

TOWN OF GOSHEN, MASSACHUSETTS



REGULATIONS GOVERNING THE USE OF LAND

ZONING BY-LAWS
FOR THE
TOWN OF GOSHEN, MASSACHUSETTS

Revised October 23, 2023

ZONING BY-LAWS
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SECTION I. PURPOSES

To protect the health, safety, and general welfare of its present and future inhabitants, the Town of Goshen, under the authority granted by the Zoning Enabling Act, Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended, does hereby enact this Zoning By-Law of the Town of Goshen.

SECTION II. EXISTING LOTS, STRUCTURES AND USES

Any lawful existing structure or use may be altered and any lawful non-conforming structure or use may be continued, only as specifically provided for in this By-Law.

- A. A lawful existing structure may be repaired and may be moved, enlarged, or otherwise altered provided that the use and structure remain lawful under this By-Law.
- B. A lawful non-conforming use of land or structure may be changed to a different non-conforming use by special permit authorized by the Board of Appeals provided:
 - 1. The new use or structure is not prohibited or more restricted than the existing use.
 - 2. The Board of Appeals finds that the new use or structure is not more detrimental and objectionable to the neighborhood and the community than the existing use.
- C. A non-conforming use which has been abandoned shall not be re-established other than by special permit.

SECTION III. ESTABLISHMENT OF DISTRICTS

For the purposes of this Zoning By-Law, the entire Town of Goshen is hereby designated a Residential-Agricultural District.

SECTION IV. USE REGULATIONS

No structure may be constructed, and no structure or land may be used, for any purpose that is not permitted by this By-Law or by Special Permit. Uses which create undue traffic congestion or are commonly regarded as hazardous, injurious, detrimental, or offensive within a residential or agricultural district are prohibited.

A. UNREGULATED USES. The following uses of structures and land are not regulated by this By-Law, though some conditions may be specified in applicable sections. This

By-Law is not intended to prohibit, impose unreasonable regulation on, or require a special permit for the use of land, nor prohibits, unreasonably regulate, or require a special permit, for the use, expansion, or reconstruction of existing structures, for the following primary purposes:

1. AGRICULTURE, HORTICULTURE, FLORICULTURE, or VITICULTURE

These purposes include facilities for the sale of produce, and wine and dairy products. During the months of June, July, August, and September of every year or during the harvest season of the primary crop raised on land of the owner or lessee, the majority of such products for sale must be produced by the owner or lessee of the land on which the facility is located.

Horticulture includes but is not limited to the growing and keeping of nursery stock and its sale. Nursery stock is considered to be produced by the owner or lessee of the land if it is nourished, maintained, and managed while on the premises.

2. RELIGIOUS or EDUCATIONAL

Uses for these primary purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation.

3. CHILD CARE FACILITIES

Land and structures used primarily for child care facilities, which are day care centers or school age child care programs as those terms are defined in Massachusetts General Laws Chapter 28A, Section 9.

4. RESIDENTIAL

- a. A one-family dwelling unit for home occupancy including accessory uses and accessory structures.
- b. Renting of rooms, which may include furnishing meals for not more than six persons other than the principal occupying family. Renting of rooms shall not be so configured as to allow for separate cooking facilities within the rooms not occupied by the principal family in residence.

B. USES ALLOWED ONLY BY SPECIAL PERMIT AUTHORIZED BY THE ZONING BOARD OF APPEALS

1. RESIDENCES

- a. Two-family dwelling. The Zoning Board of Appeals may limit size of structures and may impose such conditions as deemed necessary. (See Sections V and XVII).
- b. Seasonal dwelling. Any seasonal dwelling shall:

- 1) Be located on a lot size of at least 12,000 sq. ft.
- 2) Adhere to all Title V requirements and "Minimum Standards of Fitness for Human Habitation" as interpreted by the Board of Health, and any additional requirements imposed by the Board of Health.

2. EXCAVATION

Removal or storage of earth, gravel, sand, loam, or rock in excess of 100 cubic yards in areas visible from a public or private way, or from an abutter's property. Such areas shall be graded upon completion of excavation.

3. INSTITUTIONS

Includes hospitals and nursing homes, and includes educational institutions not protected by regulation under Section IV.A.2.

4. ALL OTHER COMMERCIAL STRUCTURES AND USES EXCEPT THOSE EXPRESSLY ALLOWED WITHOUT A SPECIAL PERMIT UNDER SECTION IV.A.

- a. Includes also accessory structures and uses of land incidental to commercial structures and uses not specifically allowed under Section IV.A.
- b. Includes also uses of land or structures in the Town of Goshen that are incidental or accessory to commercial uses in adjoining towns.
- c. Large-Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPI). LSGMSPI proposed to be constructed in a Designated Location as defined in the Bylaw regulation do not require a Special Permit, but must conform in all other respects to said Bylaw. (See Appendix IV.B.4.c. for full bylaw.)

C. SIGNS. All signs must be allowed by Special Permit by the Zoning Board of Appeals except for the following:

1. One free-standing commercial or non-commercial sign of no more than four square feet in area, and no more than 4.5 feet above the ground at its highest point, is allowed without a special permit. Street number and resident identification signs are not considered the one allowed sign.
2. Free-standing commercial and non-commercial temporary signs including but not limited to the advertising of real estate for sale or rent, political campaign signs, those giving notice of special events, and service or contractor signs, provided:
 - a. no more than one temporary sign is allowed on each lot;

- b. each temporary sign shall contain no more than ten square feet of total advertising space on all sides;
 - c. in the case of a special event, the temporary sign may be erected no more than thirty days before the event and must be removed within ten days after the event; and
 - d. in the case of all other temporary signs, the sign must be removed within thirty days following the completion of the service or advertising.
3. Illuminated signs and signs with mechanical or moving devices or noise-making capabilities are prohibited unless allowed by Special Permit authorized by the Board of Appeals.

