

Town of Wendell
Zoning Bylaws
May 9, 2016

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ARTICLE I.

Purpose and District Designation - The purpose of this bylaw is to promote the health, safety and welfare of the inhabitants of Wendell in accordance with The Zoning Act, Chapter 40A, Massachusetts General Laws; to lessen congestion in the streets; to provide adequate light and air; to facilitate the adequate provision of transportation, drainage, schools, parks, open space and other requirements; to regulate land uses that have an impact on the Town's natural physical and fiscal capabilities', to encourage housing for persons of all income levels; to maintain and encourage agricultural and other resource-based activities; to preserve wildlife habitat; to protect water quality and supply; to encourage appropriate use of the land; to ensure adequate provision of municipal services consistent with controlled growth of the population; to reduce hazards; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage energy efficiency; to ensure flood prevention and mitigation; and to preserve the ecology and rural nature of the town.

Section A.

To ensure adequate provision of municipal services consistent with controlled growth of the population, the entire town of Wendell is hereby designated as a rural-residential and agricultural district.

Section B.

Industrial, commercial and business enterprises and their related facilities may be located, expanded, or constructed within the town by special permit which may be granted only by the Planning Board or by the Selectboard.

ARTICLE II. Administration

Section A. Enforcement

This by-law shall be enforced by the building inspector. A violator of any provision of this by-law shall be given sixty (60) days in which to conform. After that time a fine of not more than \$100.00 shall be levied for each day of each separate violation.

Section B. Validity

The invalidity of any article, section or provision of this by-law shall not invalidate any other section or provision thereof.

Section C. Amendments

These by-laws may be amended at an annual or special town meeting in accordance with the provisions in Section 5, Chapter 40A, M.G.L

Section D. Applicability

Where the application of this by-law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this by-law shall control.

Section E. Zoning Board of Appeals

There shall be established a three member Zoning Board of Appeals and one Associate Member who shall be appointed by the Board of Selectmen for terms of such length and so arranged that the term of one (1) member shall expire each year. The Board of Appeals shall adopt rules, not inconsistent with the provisions of the Wendell Zoning Bylaws, for the conduct of its business. These rules shall be filed with the Town Clerk. The Board of Appeals shall have the following powers:

1. To hear and decide appeals in accordance with Section 8 of MGL Chapter 40A;
2. To hear and decide applications for special permits upon which the Board is empowered to act under the Wendell Zoning Bylaws; and
3. To hear and decide petitions for variances as set forth in Section 10 of MGL Chapter 40A.

Section F. Outside Consulting Services

As provided by G.L. Chapter 44, section 53G, the Wendell Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board or Special Permit Granting Authority (SPGA), for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board or SPGA pursuant to these Zoning Bylaws.

Funds received by the Planning Board or SPGA pursuant to rules adopted pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board or SPGA without further appropriation as provided in G.L. Chapter 44, section 53G. Expenditures from this account shall be made only in connection

with the review of a specific project or projects for which a consultant fee has been collected from the applicant. Specific consultant services may include, but are not limited to, consulting services necessary to evaluate an application for any type of zoning relief. The consultant shall be chosen by, and report only to, the Planning Board of SPGA.

The Planning Board or SPGA shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No costs or expenses shall be incurred on account of the application if the application or request is withdrawn within five days of the date notice is given. The fee must be received in its entirety prior to the initiation of consulting services. The Planning Board or SPGA may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board or SPGA within ten (10) business days of the request for payment shall be cause for the Planning Board or SPGA to determine that the application is incomplete (except in the case of an appeal as described in the following paragraph). The Planning Board or SPGA shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. Failure by the applicant to pay the consultant fee specified by the Planning Board or SPGA within ten (10) business days of the request for payment shall be cause for the Planning Board or SPGA to deny the application.

The applicant may appeal the selection of the outside consultant to the Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such appeal must be in writing and received by the Selectmen and a copy received by the Planning Board or SPGA within ten (10) days of the date consultant fees were requested by the Planning Board or SPGA. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

Section G. Associate Planning Board Member

In accordance with Massachusetts General Laws, Chapter 40A, Section 9, the Planning Board, acting as Special Permit Granting Authority, is authorized to appoint one Associate Member for the purpose of acting on special permit applications. Said Associate Member shall be appointed by majority vote of the Planning Board and serve a one-year term. The Planning Board Chair may designate the Associate Member to sit on the Board for the purpose of acting on a special permit in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board. In the event of a vacancy in the position of Associate Member, the position shall be filled in the same manner as in the case of the original appointment.

ARTICLE III. DEFINITIONS

Access Drive: A way or means of approach to provide physical entrance to the buildings on a property.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. Note: Uses accessory to permitted uses for scientific research, development or related production do not have to be located on the same parcel of land as the principle activity. (Chapter 40A, Section 9, M.G.L.)

Applicant: A person or persons requesting approval for a Site Plan or Special Permit. Such person or persons may own multiple lots or propose a Conservation Development on multiple lots.

Approved Private Way: A way in existence which is approved by the Planning Board for use as Frontage in the process of obtaining a Building Permit. Building Permit Applications for structures on approved private ways must include an affidavit, recorded at the Registry of Deeds, that the owner of the property is responsible for the maintenance of the Private Way as approved.

Aquifer: A geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable groundwater.

Areas Prone to Flooding or Subject to Inundation: Includes those areas identified on the most recent Town of Wendell "Critical Facilities, Infrastructure Land Use and Natural Hazards" map and/or areas of potential flooding or inundation identified in the most

recent Town of Wendell “Local Natural Hazards Mitigation Plan” or Dam inspection report accepted by the Town of Wendell.”

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 development may be subject to Site Plan Review to determine conformance with the provisions herein and with the provisions of the Wendell Zoning Bylaw, as may be applicable.

Back Lot: A lot of at least four (4) acres where access to the public road or approved subdivision road is a narrow (minimum 50 feet) strip of land no more than 1000 feet long. Building sites must conform to the requirements listed in Article IX.

Bar, Pub, Saloon, Tavern: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (also known as the “one-hundred-year flood”).

Base Flood Elevation (BFE): The elevation of the flood that has a 1 percent chance of occurring in a given year. Also known as the 1 percent annual chance flood or the 100 year flood.

Boarding, Lodging or Tenement House: A building used for lodging, with or without meals, for compensation, for between 5 and 20 individuals.

Building: A structure having a roof supported by columns or walls for the shelter of persons, animals, and/or property.

Building Height: The vertical distance from the average grade to the top of the highest roof beams of a flat roof, or to the average level of the highest grade or slope.

Building Permit: A construction permit issued by the Building Inspector, which provides evidence that a project is consistent with the Massachusetts State Building Code as well as the Wendell Zoning Bylaw.

Building Site: The area within a legally existing lot upon which a building is to be constructed. Except where specifically allowed, building sites must conform to the dimensional requirements listed in Article V.

Bus Terminal or Station: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading or passengers.

Camper: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled mobile homes. Note: This definition also includes the definition of a recreational vehicle.

Commercial Campground: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Commercial Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

Commercial Use: Activity carried out for pecuniary gain.

Commercial Vehicle: Any motor vehicle licensed by the state as a commercial vehicle having a G.V.W. in excess of 10,000 pounds.

Common Driveway or Common Drive: A shared way or means of approach and access to provide physical entrance to the building on no more than three properties.

Cottage Industry: An occupation carried out by a resident and up to ten employees or coworkers in a structure separate from the principal building.

Detached Dwelling Unit: A dwelling which is not attached to any other dwelling by any means.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development: Means any man made change to improved or unimproved real estate, including but not limited to building or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dwelling: A structure containing 1, 2 or 3 units.

Dwelling, Multi-family: A structure on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from the ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units.

Dwelling, Primary: see Principal Building

Dwelling, Secondary: Single unit limited to 800 square feet of living space which provides complete, independent living facilities for not more than two people, making provisions for living, sleeping, cooking and sanitation.

Dwelling, Two-Family: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units. This definition includes a duplex dwelling.

Dwelling, Triplex: A structure on a single lot containing three dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to all three dwelling units.

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Extra-Large-Scale Ground-Mounted Solar Electric Installation: shall mean a ground-mounted solar system with a generating capacity of greater than 2 MW or occupying more than ten (10) acres of land.

Federal Emergency Management Agency (FEMA): The federal agency that 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 Hazard Boundary Map (FHBM): An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A.

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

Frontage: That side of a lot abutting on an existing public way, approved private way, or street; the front lot line.

Front Lot Line: A line dividing one lot from a street or public way that serves as the primary access to the property.

Guest Cabin: A Structure, not a mobile home, on a single lot, no more than one per lot, which does not have septic or sanitary disposal systems, but which can provide continuous lodging, for no more than 30 days, for up to four (4) people.

Hazardous Materials: Includes, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts and all radioactive materials.

