements in order to save time and avoid costly mistakes.

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the board or when sent by certified or registered mail to the Planning Board, care of the Town Clerk, together with properly filled out application form, fee and supporting documents.

4.10 Preliminary Plan

4.101 General

A Preliminary Plan of a subdivision may be submitted by the sub-divider to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the sub-divider, the Planning Board, the Board of Health, the Conservation Commission, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that Preliminary Plan be filed in each case. A properly executed application Form B (see Appendix) shall be filed with the Preliminary Plan submitted to the Planning Board.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application, (Form B).

4.102 Contents

The Preliminary Plan shall be drawn on tracing paper with pencils at a suitable scale and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and shall show the proposed names of roads or ways as well as all information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of a Definitive Plan. During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section 4.202 Contents) and the financial arrangements (Section 4.206 Performance Guarantee) will be developed.

4.103 Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision.

4.20 Definitive Plan

4.201 General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- a.** An original drawing of the Definitive Plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b.** A properly executed application Form C (see Appendix).
- c.** "Application fee of \$100 plus \$25 per lot and all other costs as required by the Planning Board, payable to the Town of Savoy, to cover the cost of advertising, notices and inspections by the Planning Board."

The applicant shall file by delivery or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).

4.202 Contents

“All plot plans shall conform to the following:

- A.** Plan sizes shall be a minimum of 8 1/2 inches by 11 inches and a maximum of 24 inches by 36 inches.
- B.** Plans shall be on linen or polyester film, single matte with a thickness of 4mils and must have an opacity consistent diazo and microfilm reproduction.
- C.** Plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability.
- D.** Linen or polyester reproductions shall be acceptable provided they contain original signatures and comply with the other requirements for the recording of plans.
- E.** Each plan shall have 3/4 inch borders.
- F.** The minimum letter size on plans shall be 1/8 inch.
- G.** Each plan presented shall include a graphic scale.
- H.** Each plan shall have an area reserved to receive planning board recitation or contain a surveyor's certification per Ch.380, Acts of 1966.
- I.** Each plan shall have a 3 1/2 inch square reserved for Registry use.
- J.** Each plan shall be prepared and certified by a civil engineer and land surveyor registered in Massachusetts.
- K.** Each plan must contain a certification clause signed by the preparer stating that he/she has conformed with the rules and regulations of the Register of Deeds in preparing the plan.

If multiple sheets are used, they shall be accompanied by an index sheet. In addition, all definitive plans shall contain the following information:”

- a.** Subdivision name, boundaries, north point, date and scale.
- b.** Name and address of record owner, sub-divider and engineer or surveyor.
- c.** Names of all abutters as they appear on the most recent tax list.
- d.** Lines and widths of existing and proposed roads, ways, easements and public or common areas within the subdivision, and the approved names of proposed roads.
- e.** Boundary lines, areas and dimensions of all proposed lots, designated numerically and in sequence.

The definitive Plan shall contain the following information:

- f.** Sufficient data to determine the location, direction and length of every road and way line, lot line and boundary line, and to establish these lines on the ground.
 - g.** Location of all permanent monuments properly identified as to whether existing or proposed.
 - h.** Location, names and present widths of roads bounding, approaching or within reasonable proximity of the subdivision.
 - i.** Indication of the purpose of easements, and/or restrictions.
 - j.** Suitable space to record the action of the Planning Board, Board of Health and Town Clerk.
- Note: The following items may be submitted on separate sheets.
- k.** Existing and proposed topography at a suitable interval.
 - l.** Location of flood plains and wetlands areas, if any.
 - m.** Overall plan for drainage of surface water.
 - n.** Directly above or below the layout plan of each road, a profile showing existing and proposed grades along the centerline and sidelines of that road, together with figures of elevation at the top and bottom of all even grades and at 25-foot intervals along all vertical curves. Intersecting roads shall be

clearly indicated on the profile. The horizontal scale of the profiles shall be 40 feet to one inch, and the vertical scale shall be four feet to one inch. Only one road plan and profile shall be drawn on a sheet except by permission of the Planning Board.

o. Location and species of trees intended for preservation within the road rights of way.

p. Any other information pertaining to the natural characteristics of the site that may be needed in the opinion of the Planning Board or the Board of Health for determination of the suitability of the land proposed purposes shall be furnished at the developer's expense.