D. FLOODPLAIN DISTRICT
ARTICLE I. STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters;
- 7) Preserve the natural flood control and flood storage characteristics of the floodplain;
- 8) Prevent any alteration to the natural flow of rivers and streams and control erosion and siltation;
- 9) Preserve existing scenic or environmentally sensitive areas along shoreline.

ARTICLE II. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town's Flood Insurance Rate Map (FIRM)

issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated March 7, 1980. These maps indicate the 1%-chance regulatory floodplain. There is currently no Flood Insurance Study (FIS) for the Town. The effective FIRM is incorporated herein by reference and is on file with the Town Clerk.

1. The Floodplain Administrator is appointed annually by the Select Board.
2. The Town requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties
3. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

SECTION B. BASE FLOOD ELEVATION AND FLOODWAY DATA

Floodway Data. In Zone A along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

ARTICLE III. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Flood Plain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Goshen Conservation Commission
- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes

by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

ARTICLE IV. USE REGULATIONS

SECTION A. REFERENCE TO EXISTING REGULATIONS

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

The flood-resistant construction standards as found in the Massachusetts State Building Code and its referenced standards;

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

- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

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

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

Variances to building code floodplain standards

If the State issues a variance to the flood-resistant standards as found in the state building code, the Town will:

- (a) Request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files;

- (b) Issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood

insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

- (c) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

SECTION B. PERMITTED USES

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

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

SECTION C. USES ALLOWED BY SPECIAL PERMIT IN THE FLOODPLAIN DISTRICT

The following uses may be permitted by Special Permit from the Zoning Board of Appeals, unless otherwise restricted by this By-law:

- 1) Single-family residences, excluding mobile homes
- 2) Residential accessory uses including garages, home occupations, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems.
- 3) Commercial or non-profit recreational development, provided that no permanent structures are constructed.
- 4) Public utility, substation, water supply use.

The Zoning Board of Appeals (or the existing permit granting authority) in considering the

granting of a Special Permit shall apply the following additional requirements in the Floodplain District:

- 1) In A Zones, in the absence of FEMA BFE data and floodway data, the building inspector will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- 2) These data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code. In addition, the applicant must provide an Elevation Certificate.
- 3) No encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood in accordance with the Federal Emergency Management Agency's regulations for the National Flood Insurance Program.
- 4) The Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

Recreational Vehicles

In A Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

SECTION D. SUBDIVISION USE REGULATIONS

- 1) All subdivision proposals must be designed to assure that:
 - a) Such proposals minimize flood damage;
 - b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) Adequate drainage is provided to reduce exposure to flood hazards.
 - d) When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- 2) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

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

SECTION E. ABROGATION AND GREATER RESTRICTION

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

SECTION F. DISCLAIMER OF LIABILITY

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

SECTION G. SEVERABILITY

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

ARTICLE V. DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

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

BASE FLOOD ELEVATION (BFE) The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30, and VE.

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

DISTRICT means floodplain district.

ELEVATION CERTIFICATE is a document prepared by a qualified licensed land surveyor or professional engineer which provides information on: elevation of a building

relative to mean high tide, building type, flood map location, and additional information used to determine the proper flood insurance premium rates for a property.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD PLAIN ADMINISTRATOR is that person appointed by the Selectboard to fulfill the duties required in this Bylaw.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
[US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- 1) By an approved state program as determined by the Secretary of the Interior or
- 2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

LOWEST ADJACENT GRADE: The lowest point of the ground immediately next to the building.

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

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

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the

community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

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

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

D. MEDICAL/ADULT USE MARIJUANA (Adopted May 20, 2019)

(See Appendix IV.D. MEDICAL/ADULT USE MARIJUANA for full bylaw.)

SECTION V. BUILDING LOT REQUIREMENTS. Each permanent dwelling or other principal building or structure (excepting structures used for seasonal residence) shall be placed on a lot to be known as a building lot which has a minimum area of two acres and a minimum frontage of 200 feet on a public or private way. Accessory structures are allowed provided they meet the definition contained in Section XVII and, if not allowed as unregulated under Section IV A., must be authorized by Special Permit. Buildings used solely for Agricultural purposes are allowed without special permit.

SECTION VI. BUILDING PROVISIONS. All buildings must comply with the Commonwealth of Massachusetts State Building Code (780 CMR as amended).

SECTION VII. LOCATION AND AREA REGULATIONS.

1. Buildings shall be located a minimum of 30 feet from the front boundary of the road. No building shall be located within ten feet of the side or rear property line.
2. All driveways entering upon a town highway shall require a permit from the Superintendent of Highways. Driveways shall be a minimum of 12 feet in width with a gravel base. Adequate drainage shall be installed with recommendations to the Superintendent of Highways (See Section XV for Driveway Provisions).

SECTION VIII. UNREGISTERED MOTOR VEHICLES. No unregistered motor vehicles or vehicles upon which no excise tax have been paid during the current year shall be placed upon any lot so that they may be seen from a public way or by abutters. This provision shall not apply to an allowed business in which unregistered motor vehicles are an integral part of the business provided that the display of the

unregistered vehicles complies with any conditions imposed by Special Permit.