Home Occupation: Any activity carried out for gain by a resident and up to ten employees or coworkers conducted as an accessory use in the resident's dwelling unit.

Hotel/Inn: A facility with up to 15 rooms offering transient lodging accommodation for the general public and providing additional services such as restaurants, meeting rooms and recreational facilities, for compensation.

Impervious Surface: The impermeable or non-porous surface of roads, buildings, and other structures or materials on or above the ground that do not allow precipitation to be absorbed into the underlying soil.

Industrial Use: Those fields of economic activity including mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services, and wholesale trade.

Isolated Lot: An undeveloped lot in separate ownership from the surrounding property.

Junkyard: Any area, lot, land, parcel, building or structure or part thereof used for the commercial storage, collection, processing, purchase, sale of scrap metal, or other materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Junk Yards, Commercial: Definition: Land or structures used commercially or otherwise for collecting, storing or selling paper, rags, scrap metals or other discarded materials, or land used commercially or otherwise for collecting dismantling, salvaging, storing or selling inoperative machinery, equipment or devices, or parts thereof. Commercial Junkyards must be located on lots not less than ten (10) acres in size and be a minimum of 500 feet from any residences already in existence. The part used for storage of junk and other material shall not be within 100' of the property line or 100' of a well, and at least 100 feet from any wetland as defined in the Wendell General Wetland Protection Bylaw.

Junk Yards, Private: Definition: Land or structures used to store, process or maintain those items which would otherwise be stored, processed or maintained at an approved Commercial Junkyard, for a period greater than thirty days; use of land or structures less than 250 congregate square feet in area for items to be recycled shall not be considered a private junkyard.

Large-Scale Ground-Mounted Solar Electric Installation: shall mean a ground-mounted solar system with a generating capacity greater than 10 kW but no more than 2 MW and does not occupy more than ten (10) acres of land.

Leachable Waste: Waste materials, including but not limited to solid wastes, septic and other sludge, and pesticide, herbicide, and fertilizer residues and wastes, capable of releasing water- borne or soluble contaminants into the environment by leaching.

Light Industry: Industrial uses which meet the performance standards, bulk controls, and other requirements established in this ordinance. A manufacturing, processing, assembly, packaging or other industrial operation without limit as to category or product, provided that the operation:

- Shall not require municipal sewerage in order to comply with the Massachusetts Department of Environmental Quality Engineering's regulations,
- Shall not generate more than 20 gallons of waste water per employee per day,
- Shall be operated using available electric power only,
- Shall be completely enclosed within a building or buildings and
- Shall show no external signs of operation.

Lot: A designated parcel, tract, or area of land in one ownership, with definite boundaries, established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. Such lot must be described and recorded on a plan or deed in the Registry of Deeds or Land Court.

Lot Line: A line dividing one lot from another, or from a street or any other public way.

Mobile Home: A structure transportable in one or more sections, which is at least 8' in width and 32' in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Motel: A facility providing transient accommodations, for a fee, containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Net project area: The project area less any land area subject to easements or restrictions prohibiting development.

Non-Conforming Use or Building: A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.

Nursing Home: An extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office: A room or group of rooms used for conducting the affairs of a business, professional service, industry, or government.

One-Hundred-Year Flood: See Base Flood.

Open Space: Area not covered by any structure, and not used for drives, parking or storage.

Parking Space: Space adequate to park an automobile, not less than 8 ½ x 20 feet, plus means of access. Where spaces are not marked, each space shall be assumed to require 350 square feet.

Principal Building: A building in which is conducted the principal use of the lot on which it is located. In the case of a residential use, the principal building is also referred to as the primary dwelling.

Private Club or Lodge: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

Project Area: Project area refers to the area within any combination of lots and/or portions of lots, whether contiguous or not, which are included within a Conservation Development Site Plan pursuant to Article X.

Public Utility: Electrical, gas, steam, water, communication or transportation systems and their appurtenances.

Public Way: A state highway, a county road, road which has been accepted by the Town as a Town Road, or an approved Subdivision Street.

Recreation Facility, Private: A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

Regulatory Floodway: See Floodway.

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

River: A natural flowing body of water that empties to any ocean, lake, or other river and which flows throughout the year.

Riverine: Relating to or resembling a river, or located beside a river.

Sign: Any device to inform or attract the attention of persons not on the premises on which the sign is located, including window signs and any building surfaces which are internally illuminated or decorated with gaseous tube or other lights.

Site Plan Review: Review by the Planning Board to determine conformance with the provisions of Article VI.

Site Plan Review Authority: The Planning Board is the Site Plan Review Authority.

Small-Scale Ground-Mounted Solar Electric Installation: shall mean a ground-mounted solar system with a generating capacity of 10 kW or less.

Solar Electric Installations: groups of solar photovoltaic arrays for the generation of electricity.

Special Flood Hazard Area (SFHA): 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 also be designated as Zone A.

Special Permit: Special Permit shall mean a permit issued pursuant to G.L. c. 40A, s. 9 and this by-law. In accordance with case law, neither the Zoning Act nor the town zoning by-law gives an absolute right to a special permit. The special permit granting authority is not compelled to grant the permit; it has discretionary power in acting thereon. See, *MacGibbon v. Board of Appeals of Duxbury*, 356 Mass. 635, 638-639 (1970).

Special Permit Granting Authority (SPGA): The Special Permit Granting Authority pursuant to Chapter 40A, M.G.L. and the Wendell Zoning Bylaws is the entity that has the power to impose any conditions, safeguards and/or limitations on time or use of the premises granted under a Special Permit.

Story: That portion of a building between the top of any floor and the top of the floor or roof next above, counting as a half story such portion if more than half its exterior wall area is below grade or if directly under a sloping roof in which more than half the exterior wall perimeter has less than three feet floor-rafters interior dimension, and excluding cellar or attic spaces used solely for utilities and storage.

Street: A way providing legally sufficient frontage for subdivision of land under the requirements of Chapter 41, § 81L, MGL, a public

way, a way which the Planning Board of the city or Town certifies is maintained and used as a public way.

Street Line: The right-of-way line of a street, assumed to be 20 feet from the center of the traveled roadway where no such right-of-way line has been established or can be readily determined.

Structure: Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land.

Substantial Damage: 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.

Temporary Dwelling: Any structure used as a dwelling during the construction of a permanent dwelling.

Trucking Terminal: An area and a building where cargo is stored for commercial purposes in excess of 5,000.00 dollars in receipts per year and where trucks regularly load and unload cargo.

Variance: Permission from the ZBA (Zoning Board of Appeals) to depart from the literal requirements of a zoning ordinance. Permission must conform to the restrictions set out in Massachusetts General Laws, Chapter 40A.

Warehousing: Terminal facilities for the commercial handling of freight with or without maintenance facilities which exceed 5,000 dollars in receipts per year.

Zone A: 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 as outlined in the State Building Code.

Zoning Enforcement Authority: The Building Inspector is charged with enforcing the Wendell Zoning Bylaw.

ARTICLE IV. NON-CONFORMING LOTS OR STRUCTURES

The lawful use or maintenance of any structure or land existing at the time of enactment or subsequent amendment of this Bylaw may be continued, although such structure or use does not conform with

provisions of the Bylaw, subject to the following conditions and exceptions.

Abandonment. A non-conforming use which has been abandoned or discontinued for a period of two years or more shall not be reestablished and any future use shall conform with the Bylaw.

Change, Extension or Alteration. As provided in Section 6 of Chapter 40A, M.G.L. a non-conforming single -or two-family dwelling may be altered or extended provided that doing so does not increase the non-conforming nature of said structure, and other pre-existing non-conforming uses may be extended, altered, or changed in use on finding, with notification of abutters one (1) week prior to date of Public Hearing, from the Board of Appeals, if the Board of Appeals finds that such extension, alteration, or change will not substantially be more detrimental to the neighborhood than the existing non-conforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. Such findings relative to the non-conforming nature and whether or not a structure will be substantially more detrimental shall be addressed as follows:

A. In the case of dimensional non-conformancy, any dimension or measurement including side, front and rear yards, height and open space, may be altered whether increased or recreated, to be limitations permitted by zoning; such dimensions or measurements already not in conformance with those permitted by the Bylaw may only be adjusted so as to reduce their difference from the Bylaw requirements.

B. In the case of a use non-conformancy, no change or adjustment in size intensity of use or nature of use shall be granted which shall be deemed to increase the objectionable quality of the original non-conforming use, including, but not limited to traffic, parking, noise, light and glare, hours of operation, unsightly storage or conditions, objectionable odors, neighborhood character, safety, overcrowding and pollution.

Restoration. Necessary repairs and rebuilding of non-conforming structures or signs after damage by fire, storm or similar disaster are permitted provided that they are started within twenty-four (24) months and completed within sixty (5=60) months of the catastrophe and do not substantially change the character or size of the buildings or use to which they were put prior to such damage.