4.203 Environmental Impact Statement

Any land subdivision plan consisting of ten (10) or more lots must be accompanied by an impact statement which details the probable effects of the proposed subdivision on the following aspects of concern to the Town.

a. Increases in vehicular traffic on adjacent public ways.

b. Changes in surface drainage in surrounding areas.

c. Land erosion or loss of tree cover.

d. Disturbance to other aspects of the natural ecology.

e. Demands on public services and utilities.

4.204 Plan Approval by Board of Health

a. At the time of filing of the Definitive Plan, the sub-divider shall also file with the Board of Health two contact prints of the Definitive Plan. The Board of Health shall report to the Planning Board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. If a municipal sewage system will serve the proposed subdivision, then failure of the Board of Health to make such a report within forty-five days after the plan is filed with their office shall be deemed approval by such board. A copy of the report, if any, shall be sent by such board to the applicant.

b. Every lot not serviced by a municipal water supply and sewage disposal systems shall be provided with water supply and sewage disposal installations in compliance with the provisions of the State Sanitary Code subject to the approval of the Board of Health.

c. The Board of Health may approve the plan on condition that prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made in accordance with their specifications by a qualified technician as to suitability of a specific location for subsurface sewage disposal installation in compliance with the State Sanitary Code.

d. Based on the recommendation of the State Department of Public Health or the Town's Board of Health, where due to restrictive water, soil, topographic, geologic, or other natural conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage disposal systems and wells on each lot, the Planning Board may require that the developer revise his plan to either provide for:

(1) A consolidated water supply system

(2) A consolidated sewage disposal system

(3) An increase in lot size so that individual wells and sewage disposal systems may have adequate areas in which to properly function on the same lot.

- e.** The Board of health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the sub-divider to guarantee the construction of surface drainage improvements recommended by the Board and that all required improvements shall be made without causing any condition of public nuisance through dust, or surface drainage, or any act of negligence by the sub-divider or his agent during the period of construction. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.
- f.** Land subject to flooding or land deemed by the Board of Health to be uninhabitable shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

4.205 Public Hearing

- a.** Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least 14 days prior thereto by advertisement in a newspaper of general circulation in the town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, or if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan appearing on the most recent tax list.
- b.** The applicant and his engineer and surveyor shall be present at the public hearing.
- c.** A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

4.206 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the sub-divider shall agree to complete the required improvements specified in Section 6 for any lots in a subdivision.

Approval of the plan by the Planning Board may be made subject to condition that such approval automatically rescind after a period of time set by the Planning Board unless all required improvements as specified in these regulations and in the recommendations of the Board of Health have been completed within that period of time.

The construction and installation of required improvements shall be secured by one, or in part by one and in part by the other, of the following methods, which may from time be varied by the applicant:

- a.** Approval with bonds or surety.

The sub-divider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 6 not covered by a covenant under "b" hereof.

Such bond or security, if filed and deposited, shall be approved as to form and manner of execution by the Town Counsel, and shall be contingent on the completion of such improvements within the period of time specified by the Planning Board. If the required improvements are not completed within the set period of time the Planning Board may require an estimate of the cost of the remaining work, increase the amount of performance bond, and establish a new date for the completion of said improvements. Failure of the developer to complete the improvements within the set period of time or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance bond.

b. Approval with covenant

The sub-divider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways, services and improvements as specified in Section not covered by bond or deposit under “a” hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

4.207 Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause “a” above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

4.208 Release of Performance Guarantee

a. Upon the completion of improvements required under Section 6, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree upon terms of release with the Planning Board, or he shall send by certified mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given, has been completed in accordance to the requirements contained under Section 6, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed it shall notify in a notice sent by certified mail to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements under Section 6. Upon failure of the Planning Board to act within 45 days after receipt by the Town Clerk of the applicant’s said statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45 day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

b. Before the final release by the Planning Board of the town’s interest in a performance bond, deposit or covenant, the applicant shall file with the Board a certificate (Form F) by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains and all other required construction and improvements on the ground have been properly completed in accordance with the approved plan and subdivision regulations of the Planning Board, and with the recommendations by the Board of Health.