SECTION IX. PARKING REQUIREMENTS. Suitable off-street motor vehicle parking spaces shall be provided to meet the needs of all persons using land or buildings. This section applies to new buildings or uses but does not apply to existing buildings or uses except where they are enlarged or extended.

SECTION X. CONTINUANCE OF NON-CONFORMING USES AFTER LOSS OR DESTRUCTION. Any lawful non-conforming structure or use may not be rebuilt after damage or loss exceeding 50% of its value. The owner or lessee of the damaged property has the right to have the value and damage estimated by an impartial appraiser.

SECTION XI. FIRE DAMAGE. No owner or occupant of land shall permit fire or other ruins to be left, but shall remove the same within one year.

SECTION XII. ABANDONED WELLS. All abandoned wells must be filled or permanently covered.

SECTION XIII. SWIMMING POOLS. Any swimming pool below ground level must be enclosed by a four foot non-climbable fence with a self-closing gate. Above ground pools must be secured when not in use.

SECTION XIV. -DEPOSITING OF SNOW ON ROADS. No person other than Goshen's Highway Department personnel in the service of the Town of Goshen or an employee in the service of an independent contractor acting on behalf of the Town of Goshen shall pile, push or plow snow or ice onto any town road. Any individual and/or corporation who violates this Protective By-Law shall be warned by written notice on the first two violations and the third violation shall be punished by a fine of \$100.00 to be placed in the Town's General Account.

Violations shall be reported to the police department, which will be responsible for enforcing the Depositing Snow on Town Roads provision of this Protective By-Law. The violator will be given the opportunity to protest the violation in writing to the Selectboard within 3 working days after receiving notification of the alleged violation from the Goshen Police Department.

SECTION XV. DRIVEWAYS.

1. Permit Requirement

No owner or occupant of land abutting upon a town way of Goshen or any public way which, by statute, said town is obligated to repair and maintain, shall construct any private road or driveway thereon, so as to extend into such public way, without first having obtained a written permit from the Superintendent of Highways having charge of the maintenance and repair of such public way. *The applicant shall receive approval from the Superintendent for any modifications from the approved*

permit plans. Otherwise construction shall be in accordance with said permit.

2. Approval Deadline and Fine for Non-Compliance

The Superintendent of Highways shall issue the permit within forty days of *recorded receipt of a completed permit application* or shall render a decision in writing, specifying the reasons for denial of said permit. That decision shall be based upon consideration of public safety using the design standard, section four. Whoever violates this regulation shall be punished by a fine not to exceed twenty dollars (\$20.00) per day, and be liable for tort to the Town of Goshen for all damages caused thereby, and for the cost and expense of removing the obstruction material and of restoring the public way to its former condition.

3. Applicant Information Required

The driveway permit application shall provide the Highway Superintendent with the following information and diagrams: driveway location, design, dimensions, intended use, grade, materials, drainage provisions and any other information or documentation which the superintendent may deem necessary in order to make a decision *based on the design standards in section four.*

4. Design Standards

- A. Driveways should be located to the best advantage with regard to alignment with the public way intersection at as close to a right angle as feasible. The angle of intersection shall be between 60 and 120 degrees.

The curb line radius of the landing to the edge of the traveled way shall be a minimum of ten feet.

The width of the landing shall be a minimum of 14 feet, but shall not exceed 24 feet. Unless conditions require it, a landing should not be located within twenty (20) feet of a side property line.

- B. Sight distances: No wall or other obstruction shall be planted, constructed, or maintained at the intersection of the driveway with the public way which causes danger to traffic on the public way or to users of the driveway by unreasonably obscuring a view.

No new driveway should be located where the minimum sight distance at four feet above the traveled road surface in each direction along the way is less than 150 feet.

- C. Culverts and drainage: Existing drainage ditches parallel to the public way shall not be obstructed by driveway construction. Culverts of appropriate size and durable material (such as asphalt-coated galvanized steel) shall be provided by the applicant as determined by the Highway Superintendent.

Culverts should be set back a minimum of four feet from the edge of the traveled way. Culverts should be a minimum of thirty feet in length.

- D. Gradients: The gradient of a new driveway must conform to the following standards:
The first six feet of driveway must have a minimum 0.5% and maximum 9% down grade from the way.

The next 14 feet of the driveway must not exceed a 9% down grade or upgrade from the way.
- E. All new driveways shall be provided with adequate space for reversing the direction of an automobile, so that the vehicle may enter the public way facing forward.
- F. The Highway Superintendent may modify these design standard requirements in unusual circumstances, based on sound engineering practice for the site's terrain or driveway usage. No exception shall result in increased danger to the public or increased likelihood of damage to a public way over a driveway built to the existing design standards.*

SECTION XVI. GENERAL REGULATIONS AND ADMINISTRATION.