Isolated Lots. Any increase in lot area, width, frontage, yard, open space, or coverage requirements of this Bylaw shall not apply to

erection, extension, alterations, or moving of a one or two family home on a legally created lot not meeting current requirements provided that the applicant documents that at the time such increased requirements became applicable to it, the lot:

1. A. had at least five thousand square feet of lot area and fifty feet of frontage on a street or was shown as an approved back lot or subdivision on a previously existing plan,
- B. was not held in common ownership with any contiguous lot at any time since such requirements were instituted, and
- C. conformed to then-existing dimensional requirements;

Such non-conforming lot may be changed in size or shape or their land area recombined without losing this exemption so long as the change does not increase the actual or potential number of buildable lots.

ARTICLE V. ACCESS, DENSITY, AND DIMENSIONAL REGULATIONS

Section A. Lot Area, Frontage and Size

Soil, drainage and topographical conditions and other factors prevalent throughout the Town make necessary the following requirements:

1. Only one principal building shall be located on any lot.
2. Each lot for a principal building containing one dwelling unit or two attached dwelling units must have a minimum of three (3) acres and 200 feet of frontage on an existing public way, approved private way, street, or an approved subdivision road.
3. Each lot for a multi-unit dwelling greater than 2 units will require a minimum of four (4) acres and 200 feet frontage and must obtain a Special Permit from the SPGA.
4. For a period of five (5) years after the adoption of the bylaw no building may exceed three (3) stories or three (3) dwelling units.
5. Subject to a Special Permit from the SPGA one guest cabin may be located on any approved building lot.
6. Subject to Special Permit from the SPGA, one secondary dwelling may be located on any approved building lot, provided the principal building with at least one dwelling unit has existed for 10 years prior to the issuance of the Special Permit.

Section B. Other Dimensional Requirements

No existing lot shall be changed in size or shape except through public taking so as to result in violation of the requirements set forth below:

FRONT YARD: The minimum distance between the front lot line and any building or structure shall be 35 feet.

SIDE YARD: The minimum distance between the side lot line and any building or structure shall be 25 feet.

REAR YARD: The minimum distance between the rear lot line and any building or structure shall be 25 feet.

Section C. Common Driveway Access

The purpose of common driveways is to provide efficient economic access to lots so as to enhance the rural character of the community and minimize encroachment on wildlife habitat. No common driveway shall be allowed except those meeting the requirements set forth below:

Lots to be served by a common driveway must meet the minimum dimensional standards of the Zoning Bylaws in effect at the time they were created.

1. Common driveways may only access the street where the lots served have required legal frontage and adequate access.
2. The maximum number of lots that may be served by a common driveway is three (3).
3. A clearly worded provision recorded with the deed to lots serviced by a common driveway shall contain the following provisions:
 - a) Said driveway shall remain private in perpetuity.
 - b) No parking shall be allowed in the common driveway.
 - c) Clear responsibilities for maintenance including snow removal and overhead clearance and shoulders
 - d) A copy of said provision shall be provided to the building

inspector prior to issuance of a building permit for buildings located on any of the said lots.

4. Each common driveway shall be located entirely within on or more of the lots being served.
5. The length of the common driveway shall be such that the distance along the driveway centerline from the street sideline to any terminus of any individual driveway will not exceed 648 feet.
6. The common drive shall have a width of at least 12 feet including shoulders, with overhead clearance of at least 15 feet.
7. Passing turnouts providing a total width of at least 15 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts, and with the first such passing turnout at the driveway connection to the street are required.
8. Individual driveways branching off the common driveway shall be adequate for safety vehicle access at their terminus in all seasons.

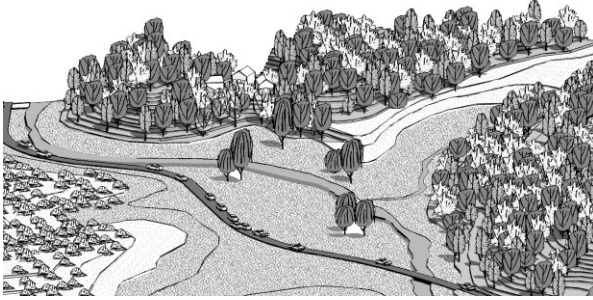
Section D. Hillside and Hilltop Development

Dwellings constructed on elevated portions (hills) or a lot at least 100 feet above the grade of the adjacent roadway frontage and with slopes of at least 20% shall be placed so that the high-point of the structure is not taller than the top of the hill and so that roofs are below an imaginary plane running from the roadway frontage to the

top of the hill.



NOT THIS – RIDGE TOP DEVELOPMENT



THIS – RIDGE DEVELOPMENT

ARTICLE VI. SPECIAL PERMITS, USE REGULATIONS AND SITE PLAN REVIEW

Section A. Purpose

The purposes of this article are

- a) to establish use regulations and a corresponding special permitting process, and
- to provide for a site plan review of certain construction projects to ensure that sound site utilization principles are used to protect the public health, safety and general well being, in accordance with the purpose of this bylaw and with Massachusetts General Laws Chapter 40A.

Section B. Applicability

Special Permits:

No building or structure or land shall be used for any purposes other than those permitted in this section. The Special Permit Granting Authority (SPGA) has the power to impose any conditions, safeguards, and/or limitations on time or use of the premises granted under Special Permit.

The bylaw establishes three general categories of uses: those established by right, those prohibited, and those permitted by Special Permit. The Wendell Planning Board and the Selectboard are the Special Permit Granting authorities for those uses designated in Section F of this article as requiring a Special Permit. Special

Permits may be issued only upon written determination by the SPGA that there will be no significant adverse effects to the Town after consideration of the Special Permit and Site Plan Review Criteria.

Site Plan Review:

Any development, new construction, alteration, or enlargement of community facilities, commercial, industrial, institutional, and research facilities shall be subject to Site Plan Review if they include one or more of the following:

1. A new principal building or structure.
2. An expansion or change in use of 30% of a building's area or 600 sq. feet, whichever is smaller
3. The expansion of commercial activity outside of a building covering more than 1000 sq. ft.

The construction or renovation of one or more buildings on a single lot or contiguous lots under common ownership that will result in 10,000 square feet or more of enclosed floor area shall be subject to a Site Plan Review, provided the development of activity is not subject to a Special Permit.

No building permit to establish a new building or to alter substantially an existing building shall be issued; no change of use of an existing building or lot shall be permitted unless a Site Plan has been submitted to and approved by the Planning Board in accordance with the requirements of this Article.

Section C. Special Permit and Site Plan Submission Procedure

An applicant for Site Plan Review shall meet with the Planning Board for a preliminary review of the proposed project prior to filing an application.

Copies of the application for both special permits and site plan review shall be filed with the Town Clerk, Planning Board, and Building Inspector by the applicant. An application shall not be considered complete until all required information is received and fees are submitted to the Town Clerk.

The exact form and content of the application, fees, plans and information shall be as required by the PB/SPGA. They shall adopt, and may periodically amend, after a public hearing, such rules and regulations relating to procedures and administration of this section.

If necessary to determine compliance with the requirements or intent of this Article, the PB/SPGA may require further engineering, environmental analysis, independent consultants, or legal counsel of the Town's choosing, at the expense of the applicant.

Section D. Special Permit and Site Plan Review Procedure

A public hearing shall be held within sixty-five (65) days after the filing of an application with the Planning Board/SPGA.

The Planning Board shall transmit copies of the application and site plan to appropriate Town Boards and Departments which may include the following: the Selectboard, the Highway Department, Board of Health, Fire Chief, Conservation Commission, and others as necessary. These boards and departments shall have thirty-five (35) days to report their findings and recommendations to the PB/SPGA. Absence of a response shall constitute approval by that Board or Department of the application.

The Planning Board/SPGA shall render a decision within ninety (90) days of the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties for Site Plan Reviews and Special Permits, and also in accordance with MGL Chapter 40A for Special Permits. Appeal of Site Plan decisions are to be filed in the District or Superior Court serving the Town of Wendell within 20 days of the date the decision was filed with the Town Clerk. Appeals of Special Permits shall be filed in a like manner, and in accordance with MGL Chapter 40A.

In situations that require both Special Permit and Site Plan Review, hearings shall be run concurrently. When the SPGA is the Selectboard, both boards shall hold a combined hearing.

Section E. Special Permit and Site Plan Review Criteria

Traffic safety and flow:

Access points on or to any road must not present unsafe traffic conditions. Parking and traffic flow on site must be adequate for proposed uses and safe for pedestrians.

Impact upon utilities and town services:

Must not stress the Town's capabilities to service the premises, considering existing roads, town equipment, and other municipal services.

Impact on abutting properties:

Consideration of the impact on neighborhood or abutting properties in relation to noise, light, odor, vibrations, smoke, dust, heat, vehicular traffic, pollution of air, earth, or surface and ground water, security, explosion, and fire hazards. Objectionable features should be screened from neighbors.