4.209 Certificate of Approval

a. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, provided that the Town Clerk has not received notice of appeal to the Superior Court, and provided further that order conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board.

b. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor does it indicate in any way compliance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

4.210 Submission of Documents

Easements, and bond and/or covenant, shall be submitted within 20 days from the date of approval of the Definitive Plan to the Planning Board, which then shall submit the documents to the Town Counsel for approval as to form and legality.

4.211 Filing of Plans in Registry of Deeds or Land Court

Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire Northern District Registry of Deeds, or the Land Court, within six months from the date of its approval, and furnish a copy of the recorded plan to the Planning Board. If the applicant delays recording of such plan past the required six month period, such plan shall not be accepted for recording by the Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within 30 days of such recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk unless the records of the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

SECTION 5 DESIGN STANDARDS

5.10 Streets

5.101 Location and Alignment

a. All Streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the Maximum livability and amenity of the subdivision. Curvilinear street design will be encouraged.

b. The proposed street shall conform, so far as practicable, to the Master or study plan as adopted in whole or in part by the Planning Board.

c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided, if deemed necessary by the Board.

- d.** Reserve strips prohibiting access to street or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e.** Street jogs with centerline offsets of less than 125 feet should be avoided.
- f.** The minimum centerline radii of curved street shall be 100 feet. Greater radii may be required for principal streets.
- g.** Streets shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than 60 degrees.
- h.** Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 20 feet.
- i.** Cross (four-cornered) street intersections shall be avoided where possible, with the exception of arterial street crossings.
- j.** All ways shown on a preliminary plan shall be named in pencil and shall have names rather than numbers or letters (such as First Street or Avenue A). Names shall be substantially different from names or existing ways in the Town or nearby communities.

5.102 Width

The minimum width of a street right-of-way shall be as follows: Minor Street: 40 feet; Collector Street: 50 feet; Major Street: 60 feet. Greater width may be required by the Planning Board when deemed necessary due to anticipated vehicular traffic or other considerations.

5.103 Grade

Grades of street shall be not less than 0.5%. Grades shall not be more than 5.0% for major street nor more than 10.0% for minor or collector streets. The grades of a street within 50 feet of a street intersection shall not exceed 1.0% to provide a level area for traffic safety.

5.104 Dead-end Streets

- a.** Dead-end streets shall not be longer than 500 feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- b.** Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet, and a property line diameter of at least 115 feet.
- c.** At the end of a dead-end street the Board may require the reservation of an easement twenty (20) feet wide to provide for the continuation of pedestrian and/or utilities.

5.20 Easements

5.201 Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 feet wide.

5.202 Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm-water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

5.30 Open Space

Before approval of a plan the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the

prospective uses of such land. The Planning Board may be appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three years.

5.40 Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, stone walls or fences, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The developer shall make every attempt to adopt his subdivision to the site with a minimum of cutting and filling operations.

SECTION 6 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

6.10 Streets and Rights-of-way

6.101 The entire area of each street right-of-way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation. No trees may be preserved within eight feet of the edge of the traveled way.

6.102 The length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least 12 inches below the finished surface as shown on the profile. However, if the soil is soft and spongy, or contains undesirable materials such as clay, sandpockets, peat or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material.

6.103 All parts of the traveled way shall be brought to a finished grade as shown on the profile of the Definitive Plan with at least the top 12 inches consisting of well-compacted gravel to a width of at least 24 feet, to be located centrally within the street right-of-way. At each side there shall be a shoulder three feet wide, also consisting of well-compacted binding gravel at least 12 inches deep. The gravel shall be spread and rolled in two layers of about 6 inches each. All stones larger than 4 inches shall be removed before layers are rolled. Rolling shall be done with a self-propelled roller weighing not less than 8 tons and shall continue until a firm, even surface, true to line and grade, is obtained.

6.104 Paving

a. Where, in the opinion of the Planning Board, the anticipated volume of traffic or grades of the finished traveled way or other conditions require it, streets shall be paved.

b. For paved streets a bituminous-penetration-type surface shall be applied as follows: Over compacted gravel base not less than 12 inches deep, spread a layer of three-eighths-inch crushed stone at the rate of 20 pounds per square yard. Roll with a 5- to 8-ton roller. Over this surface apply MC# emulsified asphalt at the rate of 0.33 gallons per square yard. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Cover this with three-eighths-inch stone and roll again. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Dress off top at completion of construction work with three-eighths-inch stone chips applied at the rate of 15 pounds per square yard. Compact surface with a 5- to 8-ton roller, leaving finished pavement free from holes, rolls or other unsightly imperfections. Grades must be run true and even with an instrument.

c. The subdivider shall repair any settlement or imperfections in this work during a period of one year from the date of final installation of pavement.