- A. BOARD OF APPEALS. There shall be a Board of Appeals with three members and three associate members appointed by the Selectboard, for terms of such length and so arranged that the term of one member shall expire each year. The Board of Appeals shall elect annually a chairperson and clerk from its' own number. A member can only be removed for cause by the Selectboard and only after written charges have been made and a public hearing has been held. Vacancies shall be filled for unexpired terms in the same manner as appointments. The Board of Appeals shall have jurisdiction under Massachusetts General Laws Chapter 40A and as provided elsewhere in the By-Law.
- B. ENFORCEMENT. This Zoning By-Law shall be enforced by the Inspector of Buildings, acting as Zoning Enforcement Officer. An Inspector of Buildings, who shall meet or exceed the qualifications of the office as mandated by the Massachusetts State Building Code (780 C.M.R.), shall be appointed annually by the Selectboard. The Inspector of Buildings can only be removed for cause by the Selectboard and only after written charges have been made and a public hearing has been held. No building or structure within the jurisdiction of the Inspector of Buildings as imposed by 780 C.M.R. shall be erected, altered, moved or demolished, nor shall any change of use -as defined by 780 C.M.R. -of a building or structure be commenced unless the Inspector of Buildings has issued a permit as required by 780 C.M.R. With each application for a permit to erect, alter, move, or demolish, there shall be filed with the Inspector of Buildings a plan showing the lot and the location of the building thereon. Any person violating any provision of the By-Law may be fined not more than twenty dollars for each offense. Each day that such violation continues shall constitute a separate offense. Notice of such offense shall be delivered by the Selectboard.

C. APPLICATIONS. The Board of Appeals hears and decides, in consultation with other boards as required, applications for special permits. The Board may grant special permits upon finding that the grant is in harmony with the general purposes and intent of the By-Law and may impose such conditions as are deemed necessary. The Board of Appeals also hears and decides petitions for variances and appeals as set forth in this section.

Special Permit. A special permit is required for uses listed in Section IV.B and Section IV.C. Special permits shall only be issued after a public hearing which must be held within sixty-five (65) days after the effective date of filing a special permit application. (Effective date coincides with the date an application is received by the Town Clerk for the Board of Appeals.) A special permit granted under this By-Law shall become invalid after one year if substantial construction or use has not begun, except for good cause. Time required to pursue or await determination of an appeal to a Court from an elapsed special permit shall be included in the specified one-year period. Petitions for special permit may be reviewed by the Board of Appeals in consultation with the Planning Board, Board of Health, Conservation, or any other town agency or board deemed appropriate.

Variance. The Board of Appeals shall have the power to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this By-Law where the Board specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of land and especially affecting such land but not affecting generally the zoning district within which it is located, a literal enforcement or the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the appellant or petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such By-Law.

Appeal. The Board of Appeals shall hear and decide an appeal taken by any person who is aggrieved because he or she has been unable to obtain a permit or an enforcement action from any administrative officer under the provisions of Chapter 40A of the General Laws.

D. AMENDMENT. This Zoning By-Law may be amended from time to time at an annual or special Town meeting as indicated in Section 5 of Chapter 40A of the Massachusetts General Laws.

E. VALIDITY. The invalidity of any section or provision of this Zoning By-Law shall not invalidate any other section or provision thereof.

SECTION XVII. DEFINITIONS

ABANDONED STRUCTURE or USE - Cessation of a non-conforming use of a structure or land as indicated by the visible or otherwise apparent intention of an owner to discontinue the use for two or more years. Also, replacement of a non-conforming use with a conforming use shall be interpreted as an intention to permanently cease the non-conforming use.

ACCESSORY USE - A use secondary to the lawful, principal use, including home businesses which include the operation of a craft, trade, or profession within an owner-occupied lawful one family dwelling. Included also is the storage of supplies, tools, materials, equipment, and inventory within the dwelling and accessory structures necessary to the trade or profession of the owner or lesser of a lawful one family dwelling. At least one family member must pursue the business as owner of the business, and not more than one non-family employee, assistant, or subcontractor shall be engaged in the business on the premises for more than fifteen hours per week on average. The business shall be conducted entirely within the dwelling or accessory structures. No manifestation of the business shall be noticeable from the street or any abutter, excepting a single sign as allowed under Section IV.C.

ACCESSORY STRUCTURE - A structure containing not more than fifteen hundred square feet of aggregate floor space on not more than two levels, the use of which is incidental, supporting, or otherwise secondary to a lawful, principal structure as defined herein.

COMMERCIAL - Any use or activity conducted for compensation, excepting any accessory use as defined herein.

DWELLING UNIT - One or more rooms containing not less than two hundred square feet of aggregate net floor space within a building providing complete living facilities for the use of one or more individuals constituting a family, with permanent provisions for living, sleeping, cooking, and sanitation.

DWELLING, ONE FAMILY - A dwelling unit designed for and occupied by one family, which includes manufactured housing as defined in 780 C.M.R.

DWELLING, TWO FAMILY - A building or buildings designed for or occupied by two families living independently in individual dwelling units.

FAMILY - A family is any number of individuals living together as a single housekeeping unit, provided that a group of not more than four persons keeping house together but not related by blood or marriage shall be considered a family.

DWELLING, SEASONAL - A dwelling used during the summer months commencing on May 1 and ending on October 31, and intermittently during the remainder of the year for no more than seven consecutive days.

LAWFUL STRUCTURE or USE - A structure or use that is either 1) in compliance with the existing By-Law or 2) is not in compliance but was in compliance with By-Laws, if any, that existed before the passage of the existing By-Law, and has not been abandoned.

PRINCIPAL STRUCTURE or USE - A structure or use that is primary as opposed

to an accessory structure or use.

STRUCTURE -A building or construction, erection, assemblage, or other combination of materials upon land, including swimming pools (see Section XIII), fences in excess of six feet in height, and retaining walls, supporting in excess of four feet of unbalanced fill.

Appendix IV.B.4.c.
Large-Scale Ground-Mounted Solar Photovoltaic Installations

(Adopted June 30, 2014)

1.1 Purpose

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

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

1.2 Applicability

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

2.0 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of right siting is subject to site plan review to determine conformance with local zoning ordinances or bylaws. Development of a large scale ground mounted solar photovoltaic installation in any area other than a designated location shall require a special permit in accordance with the Goshen Zoning Bylaws in addition to site plan review.