Impact on the natural environment:

All efforts must be made to minimize the displacement of stone walls, trees, natural and historical land features and buildings, soil and vegetation, blasting and grade changes, wildlife and aquatic habitat. Consideration of sufficient storm water drainage, protection from silt build-up, and minimization of erosion must be provided.

Design standards:

All efforts must be made to insure that the design is energy efficient, and that the land and premises are adaptable to the proposed use, and that all structures should be visually harmonious with one another.

Access for emergency vehicles:

Adequate access must be provided to within thirty (30) feet of the building site sufficient for all emergency vehicles i.e. fire trucks, ambulance, police, etc.

Flood Prevention and Mitigation: For activities within areas prone to flooding or subject to inundation (from a dam release), all efforts must be made to ensure impacts are mitigated including the securing of chemicals and the safety of persons.

Proposed uses should be harmonious with the existing wooded, rural, and agricultural character of Wendell and preserve views and open space.

In addition to the above criteria, the PB/SPGA may further require the following:

- Building plans drawn no greater than 40 feet to the inch, prepared by registered Massachusetts architect, engineer, landscape architect, or surveyor including:

- a locus map.

- boundary of the entire parcel held in common ownership by the applicant including existing buildings with all setbacks, proposed parking, loading areas, and waste storage and disposal.

- location, size, and type of all proposed signs and exterior lighting.

- existing and proposed topography of the site at two foot contour intervals including description of existing vegetation and natural features.

- storm water drainage plans showing proposed method of handling storm water run-off, engineering calculations used to determine drainage requirements based upon ten-year storm frequency, direction and location of run-off flow.

Section F. Use Regulation

No building, structure, or land shall be used for any purpose other than those permitted in this section. Those permitted by right, those prohibited, and those permitted by Special Permit

Y = Yes, allowed by right

N = No, prohibited

SPPB = Special Permit from Planning Board

SPZBA = Special Permit from Zoning Board of Appeals

Site PB = By right with site plan review from the Planning Board.

1. Residential Uses – Except for Conservation Developments under Article X, new primary dwellings are allowed, subject to all other provisions of these Wendell Zoning Bylaws, at the rate of no greater than one new primary dwelling in any 7 year period on either: 1) a lot in existence on December 15, 2010; or 2) a new lot divided from a lot in existence on December 15, 2010.		
Accessory use	Y	
Detached single dwelling unit	Y	
Two attached dwelling units (duplex) without a secondary dwelling on the same lot	Y	
Internal or external conversion of single dwelling unit to two attached dwelling units with Board of Health approval of sewage disposal	Y	
Room rental or boardinghouse with three (3) or less rental rooms	Y	
Multi-unit dwelling unit structures with more than three (3) dwelling units	SPZBA	
Guest Cabin (in compliance with Art. V, Sec. A, #5)	SPZBA	
Permanent mobile homes	N	
Secondary dwelling (in compliance with Art V, Sec A, #6)	SPZBA	
Small-Scale Ground-Mounted Solar Electric Installations Y	Y	
Conservation Development	Site PB	
Conservation Development Proposals deviating From Article X	SPPB	
2. General Uses		
Apiary	Y	
Boarding of six or more horses, riding academy, riding stable	SPPB	
Tree Nursery	Y	
Charcoal kiln	Y	
Orchard	Y	
Agriculture	Y	
Homesteading	Y	
Sale of natural products produced on the property	Y	
Dog kennel/veterinary hospital	SPPB	
Commercial removal of topsoil	N	
Commercial smokehouses	SPPB	
Woodlot operations	Y	
Sugarhouses	Y	
Lumbermill	SPPB	
Earth removal of greater than one thousand (1,000) yards	SPPB	
Commercial campgrounds	SPPB	
Commercial greenhouses	Y	
Billboards	N	
Livestock agriculture	Y	
Junk yards, Private	N	

3. Government, Institutional, and Public Uses		
Cemetery	SPPB	
Religious	Y	
Educational	Y	
Government	Y	
Utilities	SPPB	
Non-profit human or health services	SPPB	
State or town owned recreation or amusement facilities	Y	
Private recreation or amusement facilities	SPPB	
Health organizations	SPPB	
Nursing and convalescent homes	SPPB	
Private clubs	SPPB	
Golf course	SPPB	
4. Business Uses		
Restaurants	SPPB	
Pubs, bars, saloons, taverns or any other business serving alcoholic beverage	SPPB	
Automobile service station, repair shop or storage garage	SPPB	
Retail, office, or service uses of less than 2000 square feet	SPPB	
Storage, sale, and servicing of trucks, tractors, farm, or construction equipment or similar uses	SPPB	
Home occupation/cottage industry	Y	
Motels	N	
Beds and breakfasts with three (3) or less rooms to rent	Y	
Warehousing	SPPB	
Auto salvage, expansion or alterations of auto salvage operations existing prior to January 5, 1989	SPPB	
Auto salvage operations proposed after January 5, 1989	N	
Hotels and Inns	SPPB	
Junk yards, Commercial	SPPB	
5. Industrial Uses		
Research operations	SPPB	
Light industry (unrestricted) equal to or less than 10,000 square feet of building area	SPPB	
Prohibited industries (See Section F #6)	N	
Restricted industries (all other types of industry not included in light or prohibited) equal to or less than 10,000 square feet of building area	SPPB	
Any industrial use of more than 10,000 square feet of building area	SPPB	
Large-Scale Ground-Mounted Solar Electric Installations *Except in solar overlay district where permitted by right with a site plan review by the Planning Board.	SPPB*	
Extra-Large-Scale Ground-Mounted Solar Electric Installations *Except in solar overlay district where permitted by right with a site plan review by the Planning Board.	SPPB*	

6. Industry, Prohibited	
The following industrial uses shall be defined as prohibited industrial uses:	
Acetylene gas, cyanide compound or oxygen manufacture	N
Asphalt manufacture or refining	N
Chlorine or bleaching powder manufacture	N
Creosote manufacture	N
Distillation of coal or wood	N
Foundry	N
Explosives, fireworks, or ammunition manufacture	N
Fertilizer manufacture	N
Fumigation plants	N
Glue or size manufacture from fish or animal offal	N
Gypsum, cement, plaster or plaster of Paris manufacture	N
Incineration, reduction, or dumping of offal garbage or refuse on a commercial basis (Except where controlled by the Town)	N
Linoleum manufacture	N
Match manufacture	N
Motor raceways and race tracks, speedways	N
Commercial uses which manufacture, process, store, and dispose of hazardous wastes in amounts exceeding those permitted for very small waste generators under hazardous waste regulations 310 CMR 30	N
Trucking or busing terminals	N
Solid waste landfills, dumps (except where controlled by Town), underground storage and/or transmission of oil, gasoline, or other petroleum products, excluding liquefied petroleum gases	N
Outdoor storage of salt, de-icing materials, pesticides, or herbicides (except where controlled by the Town)	N
The rendering impervious by any means of more than 10% of the area of any lot, or more than 13,000 sq. ft. whichever is the lesser amount	N
7. Industry, Restricted	
All other forms of industry not specified or alluded to in Light Industry or Prohibited Industry	SPPB

Section G. Special Permit/Site Plan Review Decision

The PB/SPGA's written decision shall consist of either:

approval of a plan based on a determination that it meets all the requirements of this Article

denial of the Site Plan based on either:

- a) incomplete or insufficient information was submitted with the application or

b) a determination that the project does not meet requirements of this Article

approval of the Site Plan subject to conditions and modifications necessary to ensure compliance with this Article.

For the purpose of securing the performance of all proposed work, the Board may require any of the following: a performance bond, deposit of money or letter of credit in the amount determined by the PB/SPGA to be sufficient to cover the cost of all or any part of the improvements required.

Section H. Conformance

If construction or use under a special permit or building permit has not commenced within six (6) months after the issuance of the permit or if construction is not continued to completion and continuously and expeditiously as is reasonable, the construction or use must conform to any future amendments of this bylaw.

Any site plan approval granted under this Section shall expire in two (2) years if substantial construction has not begun by such date.

Section I. Temporary Mobile Homes or Dwellings

Mobile homes used as temporary housing are allowed under this bylaw, provided that the owner/mobile home occupant holds a current building permit for construction of a permanent residence on the premises. Upon expiration of the building permit, the temporary dwelling must be removed from the premises.

Note: Article VI, Section I does not relate to Section 3.2 of Chapter 40A of the M.G.L.

Note: Recreational mobile homes (i.e. campers) may be stored on the property of the primary residence.

If construction of use under the building permit has not commenced within six (6) months after the issuance of the permit or if construction is not continued to completion as continuously and expeditiously as is reasonable, the construction of use must conform to any future amendments of this bylaw.

Section J. Secondary Dwellings

The purpose of this section of the bylaws is to provide residents of Wendell with additional affordable housing options while maintaining the rural character and established development patterns of Wendell.