6.11 Surface Drainage

6.111 Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.

6.112 The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

6.113 A culvert or other drainage facility shall, in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Selectmen or the Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "ten year" storm under conditions of total potential development permitted by the Zoning Bylaw in the watershed.

6.114 The subdivider's engineer shall also study the effect on each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Selectmen of the Highway Superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload any existing downstream drainage facility, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

6.12 Utility Wires

6.121 All utility wiring as well as transformers and other distribution and control devices shall be placed underground unless, in the opinion of the Planning Board, estimates made by utility companies indicate that an unreasonable cost would be imposed on the subdivider.

6.122 Poles and any associated structures used for police and fire alarm boxes, and for street lighting, and other similar municipal equipment, shall be installed where deemed necessary by the Planning Board, and shall be of a design approved by the Planning Board.

6.123 Utility wires or cables, other than those going across streets and those leading directly to individual consumer installations, shall be buried within the street right-of-way in a strip 4 ½ feet wide running parallel to the edge of the right-of-way, unless soil or terrain require a different location. No wires or cables may be installed under the traveled portion of the right-of-way except where crossing a street and there ducts must be used.

6.124 Copies of all plans showing the location of all buried wires or cables are to be filed by the subdivider before any paving of streets started, one copy with the Planning Board, one with the Town Clerk, and one with the Selectmen.

6.125 If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on

rear or side lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 5.20.

6.13 Monuments

6.131 Permanent monuments shall be installed at all street intersections, at all points of change in the direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.

6.132 The permanent monuments shall be of 3,000 p.s.i. reinforced concrete, and shall measure 5' x 6" x 6" and shall have a suitable reference marker on the top.

6.133 No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

6.14 Street – Name Signs

Posts with signs carrying the names of streets or other ways shall be installed at the beginning of all new ways and at the intersections of all ways whether existing or proposed within a subdivision. There shall be at least one such sign and sign post at each intersection. Said signs and sign posts shall follow the specifications of the Selectmen.

6.15 Sidewalks and Curbing. The Planning Board may require construction of curbing and sidewalks on one or both of the streets to be built if deemed necessary.

6.16 Work Standards. Unless otherwise specified, all the work and the materials used in the work to be done under these regulations shall conform to the requirements of "The Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways, Bridges and Waterways" as most recently amended, and to the standards as published by the Massachusetts Department of Public Works.

6.17 Inspections. During the construction of required improvements, inspection of each completed major phase is required prior to starting work in the succeeding phase, in accordance with the inspection schedule adopted by the Planning Board. The Planning Board and the Board of Health may designate the Town Highway Superintendent as their agent for inspection of the construction of the required improvements and the installation of municipal services and utilities in subdivisions.

6.18 Shade Trees

Unless at least two shade trees per lot, of species recommended by the Savoy Conservation Commission and having a diameter of at least one inch at a point one foot above the finished grade, exist and can be preserved either within the road right-of-way or within 20 feet of the edge of the right-of-way, the subdivider shall procure and plant at least two nursery-grown shade trees per lot within 20 feet of the edge of the right-of-way, said trees to be species recommended by the Conservation Commission and measuring at least one inch in diameter at a point approximately four feet above root collar.

6.19 Topsoil

Topsoil shall be placed to a depth of 4" and thoroughly compacted on side slopes within the road right-of-way and over land exposed during grading operations. Grading shall be done carefully to avoid unnecessary damage to existing vegetation. Except when necessary to conform to road, driveway and drainage standards or to eliminate blind intersection or poor sight lines at curves, major earth movements shall be avoided. Drainage ditches wherever possible shall be graded to resemble natural streams. Topsoil shall not be removed from the site except where so authorized by the Planning Board.

6.20 Seeding

To prevent erosion, shoulders and graded slopes shall be seeded on completion or planted with shrubs or similar approved landscape treatment recommended by the Conservation Commission. Seed and planting specifications shall be in accordance with Section H-3 of the Standard Specifications for Highways and Bridges of the Commonwealth. All new planting within the street right-of-way shall be with good nursery stock and will be subject to inspection after one year. Trees, shrubs or grass found by the Board to be dead or in an unsatisfactory condition within one year from the time of planting may be required to be replaced by the developer.