Building Inspector: The local inspector of buildings designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Designated Location: The location designated by the Goshen Selectboard, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where ground - mounted large scale solar photovoltaic installations may be sited as-of-right. Said location is 42 Wing Hill Rd., Goshen, MA shown on Assessor's Map 6, Block 0, Parcel 20 pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Assessor.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LSGMSPI): A solar

photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic (PV) installation that is constructed at a location where other uses of the underlying property occur.

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

Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Town of Goshen Planning Board.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

3.1 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all large scale solar power generation installations whether or not to be sited in designated locations.

3.2 Compliance with Laws, Ordinances and Regulations

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

3.3 Building Permit and Building Inspection

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

3.4 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit. The site plan review authority may additionally require a review fee in accordance with its regulations.

3.5 Site Plan Review

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

3.5.1 General

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

3.5.2 Required Documents

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

- (a)** A site plan showing:
 - i.** Property lines and physical features, including roads, for the project site;
 - ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, lighting, signage, utility connections, transformers, and any potential shading from nearby structures, natural features or vegetation;
 - iv.** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v.** Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi.** Name, address, license verification, and contact information for proposed system installer;
 - vii.** Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii.** The name, contact information and signature of any agents representing the project proponent; and
- (b)** Documentation of actual or prospective access and control of the project site (see also Section 3.6);
- (c)** An operation and maintenance plan (see also Section 3.7);
- (d)** Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose) including delineation of any wetlands on or near the specific parcel(s) proposed for the installation;
- (e)** Proof of liability insurance; and
- (f)** Description of financial surety that satisfies Section 3.13.3.
- (g)** A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

3.6 Site Control

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

3.7 Operation & Maintenance Plan

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

3.8 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

3.9 Dimension and Density Requirements

3.9.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 50 feet.
- (b) Side yard. Each side yard shall have a depth at least 50 feet.
- (c) Rear yard. The rear yard depth shall be at least 50 feet.
- (d) Access roads or driveways shall be set back at least 25 feet from side and rear lot lines.

3.9.2 Appurtenant Structures

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

3.9.3 Size

The area covered by the LSGMSPI shall not exceed five acres, in aggregate, of all arrays, structures and buildings and shall not include wetlands.

3.10 Design Standards

3.10.1 Lighting

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

3.10.2 Signage

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

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

3.10.3 Utility Connections

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

3.10.4 Height

Other than accessory buildings and appurtenant structures, no components of a LSGMSPI shall exceed 10 feet in height.

3.11 Safety and Environmental Standards

3.11.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief.

Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3.11.2 Land Clearing, Soil Erosion and Habitat Impacts

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

3.11.3 Landscape Maintenance

When possible, a diversity of plant species shall be used, with a preference for species native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited. Herbicides shall only be applied by properly licensed personnel, as enforced by the Massachusetts Department of Agricultural Resources.

3.11.4 Sound Levels

The sound levels under normal operating conditions, measured at the boundary of the lot on which the installation is sited, shall not be more than 10 decibels greater than would otherwise exist in the absence of such a facility.

3.12 Monitoring and Maintenance

3.12.1 Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Town Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

3.12.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

3.13 Abandonment or Decommissioning

3.13.1 Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.13.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.13.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

3.13.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

3.14 Independent Engineer

Upon request from the Planning Board, the proponent shall pay for a third-party Professional Engineer licensed to practice in the Commonwealth of Massachusetts with experience in the construction of ground mounted solar installations to review the site plan.

Appendix IV.D.
MEDICAL/ADULT USE MARIJUANA

(Adopted May 20, 2019)

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.

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.

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.

4. SCHEDULE OF USES

For the purposes of this section, only those uses in the schedule below shall be allowed in the Town of Goshen.

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

Craft Marijuana Cooperative	SP
Marijuana Cultivator	SP
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

5. ADDITIONAL REQUIREMENTS/CONDITIONS

For the purposes of this section, only those uses in the schedule below shall be allowed in the Town of Goshen.

- a. Special Permit Granting Authority: for the purposes of this section, the Special Permit Granting Authority shall be the Planning Board of the Town of Goshen.
- b. Enforcement: Any violations of the terms of a Special Permit granted under to this section and otherwise not of a criminal nature, shall be directed to the Zoning Enforcement Officer as defined by Section XVI(B) of this zoning bylaw or in writing to the Special Permit Granting Authority.
- 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 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. 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.

ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.

- iii. The hours of operation shall be set by the Special Permit Granting Authority, 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.
- iv. 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.
- v. 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.
- vi. 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 Section IV(D)(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 Goshen:

- 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 Goshen 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.

1. **Maximum Building Footprint:** The total combined footprint for all Enclosed Structures shall not exceed 13,500 square feet.
 2. **Height:** no Enclosed Structure shall exceed a total of forty (40) feet in height.
 3. **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:
1. 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.
 2. The total footprint of all structures devoted to active cultivation, including greenhouse space, does not exceed 13,500 square feet of total area.
 3. 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 100 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 Special Permit Granting Authority 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 Special Permit Granting Authority 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 Special Permit Granting Authority 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 Special Permit Granting Authority 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. A minimum of 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 Special Permit Granting Authority 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 Special Permit Granting Authority 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 Special Permit Granting Authority

may, at its discretion, extend the term limit defined in §E(9)(d)(i), provided that;

- A. The licensed Medical Marijuana Treatment Center or Marijuana Establishment submits to the Special Permit Granting Authority 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 Special Permit Granting Authority 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 Special Permit Granting Authority, 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 Goshen 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 Special Permit Granting Authority 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.