1. Subject to a Special Permit from the SPGA, one secondary dwelling may be located on a building lot in accordance with the following requirements:
 - a) Removed by ATM June 3, 2013.
 - b) Maximum square footage of the interior living area of the secondary dwelling shall be 800 square feet.
 - c) Construction of a secondary dwelling will require a minimum lot size of three (3) acres for a single-family dwelling and four (4) acres for a two-family dwelling.
 - d) A minimum 50 foot setback shall be maintained between the secondary dwelling and all lot lines.
 - e) The maximum setback between the primary and secondary dwelling shall not exceed 100 feet.
 - f) The SPGA may waive setback requirements for conversion of a structure that has been in existence for the ten (10) years preceding application for this special permit, provided that such waiver is consistent with Special Permit criteria and does not compound any adverse impact on abutters.
 - g) The principal building on the lot is a single or two family dwelling.
 - h) The proposed secondary dwelling will meet applicable sanitation and building codes.
 - i) Access to the secondary dwelling from the public way, approved private way or street shall be through existing access (driveway) for the primary dwelling.
 - j) Deleted a Town Meeting, September 2005.
 - k) The secondary dwelling cannot be sold separately from

the primary dwelling, and the applicant must note this as a notation on or adjunct to the deed.

2. Deleted at Town Meeting, June 2007.

Section K. Severability

The invalidity of any section or provision of the Article shall not invalidate any other section or provision herein.

ARTICLE VII. PARKING AND LOADING REQUIREMENTS

Section A. Parking Requirements

All parking demand created by new structures or uses, additions or existing structures or uses, and change of use in existing structures shall be accommodated on the premises entirely off-street. This will require two parking spaces per new and existing dwelling units, and/or one space per new and existing employee.

Section B. Parking Areas; the following shall apply:

1. Their use shall not require backing onto a public way, approved private way or street.
2. Within each lot there shall be not more than one entrance and one exit from such parking areas per 300 feet of frontage or fraction thereof.
3. Lots with 5 or more vehicles may be required to be screened from any abutting residential use by dense shrubs and trees or opaque fencing not inconsistent with the neighborhood character.

Section C. Loading Requirement

Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Facilities shall be so sized and arranged that no vehicles need back onto or off a public way, or be parked on a public way, approved private way or street, or be parked on a public way, approved private way or street while loading, unloading, or waiting to do so.

ARTICLE XVII. SOLAR OVERLAY DISTRICT

Section A. Statement of Purpose

The purpose of the Solar Overlay District is to provide for Large-Scale-Ground Mounted and Extra-Large-Scale-Ground Mounted solar installations by right on lots that are suitable for the development of solar.

Section B. Solar Overlay District Boundaries

1. The Solar District is herein established as an overlay district. The Solar District includes Assessor's Map 404, Lot 28 and Map 411, Lot 24.

ARTICLE VIII. SIGN REGULATION

No sign, as defined in this By-Law, shall here-after be displayed of located except as provided in this section.

Section A. Permitted Signs

1. In all districts, one sign indicating the name of the residents or a home occupation may be displayed on one lot. Such sign shall be not greater than three (3) square feet in area.
2. In all districts, signs up to nine (9) square feet in area advertising rental or sale of the premises may be erected and must be promptly removed after the sale or rental.
3. Legal notices or signs created or required by governmental bodies are permitted but must be removed when no longer required.
4. Paper or cardboard signs inside display windows are allowed if illuminated only by building illumination.
5. Temporary signs not greater than twelve (12) square feet in area identifying the contractor(s) at a construction site may be displayed during construction, but must be promptly removed at completion of the project.

6. Commercial or industrial activities conducted as allowed by Article VI or this By-Law may display one free-standing sign on the lot where the business is conducted and additional on-premise and off-premise signs directing and guiding traffic and parking. All commercial and industrial signs shall be specified as to number, location, size, and content in the Special Permit allowing the business and shall conform to the standards specified in Section B of this Article VIII.
7. Commercial or industrial activities conducted under the provision of Article VI of this By-Law may display signs on buildings if in conformity with standards of Section B of Article VIII. Such signs shall be specified as to location, size, content, and number in the permit.
8. Temporary signs advertising political campaigns, charitable activities, social events, private tag sales and other clearly intermittent activities or events not related to a business regularly conducted under a special permit as issued under Article VI or this By-Law are allowed. All such signs shall be removed not more than three (3) days after the activity advertised has taken place.

Section B. Sign Standards

1. Lighting. Signs shall be illuminated in such a manner that no glare is visible from any way or residential lot. No sign shall flash, rotate, spin or move in any manner. Neon lighting is prohibited.
2. Size. Free-standing on-premises commercial or industrial signs shall be not greater than 24 square feet in area. Off-premise commercial or industrial signs shall be not greater than six (6) square feet in area and shall contain no advertising other than a business identification name or logo and traffic direction. No free standing sign shall at any point extend more than 10 feet above the adjacent average grade.

Free standing signs with equal and parallel faces providing identical information on both sides shall be measured on one side only in determining square footage.

Signs affixed to structures shall be limited in area to 20% of the building surface, or portion thereof, devoted to the attendant use, measured on the side of the building facing the lot frontage.

Signs shall not be greater in area than 5% of the vertical surfaces of any building facing side or rear lot lines. Signs affixed to structures shall not extend more than eighteen (18) inches beyond the vertical mean building surface, nor more than three (3) feet above the eaves.

Promotional pennants and flags are prohibited.

ARTICLE IX. BACK LOT DEVELOPMENT

Section A. Purpose

1. This section is intended to encourage efficient, economic use of backland in the Town of Wendell so as to enhance the rural character of the community while providing for the protection of the health, safety, and welfare of the residents of the Town, and the protection of wildlife habitats.
2. To achieve those objectives, back lot development may be allowed on parcels with frontage on a public way, approved private way or street. The decision to allow such development shall be made by the Building Inspector following a Planning Board review and report of a Back Lot Site Plan as described below.
3. Once approved as a back lot, such lot shall not be subsequently approved for other than a single dwelling unit or duplex, nor be subdivided. Only one principal building may be built on each lot created under the back lot development provision. (The usual accessory uses are allowed.)
4. The plan shall include the following statement: Lot ___ is a back lot; building is permitted only in accordance with the back lot provisions of Article IX.

Section B. Development Standards

The following standards shall apply to all back lots:

1. Lot size per dwelling to be at least four acres, excluding the area that provides access to the back lot.
2. Access frontage of at least 50 feet on an existing public way, approved private way or street.

3. Minimum width of access of 50 feet.
4. The back lot shall have a shape such that is capable of containing a circle with a diameter equal to at least 300 feet and within which any building placed shall be at least 60 feet from any property boundaries.
5. Access shall be according to the following standards:
 - a) Each access drive for a back lot shall not be closer than 200 feet from another back lot access drive.
 - b) An access drive may serve at most two (2) back lots in which case the distance to the next access drive to another back lot shall be 400 feet along a public way, approved private way or street or a private way approved under the Subdivision Control Law.
 - c) A clearly worded provision recorded with the deed for all shared access drives, running with the land, and establishing clear responsibilities for maintenance and snow removal is required.
 - d) Each access drive or shared access drive shall be located entirely within one or both of the lots being served.
 - e) The length of the access drive shall be such that the distance along the driveway centerline from the street line to the main body of the lot will not exceed 1000 feet.
 - f) The access drive shall have a width of at least 10 feet, with overhead clearance of at least 20 feet.
 - g) Passing turnouts providing a total width of at least 15 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts and with the first such passing turnout at the driveway connection to the street are required.
 - h) Provision for turnaround space available for use in all seasons capable of serving all vehicles including ambulances, and fire engines is required.
 - i) No access strip or drive may include any wetlands.

6. No more than 2 back lots may be created out of any parcel less than 25 acres. Up to four back lots may be approved for parcels greater than 25 acres.

Section C. Occupancy Permit

No occupancy permit for a residence constructed on a back lot shall be issued until the Building Inspector certifies in writing that the access drive has been built in accordance with Article IV, Section B (5) and as documented by the Road Commission.

ARTICLE X. CONSERVATION DEVELOPMENT

Section A. Purpose

1. The purpose of this article is to establish Conservation Development as the Town of Wendell's preferred residential development methodology which protects the natural and cultural resources of the Town to a greater degree than either conventional subdivision of the "approval not required" (ANR) processes by integrating land conservation into every residential development project. Accordingly, the goal is to replace conventional subdivision with Conservation Development and to encourage an alternative to the creation of typical road-front lots through the ANR process.

Section B. General Description

1. Conservation Development allows residential development of a project area where a greater portion of the project area is preserved by a conservation restriction that limits the allowable uses on that part of the land, while the lesser remainder of the project area (development envelope) is used for residential development. Conservation Development is the preferred residential development pattern.
2. A Conservation Development may be proposed anywhere in Wendell. There are no minimum project sizes or minimum number of dwelling units required. An applicant may submit a project application for a site plan review for one lot, multiple lots whether contiguous or not, or a portion of one or more lots.