6.21 Side Slopes

The slope of the area from right-of-way line to the finished grade of abutting lots shall not be greater than at the rate of two feet horizontal to one foot vertical. Whenever the approved street grade differs substantially from the grade of adjacent land or where otherwise necessary for public safety, the applicant shall be required to erect retaining walls or guard rails, of the type and size approved by the Planning Board.

6.22 Clean Up

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm-drain lines within the subdivision.

SECTION 7 ADMINISTRATION

7.10 Variation: Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

7.20 Reference: For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81 GG, inclusive, Chapter 41 of the General Laws of Massachusetts, and to the By-laws of the Town of Savoy.

7.30 One Dwelling Per Lot

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

FORM A

**APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION AND ENFORCEMENT THAT
PLANNING BOARD APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.**

File one completed form with the Planning Board and one copy with the Town Clerk.

TO THE PLANNING BOARD OF THE TOWN OF SAVOY,

The undersigned, believing that the accompanying plan of his property does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control law not required.

Name of Applicant: _____

Address: _____

Plan Prepared by: _____
(Registered Engineer or Land Surveyor)

Entitled: _____

Dated: _____

Deed of property recorded in: _____

Book: _____ Page: _____ Location and description of Property: _____

Applicant believes that Planning Board's approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot thereon has the frontage, area and depth required by the Zoning Bylaw of Savoy and is on a public way, namely, _____. Which was approved under the Subdivision Control Law as a subdivision entitled: _____ or _____

2. The land shown on the accompanying plan is not a subdivision for the following reason(s): _____

(Signature of Applicant)

(Address)

Accepted this _____ day of _____, _____

as duly submitted under the Rules and Regulations of the Planning Board.

PLANNING BOARD by _____

Plan endorsed by _____

For the Planning Board under date of _____

amended 9/16/88

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 4.101

SAVOY, MASSACHUSETTS - _____
(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Savoy for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Savoy.

1. Name of Subdivider: _____

Address: _____

2. Name of Engineer: _____

Address: _____

3. Name of Land Surveyor: _____

Address: _____

4. Deed of property recorded in _____ Registry,

Book: _____ Page: _____

5. Location and Description of Property: _____

Signature of owner: _____

Address: _____

A list of the names and addresses of the abutters of this subdivision attached.

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 4.201

SAVOY, MASSACHUSETTS _____
(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Savoy for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Savoy.

1. Name of Subdivider: _____

Address: _____

2. Name of Engineer: _____

Address: _____

3. Name of Land Surveyor: _____

Address: _____

4. Deed of property recorded in _____ Registry,

Book _____ Page _____

5. Location and Description of Property: _____

Signature of owner: _____

Address: _____

A list of the names and addresses of the abutters of this subdivision is attached.

FORM D

COVENANT

The undersigned _____

of BERKSHIRE County, Massachusetts, hereinafter called the "Covenantor" having submitted to the SAVOY Planning Board, a definitive plan of a subdivision, entitled: _____

dated _____ made by _____

does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended that:-

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgage who acquires title to the mortgaged premises by foreclosure of otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services:
5. This covenant shall take effect upon the approval of said plan:
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned: _____
wife, husband, of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ day of _____, _____

COMMONWEALTH OF MASSACHUSETTS

_____ ss. _____,

Then personally appeared _____

And acknowledged the foregoing instrument to be the free act and deed, before me

Notary Public

FORM E

COVENANT APPROVAL RELEASE

SAVOY, MASSACHUSETTS _____, _____

The undersigned, being a majority of the Planning Board of the Town of Savoy, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, _____, and recorded in _____ District Deeds, Book _____, Page _____, (or registered in _____ Land Registry District as Document No. _____, and noted on Certificate of Title No. _____ in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Deeds, Plan Book _____, Plan _____, (or registered in said Land Registry District, Plan Book _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Majority of the
Planning Board
of the Town of
SAVOY

COMMONWEALTH OF MASSACHUSETTS

_____ SS. _____, _____

Then personally appeared _____, one of the above named members of the Planning Board of the Town of Savoy, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My Commission expires _____