6. APPLICATION REQUIREMENTS

A Medical Marijuana Treatment Center or Marijuana Establishment shall only be allowed by Special Permit from the Special Permit Granting Authority 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:

- i. Community Host Agreement: All applications for a Special Permit shall include an executed Community Host Agreement with the Town through the Board of Selectmen.
- ii. 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.
- iii. Site Plan Approval: No Special Permit for any Medical Marijuana Treatment Centers and Marijuana Establishments shall be issued without site plan approval by the Special Permit Granting Authority. 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
- iv. License requirements:
 - A. 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 Planning Board and no Special Permit application shall be deemed complete by the Planning Board until this information is provided.
 - B. No Special Permit shall be granted by the Planning Board 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.

- C. No person shall operate a Medical Marijuana Treatment Center or Marijuana Establishment without having a license in good standing from the Cannabis Control Commission.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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 Special Permit Granting Authority/Planning Board 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.
- x. 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 Special Permit Granting Authority shall

consider said waivers based on the following Commission criteria in 935 CMR 500 or 935 CMR 501.000.

- A. Compliance would cause undue hardship to the investor;
 - B. If applicable, the requestor's non-compliance does not jeopardize the health or safety of any patient or the public;
 - C. If applicable, the requestor has instituted compensating features that are acceptable to the Planning Board; and
 - D. The requestor provides to the Planning Board written documentation, in a form and manner determined by the Planning Board, supporting its request for a waiver.
- xi. Other Requirements:
- A. The name and address of each owner and operator of the Medical Marijuana Treatment Center or Marijuana Establishment facility/operation.
 - B. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500 and 935 CMR 501.
 - C. 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.
 - D. 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.
 - E. A detailed floor plan identifying the areas available and functional uses (including square footage).
 - F. All signage being proposed for the facility.
 - G. 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.

7. FINDINGS

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

- i. 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.
- ii. 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;
- iii. 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
- iv. That the Applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- v. 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.
- vi. 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.

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.

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
GOSHEN, MASSACHUSETTS
May 20, 2007

(Adopted under the Subdivision Control law Section 81-K to 81-GG inclusive, Chapter 41. M.G.L.)

PURPOSE

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Goshen. The subdivision control law regulates the laying out and construction of ways in subdivisions that provide access to more than one lot. This includes ways which have not become public and are intended for private use. The powers of the Planning Board and the Zoning Board of Appeals under the subdivision control law shall be exercised with due regard for the provisions of adequate access to all 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 storm water management, fire, flood and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; 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 I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Goshen 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 Goshen. Such rules shall become effective on and after May 28, 1968.

SECTION II. GENERAL

A. Definitions

Subdivision: The division of a tract of land into two or more lots in such manner as to require provision for one or more new ways, not in existence when the subdivision control law became effective in the Town of Goshen, to furnish access for vehicular traffic to one or more of such lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided.

Board: The Planning Board of the Town of Goshen.

Lot: An area of land in one ownership, with definite boundaries used or available for use as the site of a principal building and its accessory building. A lot within a subdivision shall mean such an area whose boundaries are recorded and which area has no interior division.

Applicant or Sub-divider: The owner of record of the tract of land to be subdivided, or his agent duly authorized in writing.

Date of Submission: The date on which a Definitive Plan or Plan Believed Not to Require Approval and the required number of copies thereof together with a completed Application Form, Designer's Certificate, and Deposit, all as specified in Section III B-1, are filed with the Planning Board at a regular meeting and place stated in said Section 111-B-1.

Designer's Certificate and Deposit: as specified in Section III B-1, these are filed with the Planning Board at a regular meeting and place stated in said Section 111-B-1.

B. Plan Believed Not to Require Approval:

A person who wishes to record in the Hampshire County 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 Subdivision Control Law, may submit his plan 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 registered mail a notice with the Town Clerk stating the date of submission of such determination and accompanied by a copy of said application. If the Board determines that the plan does not require approval, it shall without a public hearing and within fourteen days of submission endorse on the plan the words "Planning Board approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the board determines that the plan does not require approval under the Subdivision Control Law, it shall within fourteen days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

C. 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 of, or sale of lots in, a subdivision, or the construction of ways or the installation of municipal services therein unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

Section III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan

1. General

A preliminary plan of subdivision shall be submitted by the subdivider to the Planning Board for discussion and approval, modification or disapproval by the Planning Board and other municipal agencies. The submission of such a preliminary plan will enable the subdivider, Planning Board,

Board of Health, Board of Assessors, Conservation Commission and other municipal agencies and owners of property immediately abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B shall be filed with the Preliminary Plan submitted to the Planning Board.

- a. The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval or a Preliminary Plan and accompanied by a copy of the complete application (Form B).
- b. Filing fee in the amount of \$50.00 per lot (fifty dollars multiplied by the number of lots shown on the Preliminary Plan; lots marked "This is not a building lot" will not be included in calculating the filing fee).

2. Contents

The preliminary plan shall be drawn on tracing paper with a pencil as a suitable scale and three prints shall be filed at the office of the Planning Board. Said plan shall be identified as a "Preliminary Plan" and show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan.

The Preliminary Plan shall show:

- 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 of the designer, engineer, or land 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. The topography of the land in a general manner.

(Section 81-L of Chapter 41, M.G.L.)