3. The land which is most valuable for ecological protection, biodiversity, wildlife habitat and habitat connectivity, forest conservation and uses, agriculture, aesthetics, historical significance, carbon sequestration, or recreation as determined by the Planning Board's conservation finding is permanently protected by a restriction under M.G.L. c. 184, § 31.
4. Residential development is confined within the development envelope and subject to site plan review. The applicant is given greater design flexibility within the development envelope and streamlined permitting.

Section C. Required Site Plan Review

1. A Conservation Development requires site plan review from the Planning Board.
2. A Conservation Development shall comply with the provisions of this Article X unless the Planning Board allows a design that deviates from the requirements of Article X by special permit. Such special permit may only be approved if the applicant demonstrates that the proposed alternative provides adequate protection of the project area's environmental resources and fulfills the purposes of this Article X as well as or better than a development meeting all the requirements of this Article X.
3. A conservation analysis by the applicant and conservation finding by the Planning Board, as herein described, are required components of the site plan review. No special permit is required, and the uses, density, and development rules are applied by right. The Planning Board's role is not to exercise discretion relative to whether a project is allowed, but to ensure zoning is complied with in the design of the project and to create site plan review conditions addressing how the project is laid out. After completing the site plan review, the applicant may submit a plan for approval under section 5.00 of the Subdivision Regulations or, if the project is not a subdivision, a plan or plans under section 3.00 of the Subdivision Regulations.

4. Provided all of the requirements of Section G. of this Article are met within two years, a site plan review for a Conservation Development shall remain in force thereafter. However, failure to comply with the requirements of Section G. within two years or at a later time shall cause the site plan review to lapse. Notwithstanding any other provision of Wendell's Zoning Bylaws, dimensional and density standards of Article V, secondary dwelling requirements of Article VI, large development review, and back lot development requirements do not apply to Conservation Development projects. Other sections of zoning do apply, except as otherwise noted in this article.

Section D. Calculations

1. The maximum number of dwelling units in a Conservation Development is calculated using the table below. Any combination of lots and/or portions of lots, whether contiguous or not, may be considered a project in the calculations below.

Allocated	#1	NET PROJECT AREA =	acres
	#2	TOTAL FRONTAGE of net project area on existing public roads =	feet
	#3	ACREAGE WITH BUILDING CONSTRAINTS WITHIN NET PROJECT AREA (Acreage of water bodies, wetlands subject to the jurisdiction of the Wendell Conservation Commission*, 100-year FEMA floodplains*, and slopes over 25%) =	acres
	#4	DWELLING UNITS BASED ON BUILDING CONSTRAINTS (#1 – (0.5 x #3)) ÷ 5 acres/unit =	units
	#5	DWELLING UNITS BASED ON MINIMUM LOT AREA OR FRONTAGE (Lesser of (#1 ÷ 3 acres/unit) or (#2 ÷ 200 ft/unit) =	units
	#6	BASE ALLOWED DWELLING UNITS (Greater of #4 or #5) =	units

Bonus Dwelling Units	#7	<p>If 10% or more of the base allowed dwelling units in #6 are affordable for rent or purchase for households earning 80% of Area Median Household Income, as calculated by the U.S. Dept. of Housing and Urban Development for the area that includes Wendell, with adjustments for family size; and the Planning Board finds that:</p> <ol style="list-style-type: none"> 1. Deed covenants and institutional controls will ensure that units will remain affordable in perpetuity; and 2. The applicant has structured the project, provided all paperwork, fee, affirmative marketing and tenant selection, in accordance with the MGL c. 40B; and 3. Prior to obtaining a building permit for any of the units, the applicant obtains final state approval to count the units on the Subsidized Housing Inventory. 4. The required affordable units are to be built prior to the market-rate units or according to a schedule contained in the conditions of the site plan review. <p>Bonus dwelling units is $\#6 \times 0.20 =$</p>	units
	#8	<p>If there is significant public access to and linking through the project area and the Planning Board finds that such public access provides a significant recreational benefit (such as access to an existing trail network) consistent with specific objectives in the most recently adopted Open Space and Recreation Plan</p> <p>Bonus dwelling units is $\#6 \times 0.15$</p>	units
	#9	<p>If 85% or more of Net Project Area (#1) is newly permanently protected land.</p> <p>Bonus dwelling units is $\#6 \times 0.15$</p> <p>=</p>	units
Total DUs	#10	<p>MAXIMUM ALLOWED DWELLING UNITS (The sum of $\#6 + \#7 + \#8 + \#9$ rounded <u>down</u> to nearest whole number) =</p> <p>(Note: Dwelling unit is defined in Article III of the Wendell Zoning Bylaws.)</p>	units
<p>*Wetlands and floodplain field-flagged boundaries must be approved by the Conservation Commission before completing this analysis, unless:</p> <ol style="list-style-type: none"> 1. MassGIS wetlands data is used without field mapping with a safety factor that triples the amount of wetlands as shown by MassGIS. MassGIS/FEMA floodplain data may be used without field mapping with a safety factor that doubles the floodplain shown by MassGIS/FEMA; OR 2. MassGIS wetlands and floodplain data are used with whatever greater margin of safety the Wendell Conservation Commission determines is adequate based on a site visit it conducts. 			

Required Permanently Protected Land

#11	MINIMUM REQUIRED PERMANENTLY PROTECTED LAND (#1 x 0.75) = Note: Acreage with building constraints identified in #3, above, may account for no greater a percentage of the minimum required permanently protected land area than the percentage these areas represent of the Net Project Area (#1). Additional permanently protected land dedicated in excess of the minimum 75% required may contain any percentage of constrained areas identified in #3.	acres
#12	ADDITIONAL PERMANENTLY PROTECTED LAND	acres
#13	TOTAL PERMANENTLY PROTECTED LAND (#11 + #12) =	acres

Maximum Development Envelope

#14	MAXIMUM AREA OF DEVELOPMENT ENVELOPE (#1 - #13) =	acres
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Section E. Conservation Analysis and Finding

1. A project proposed in accordance with this article must include a conservation analysis submitted to the Planning Board as a required component of its site plan review. Three copies of the conservation analysis shall be filed with the Planning Board. A conservation analysis examines factors to identify what portions of the project area should be preserved, what portions are most suitable for development, and which conservation and/or recreation features should be optimized in designing a project. The Planning Board shall, in the course of its site plan review, study the conservation analysis and shall make a conservation finding which shall be incorporated into its actions on the site plan review.
 - a) The conservation analysis shall include the most recent color orthographic photo of the project area and land within 300 feet of the project area, and a plan prepared and stamped by

a registered professional engineer, landscape architect or professional land surveyor at the scale of 1" = 100' or of greater detail. The plan shall document the presence (if at all) of the following features:

- b) FEMA 100-year floodplains, topographic contour lines with intervals as required for site plan review, slopes of 15% to 25% and greater than 25%, water bodies, public and community water supply watersheds and aquifers, and all wetlands, as defined in the Massachusetts and Wendell wetland regulations/bylaws. Generalized wetland identification based on MassGIS data may be provided for the conservation analysis.
- c) Land in agricultural use, mapped soils especially suitable for agriculture or forestry, ridge tops, trails, adjacent protected lands, known historic and pre-Columbian features, Natural Heritage and Endangered Species (NHES) features and contiguous tracts of forests.
- d) Potential for foot, bicycle, horse, ski, snowmobile or wildlife connections to adjacent or nearby undeveloped lands, if any.
- e) Analysis of undeveloped buffers necessary to screen development from public roadways.
- f) Stone walls, cellar holes, or other significant stone features anywhere in the project area.

The current MassGIS data layers describing these features may be used, in addition to other sources of information for the conservation analysis.

2. The Planning Board may waive all or portions of the required submittal for a conservation analysis when the Planning Board first consults with the Conservation Commission and Open Space Committee, considers their recommendations, and either:
 - a) determines that the waived portion of the conservation analysis is not relevant and useful to decisions about a particular project area and would impose an undue hardship on the applicant and serve no benefit to the town; or
 - b) determines a full conservation analysis is not necessary when

the applicant is providing 85% or more of the project area as permanently protected land. For the purpose of this waiver request the applicant may include additional protected land over and above the required 75% that is already subject to easements or restrictions prohibiting development.