During the discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section 11-B-2) and the financial arrangements (Section 11-B-5 Performance Guarantee) will be developed.

3. Tentative Approval

The Planning Board may give such Preliminary Plan its tentative approval with or without modification. Such tentative approval does not constitute approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan.

B. Definitive Plan

1. 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. Six contact prints made from the original drawing of the Definitive Plan, dark line on white background. The original drawing will be submitted for signatures at a later date if approval is granted.
- b. A properly executed application Form C.
- c. A deposit of \$50.00 plus \$5.00 per abutter to cover the cost of advertising and notices. The applicant shall file by delivery or registered 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).
- d. \$150.00 per lot if a Preliminary Plan was filed or \$300.00 per lot if no Preliminary Plan was filed (e.g., \$150.00 or \$300.00 multiplied by the number of lots shown on the Definitive Plan; lots marked "This is not a building lot" will not be included in calculating the filing fee.
- e. If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall, prior to a determination on the Definitive Plan by the Board, pay for the full cost of such services. All such consultants shall be selected by the Board. Payment shall be by certified check or money order, made payable to the "Town of Goshen."

2. The Definitive Plan shall be prepared by a Registered Engineer or Land Surveyor and shall be clearly and legibly drawn in black waterproof ink on tracing cloth or similar material at a scale not to exceed 1 inch equals 40 feet. Sheet sizes shall not exceed 24" x 36"; if multiple sheets are used, they shall be accompanied by an index map at a smaller scale, showing the entire subdivision. The Definitive Plan 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, the seal and certificate of the engineer or surveyor shall appear on the Definitive Plan.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Lines of existing and proposed streets, ways, lots, easements, and public or private common areas within the subdivision.
- e. Sufficient data to determine the location direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names and present widths of streets, bounding approaching or within reasonable proximity of the subdivision.
- h. Indication of purpose of easements.
- i. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board or its officially authorized person.
- j. Street frontage, land area and identification number for each proposed lot.

Items a. through j. shall be on the same sheet; item k. through p. may be on the same sheet or on one or more separate sheets, but shall nevertheless constitute part of the Definitive Plan.)

- k. Existing and proposed topography at a suitable contour interval.
- l. The location of natural objects and surfaces such as waterways, wetlands, natural drainage courses, ledge outcroppings, stone walls, and the location and species of all trees in excess of eight inches in diameter within the required front yard of each lot.
- m. Proposed construction plan of roadways, sidewalks, planting strips, and curbs, including a typical cross-section plan.
- n. Proposed layout of storm drainage, water supply and septic/soil absorption systems including profiles and layout of all underground electric and water lines.
- o. Profiles of the present and proposed grades on the center lines of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals eight feet. All elevations shall refer to USGS mean sea level datum or relative scale (for variation consult the Planning Board).
- p. Description and elevations of at least one pair of bench marks located not more than 300 feet apart at a convenient location to the proposed subdivision.

3. Performance Guarantee

Before approval of a Definitive Plan is given, the sub-divider shall guarantee completion of the improvements specified in Section V by following the procedure specified in either a., or b., below, according to his election.

- a. By filing a performance bond or depositing money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of the improvements specified in the plan. Such bond or security shall be approved as to form and manner of executing by the Town Counsel and as to sureties by the Board of Selectmen, and shall be contingent upon the completion of the improvements within two years of the date of the bond.
- b. By requesting approval of the Definitive Plan subject to a covenant that no lot be sold and no building shall be erected thereon until the improvements specified have been constructed and installed so as to serve the lot adequately. Said covenant shall run with the land and shall be terminated with respect to any lot, only after the Planning Board is satisfied that the improvements have been completed and executes and delivers a release to the sub-divider.

4. Release of Performance Guarantee

Upon the completion of improvements required under Section V, 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 sub-divider may orally request and agree on terms of release with said Planning Board.

5. Review by Board of Health as to Suitability of the Land

The Planning Board shall within thirty days after submission of a plan to it consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the

subdivision can be used as building sites without injury to the public health, shall so notify the Planning Board in writing within thirty days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such doubts exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which condition applies.

6. Public Hearing

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 Board at the expense of the applicant at least ten days prior thereto by advertisement in an official publication of or in a newspaper of general circulation. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list. A petition for a change of zone, when necessary shall be entered and heard concurrently with the subdivision approval hearing.

7. Certificate of Approval

Within ninety days of the receipt of a Definitive Plan, unless an extension of time is agreed upon, the Planning Board will approve, modify and approve, or disprove said plan, and submit formal certificate of its action to the Town Clerk and to the applicant. Provided approval is voted, at the conclusion of the statutory 20-day appeal period, a majority of the members of the Board shall endorse upon the original of the Definitive Plan and return same to the applicant for recording. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision. Acceptance of any streets in any subdivision by the Town of Goshen shall be in accordance with the by-laws.

SECTION IV. DESIGN STANDARDS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular traffic. Due consideration shall also be given by the subdivider/Applicant to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform to the Master or Study Plan when adopted in whole or in part by the Board.
- c. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where in the opinion of the Board such strips shall be in the public interest.
- e. The minimum centerline radii of curved streets shall be 100 feet. Greater radii may be required for principal streets.
- f. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees
- g. Property lines at street intersections shall be rounded or cut back to provide for a curb

radius of not less than 30-feet.

- h. The minimum width of street rights of way shall be 50-feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.
- i. Grades of streets shall be not less than (0.5%). Grades shall not be more than (8%) for principal streets nor more than (15%) for secondary streets.
- j. Dead end streets shall not be longer than six hundred feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- k. Street jogs with centerline offsets of less than one hundred and twenty five feet shall be avoided.

B. Easements

- 1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve feet wide, with provisions made for access thereto;
- 2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the 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 of or other necessary purposes.

C. Open/Green Spaces

Before approval of a plan the Board may also in the 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 Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval. Plans should also include vegetative barriers and provide for wildlife habitat.

D. Protection of Natural Features

Due regard shall be shown for all natural features, such as large healthy trees (e.g., a diameter at breast height >18"), water courses, wetlands, stone walls, scenic points, historic spots and similar community assets, which if preserved will add attractiveness and value to the subdivision.

Section V. REQUIRED IMPROVEMENTS FOR AN APPROVE SUBDIVISION

A. Standards

The specification of the Massachusetts Department of Public Works in force at the time of Subdivision approval shall be the standards for gravel, concrete, bituminous concrete, oil or any other material, pipes, culverts, manholes, catch basins or any other installation used or place in the subdivision.

B. Street and Roadway

- 1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation;

2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material;
3. All collector and access streets shall be brought to a finished crown grade of not less than 3/8 inch per foot as shown on the profiles of the Definitive Plan with a twenty-five foot paved width minimum consisting of 10-inches of compacted gravel when rolled twice (in five inch layers). The completed gravel surface shall be treated for the full width of the roadway with one application of asphalt or tar as specified by the Highway Department at the rate of one gallon per square yard of area of roadway. After being subjected to traffic for a period of at least thirty days, a second application at the rate of one-quarter gallon per square yard shall be used as a seal coat. The initial and seal applications shall be each be covered by grits evenly distributed.

C. Services

1. Adequate disposal of surface water shall be provided. The applicant or their consultant shall consult the Massachusetts Department of Environmental Protection Storm water Guidelines and incorporate adequate storm water controls for the 100-year storm;
2. Water pipes and related equipment such as hydrants and main shutoff valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specification of the Highway Department and Fire Department;
3. Monuments or bonds. All proposed monuments shown on the Definitive Plan shall be installed and their installation and exact location shall be certified by the engineer or surveyor. Monuments shall be of cast stone or case concrete, 4-inches square and 3- feet long set flush with the ground, except that 1 1/2 inch galvanized pipe 3 feet long may be used at comers, other than on the street lines.
4. Final Cleaning Up
 1. Upon completion of the work and before release of bond or surety, or release of conditions, whichever the case may be the applicant/sub-divider shall remove from proposed streets all surplus material and rubbish which may have accumulated during the prosecution of the work, and shall leave the work in a neat and orderly condition;
5. Street Signs
 1. Street signs shall be erected at all comers denoting the name of the street. The type and location of signs will be subject to the approval of the Planning Board.

Section VI. ADMINISTRATION

A. 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 consistent with the subdivision Control Law.

B. Reference

For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG, inclusive of Chapter 41 of M.G.L.

C. 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 consent of the Planning Board.

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

File one complete form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 11-B.

_____, MA _____ 20____

To the Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the Town of Goshen, MA 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 is not required.

1. Name of Applicant _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of property recorded in _____ Registry, Book _____
Page _____

4. Location and Description of Property:

5. It is recommended that the Board of Health be consulted before steps are taken to meet requirements for plan.

Signature of Owner _____

Address _____

FORM B
APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one complete form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section III-A.

_____, MA _____ 20 _____

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Goshen, MA 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 Goshen.

1. Name of Sub-divider _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of property recorded in _____ Registry, Book _____
Page _____

4. Location and Description of Property:

5. It is recommended that the Board of Health be consulted before steps are taken to meet requirements of preliminary plan.

Signature of Owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

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 III-A.

_____, MA _____, 20_____

To the Planning Board:

The undersigned submits the accompanying Definitive Plan of property located in the Town of Goshen, :MA 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 Goshen.

1. Name of Sub-divider _____
Address _____
2. Name of Engineer or Surveyor _____
Address _____
3. Deed of property recorded in _____ Registry, Book _____
Page _____
4. Location and Description of Property:

Signature of Owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

FORM D
COVENANT

The undersigned _____
of _____ County, Massachusetts, hereinafter called the
"Covenantor", having submitted to the Goshen Planning Board, a definitive plan of a subdivision
entitled _____
dated _____ made by _____
does hereby covenant and agreed with said Planning Board and the successors in office of said
Board, pursuant to B.L. (Ter. Ed.) C. 41, Sec. 81-U, 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 or 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 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 to release
all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ day of _____ 20____

COMMONWEALTH OF MASSACHUSETTS

_____ ss. _____, 20____

Then personally appeared _____ and acknowledged the
foregoing instrument to be _____ free act and deed, before me.

Notary Public
My commission expires _____ 20____

FORM E
CERTIFICATE OF PERFORMANCE
(Covenant Approval Release)

Goshen, MA _____ 20 _____

The undersigned being a majority of the Planning Board of the Town of Goshen, MA hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 20_____, 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 lots and hereby released from the restrictions as to sale and building specified hereon.)

Lots designated on said Plan as follows:

Majority of the Planning Board of Town of Goshen, MA

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____ 20 _____

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

Notary Public

My commission expires 20 _____

LIST OF ABUTTERS

Name	Mailing Address	Assessors' Map Sheet# Parcel #
------	-----------------	--

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____

Attach Additional Sheets as necessary

Assessors' Certification

Goshen Board of Assessors