3. In making its conservation finding, the Planning Board shall:
 - a) notify the applicant forthwith if the information provided is incomplete or appears to be in error;
 - b) provide a copy of the conservation analysis to the Conservation Commission and Open Space Committee within 14 days of receipt;
 - c) consult with the Conservation Commission, the Open Space Committee, the most recently adopted master plan, and the most recently adopted open space and recreation plan;
 - d) generally assume that land farther away from the town road, open fields, land in agricultural use, land adjoining or near existing protected land and land identified as Priority Open Space in the Wendell Open Space and Recreation Plan should have priority for protection from development; and
 - e) identify which areas are most important to protect from development and which conservation values should be optimized in project design. The priority shall be to identify opportunities for protection of ecologically sensitive areas, contiguous un-fragmented forest land, timber and forest management, wildlife habitat and habitat connectivity, hunting, fishing, gathering, agricultural activities, farmland, water supply areas, vistas, historic and pre-Columbian features, rural character features, trail links, and other unique attributes.

Section F. Conservation Development Site Plan Requirements

1. The site plan review shall incorporate the Planning Board's conservation finding in all three design phases, as follows:
 - a) Permanently Protected Land: The protected land must be

laid out to optimize the features identified as being important for protection from development and to minimize any intrusions into habitat areas. For example, agricultural fields generally should not be bisected or intruded upon by any development, although in some circumstances after a wildlife assessment a driveway or road crossing may be appropriate if mitigation is utilized.

- b) Development Envelope: The development envelope is laid out within the non-protected portion of the project area, identified as appropriate for residential use. This is where all roads, driveways and shared driveways, allowable dwelling units, most residential accessory uses, and development activity will be located.
- c) Development Layout: The layout of development within the development envelope will include a design that:
 - i. maximizes preservation of important natural and historic features in the project area and minimizes earth movement necessary for construction of driveways and roads; and
 - ii. creates roadway layouts and common driveways to minimize curb cuts and visual intrusions on public ways, approved private ways or streets by providing access to new homes and structures from internal ways and common drives and not from existing public roads to the extent practical. In a Conservation Development the Planning Board is authorized to waive zoning limits on the length of a common driveway and the number of homes using a common driveway if it finds that a longer common driveway is consistent with its conservation finding and the common driveway is built to additional design standards and has institutional controls to accommodate the extra length and/or traffic.

Section G. Permanently Protected Land Requirements

1. The permanently protected land may remain in private ownership (original owner or new owner), or may be transferred to any of the following: a homeowner's association

comprised of all of the residential lot owners in the Conservation Development; the Wendell Conservation Commission with town approval; or a state, federal, or non-profit agency or organization that will, in the opinion of the Planning Board, assure permanent protection.

2. Regardless of ownership, a perpetual conservation restriction under M.G.L. c. 184, § 31 (Restriction) shall be placed upon the permanently protected land. Such restriction shall be held by the Town of Wendell through its Conservation Commission, the Commonwealth of Massachusetts, or by a qualified non-profit conservation organization, such as a land trust.
3. The site plan review application must show all permanently protected land with full metes and bounds descriptions on a recordable survey and the proposed deed(s) to the permanently protected land including its Restriction. After site plan review and prior to any development in the project area: the Restriction preserving the protected land shall be accepted by and transferred to the designated holder; the Restriction shall be approved by the Commonwealth of Massachusetts; the survey, deed, and Restriction must be recorded at the Registry of Deeds or Land Court; and all property pins delineating the boundaries of the permanently protected land must be placed.
4. Prior to the issuance of any valid building permit, the deed and Restriction for the permanently protected land must be transferred and recorded in accordance with the above paragraph, free of any liens or encumbrances which would interfere with the implementation of the Restriction. All mortgages will be subordinate to the Restriction.
5. The Restriction that must be submitted to the Planning Board shall:
 - a) be permanent;
 - b) be eligible for approval by the Commonwealth (demonstrated by obtaining its prior review/preliminary approval or by using the most recent model approved by

the Commonwealth's Division of Conservation Services);

- c) be sufficiently restrictive of uses or activities that are incompatible with the conservation objectives of Conservation Development (although, at the discretion of the Planning Board, specific identified uses may be reserved within the area subject to the conservation restriction, such as a small parking area, picnic or camping area, or building envelope for possible future accessory structure);
- d) unless reserved prior to the Restriction, be sufficiently limiting to disallow any further development activities or uses that would be contrary to the interests Conservation Development seeks to protect (At a minimum the following must be prohibited: any new principal structures or uses, including new residential dwellings; new residential roadways, new common driveways, or new private driveways; and any new subdivision of the land);
- e) be written to allow and encourage forestry and agricultural uses and structures as defined in M.G.L. c. 128, § 1A so long as not inconsistent with the primary purposes of the Restriction;
- f) contain a covenant that a Restriction holder, if other than the Commonwealth, will not accept fee title to the property(ies) without first transferring the restriction to another qualified entity; and
- g) contain a mechanism, approved by the ultimate holder of the Restriction, for funding future administration of the Conservation Restriction and enforcement of its provisions.

Section H. Dimensional and Use Requirements within the Development Envelope

1. There are no minimum lot size, frontage, or setback requirements within the development envelope. Within the development envelope, roadway alignments, common driveways, road frontage, lot areas, and setback requirements, if any, shall be established by the applicant and

shown on the proposed site plan in a general manner. However, all setbacks to existing roads and to lots that are not part of the Conservation Development shall not be less than those that normally apply for a residential use that is not in a Conservation Development.

2. Subsequent to site plan review under this section and any other necessary approvals (such as a special permit for a deviation from the requirements of this section), an applicant for a Conservation Development may submit either a subdivision plan or a non-subdivision (ANR) plan under section 5.00 or 3.00, respectively, of the Wendell Subdivision Control Regulations. In either case the aforementioned subdivision or non-subdivision plan shall substantially reflect the design approved and conditioned under site plan review for a Conservation Development.
3. All uses allowed in the zoning district in which the development envelope is located are allowed in a Conservation Development under the same permitting terms as specified in the Wendell Zoning Bylaws.

ARTICLE XI. Deleted at town meeting June 2008.

ARTICLE XIII. WIRELESS COMMUNICATIONS FACILITIES

Section A. Purpose

The purpose of this section is to establish areas in which wireless communications facilities (WCF) may be located while protecting Wendell's unique community character and natural amenities. The Article has been created:

1. to provide for safe and appropriate siting of wireless communications facilities consistent with the Telecommunications Act of 1996, and,
 - h) to minimize visual impacts from such facilities on residential and scenic areas within Wendell.

Section B. Consistency with Federal Law:

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:

1. they do not prohibit or have the effect of prohibiting the provision of Personal Wireless Services;
2. they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services;
3. they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities comply with the FCC's regulations concerning such emissions.

Section C. Definitions and Word Usage

As used in this article, the following terms shall have the meanings indicated. The words "shall" or "will" indicate mandatory requirements; "may" is advisory and indicates recommendations, which are not mandatory.

ACT- The Telecommunications Act of 1996.

ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is greater than - 95dbm. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than -95dbm further away from the Base Station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than-95 dbm.

ADEQUATE CAPACITY - Capacity is considered to be "adequate" if the Grade of Service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the Personal Wireless Service Facility in question, where the call blocking is due to frequency contention at the antenna(s).

ANTENNA - A device which is attached to a tower, or other structure for transmitting electromagnetic waves.

AVAILABLE SPACE - The space on a Tower or structure to which Antennas of a Personal Wireless Service Provider are both Structurally Able and Electromagnetically Able to be attached.

BASE STATION - The primary sending and receiving site in a wireless telecommunications network. More than one Base Station and/or more than one variety of personal Wireless Service Provider can be located on a single Tower or structure.

CHANNEL - Segment of the radiation spectrum from an Antenna, which emits one signal. An Antenna may radiate on many Channels simultaneously.

COMMUNICATION EQUIPMENT SHELTER - A structure located at a Base Station designed principally to enclose equipment used in connection with Personal Wireless Service transmissions.

DBM - Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.

ELECTROMAGNETICALLY ABLE - The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing signals from and to other Facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

EMF - Electromagnetic Frequency Radiation.

FACILITY SITE - A property, or any part thereof, which is owned or leased by one or more Personal Wireless Service Providers and upon which one or more Personal Wire Service Facility(s) and required landscaping are located.

FCC - The United States Federal Communication Commission

GHZ - Gigahertz: One billion hertz.

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the Base Station, during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better Grade of Service.

HERTZ - One hertz is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

MAJOR MODIFICATION OF AN EXISTING FACILITY - Any change, or proposed change in power input or output, number of antennas, change in Antenna type or model, repositioning of Antenna(s), change in number of channels per Antenna above the maximum number approved under an existing Special permit.

MHZ - Megahertz: One million hertz.

MONITORING - The measurement, by the use of instruments in the field, of the radiation from a Site as a whole, or from individual Personal Wireless Service Facilities, Towers, Antennas or Repeaters.

MONITORING PROTOCOL - The testing protocol, initially the

Cobbs Protocol, which is to be used to monitor the emissions from existing and new Personal Wireless Service Facilities upon adoption of this Article. The SPGA may, as the technology changes, require, by written regulation, the use of other testing protocols. A copy of the monitoring protocol shall be on file with the Board of Selectmen and Town Clerk.

MONOPOLE - A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

PERSONAL WIRELESS SERVICES - Commercial Mobile Services, and common carrier wireless exchange services. These services include: cellular services personal communication services (PCS) specialized mobile radio services and paging services.

PERSONAL WIRELESS SERVICE FACILITY - All equipment (including any Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof. This Facility may be sited on one or more Towers or structure(s) owned and permitted by another owner or entity.

PERSONAL WIRELESS SERVICE PROVIDER - An entity, licensed by the FCC to provide Personal Wireless Services to individuals or institutions.

RADIATION PROPAGATION STUDIES OR RADIAL PLOTS - Computer generated estimates of the radiation emanating from Antennas or Repeaters sited on a specific Tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage for a Personal Wireless

Services Facility proposed for that Site.

REPEATER - A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive Adequate Coverage directly from a Base Station.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) - The Planning Board shall be the SPGA for this Article.

STRUCTURALLY ABLE - The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antennas under all reasonably predictable conditions as determined by professional structural engineering analysis.

TELEPORT - A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the C-Band (4-6 GHz) spectrum.

TOWER - A lattice structure or framework, or Monopole, that is designed to support Personal Wireless Service transmission, receiving and/or relaying antennas and/or equipment.

WIRELESS COMMUNICATION FACILITY - fixtures and/or equipment used by a public utility or a FCC licensed commercial entity for the wireless transmission and reception of signals including

(a) reception and transmission equipment and fixtures such as antennas, communications dishes, and similar devices, and

(b) monopoles and towers that are erected and used primarily to support such equipment. A wireless communications facility may include accessory mechanical, electronic, or telephonic equipment necessary to operate such a facility; provided,

however, that the facility shall be a transmission and reception substation, not a principal facility for conducting a communications business.

Section D. Exempted Wireless Telecommunications Uses

This Article specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing commercial radio tower, radio dispatch services for local businesses, unlicensed wireless broadband receivers and transmitters, consumer wireless routers and laptop computers, home television and internet satellite dishes, and cordless telephones. No Personal Wireless Service Facility shall be considered exempt from this article for any reason whether or not said Facility is proposed to share a Tower or other structure with such exempt uses.

Section F. Location

Wireless Communications Facilities Towers may be located on any public or private property in the Town of Wendell, except that no Wireless Communications Facilities Towers may be located within any of the following areas:

In the Wendell Town Center area, as described by a circle with its center at the 2 Lockes Village Road, the current Wendell Senior and Community Center, and having a radius of one mile.

1. A Wendell (pursuant to Wendell General Wetland Protection By Law), Massachusetts, or federally regulated wetland.
2. A Massachusetts Certified Vernal Pool.
3. The habitat of any State listed Rare or Endangered Wildlife or Rare Plant Species.
4. Within 100' horizontally from any Massachusetts regulated wetland.
5. Within 200' horizontally of the Outer Riparian Zone measured horizontally from any river or perennial stream
6. Within 500' horizontally from any Historic District or property

listed or eligible to be listed on the state or federal Register of Historic Places.

7. Within 500' horizontally from any archaeological site.

8. Deleted at Special Town Meeting; September 28, 2000.

Section F. Provision of Independent Consultants

Upon submission of an Application for a Special Permit under this Article, the SPGA shall hire independent consultants whose services shall be paid for by the Applicant(s). The applicant's signature on a special permit application shall constitute the applicant's agreement to pay such charges. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields:

1. telecommunications engineering,
2. structural engineering,
3. monitoring of electromagnetic fields and if determined necessary by the SPGA,
4. other consultants including clerical and/or transcription services.

Applicants shall obtain permission from the Owner(s) of the proposed property(s) or Facilities Site(s) for the Town's Independent Consultant(s), to conduct any necessary site visit(s). The Town of Wendell reserves all assignable rights in contract against the applicant including the right to interest, legal fees, and costs of collection in the event that the applicant fails to make timely payment.

Section G. Prohibition of Teleports

There shall be no Teleport(s) within the Town of Wendell.

Section H. Special Permit

No Tower or Personal Wireless Service Facility shall be erected, constructed or installed without first obtaining a Special permit from the SPGA. The applicant must attend a pre-application meeting with the SPGA to discuss the review process and the potential

application. One or both of two kinds of Special permit are required;

1. for new Tower construction (or Major Modification Of An Existing Tower);
2. for Personal Wireless Service Facilities (or Major Modification Of An Existing Facility) to be mounted on an existing or newly permitted Tower or structure.

If Applicant is applying for both Permits, they shall be submitted and examined concurrently. A special permit may be granted if the SPGA determines that the adverse effects of the proposed facility will not outweigh its beneficial impacts on the Town or neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include the following:

1. Communications needs served by the facility;
2. Traffic flow and safety, including parking and loading and distance to occupied structures;
3. Impacts on neighborhood character, including aesthetics;
4. Impacts on the natural environment, including visual impacts, with consideration given to Phase II - Study Inventory of Sites with Natural Resources Potentials, June 1976, prepared by Natural Resources Technical Team of Franklin County;
5. Visual impacts on ridge lines;
6. Impacts on "Places of the Heart" as identified in the Town of Wendell's Community View of the Future (1990);
7. Potential fiscal impact, including impact on town services, tax base, and employment;
8. New Towers shall be considered only upon a finding that existing structures or facilities cannot accommodate the applicant;
9. The use of Repeaters to provide Adequate Coverage without requiring new Tower(s) shall be encouraged;
10. Deleted at Town Meeting, January 2001

11. Safety: In cases of structural failure and attractive nuisance;
12. The use of municipal lands which comply with other requirements of this Article, and where visual impact can be minimized and mitigated shall be encouraged.

Section I. General Requirements

1. New Towers shall be set at least one (1) times the height of the Tower, plus 50; from all boundaries of the Site on which the Tower is located.
2. If the Facility or Tower Site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least 50 feet in width around the entire perimeter except where the access drive is located. Applicant shall obtain a financial surety to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the Site.
3. Fencing and Signs: The area around the Tower and Communication Equipment Shelter(s) shall be completely fenced for security to a height of six feet and gated. Use of razor wire is not permitted. A sign no greater than two (2) square feet indicating the name of the facility owner(s) and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs may be posted on the fence.
4. Communication Equipment Shelters and Accessory Buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. New towers shall not exceed the minimum height necessary to provide Adequate Coverage for the personal Wireless Service Facilities proposed for use on the Tower. Applicant may submit a request for additional height to accommodate future sharing, and shall provide design information to justify such additional height.

5. Tower Finish: New Tower(s) shall have a galvanized finish unless otherwise required. The SPGA may require the Tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact.
6. Deleted at Town Meeting, January 2001.
7. If primary coverage (greater than 50%) from a proposed Personal Wireless Service Facility is outside Wendell, then permit may be denied unless the Applicant can show that they are unable to locate within the Town which is primarily receiving service from the proposed Facility.
8. Commercial advertising shall not be allowed on any Antenna, Tower, or Accessory Building or Communication Equipment Shelter.
9. The height of any portion of the facility shall be limited so that no light is required by regulation;
10. The height of any portion of the facility should be limited so that it is no more than 30% higher than the height of any forest canopy within 1,000 feet;
11. The SPGA may waive height requirements if deemed appropriate.
12. In the event that the SPGA waives height requirements, no night lighting of Towers, or the Personal Wireless Service Facility, is permitted except for manually operated emergency lights for use when operating personnel are on site, unless required by the Federal Aviation Administration
13. No Tower or Personal Wireless Service Facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR) is permitted.
14. No tower or Personal Wireless Service Facility with the exception of Repeaters shall be located:
 - a) Closer than 1000', on a horizontal plane to an existing dwelling unit or site for which a building permit has been issued. This distance may be modified if such modifications would reduce the tower's visual impact or

further other goals of this bylaw, but this modification shall not allow the construction of a tower or construction or installation of a Personal Wireless Service Facility less than 650' from an existing dwelling unit or site for which a building permit for a dwelling unit has been issued.

- b) Closer than 1500', on a horizontal plane to any place of worship or any structure existing at the time of the application which is or is able to be occupied or habitable on the property of any school, both public or private.
- i) No repeater shall be located closer than 50' to an existing Dwelling, nor less than 25' above ground.

Section J. Application Requirements

1. Adequate Coverage, Capacity and Justification of Need:

- a) Applicant shall provide written documentation of any Facilities Sites in Wendell, and in abutting towns in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Wendell. The documentation shall include, for each Facility Site listed, the exact location (in longitude and latitude, to degrees, minutes and seconds), ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input, and maximum output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.
- b) Applicant shall demonstrate with written documentation that they have examined all Facility Sites located in Wendell, and in abutting towns in which applicant has no

legal or equitable interest, whether by ownership, leasehold or otherwise to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Wendell. The documentation shall include, for each Facility Site examined, the exact location (in longitude and latitude, to degrees, minutes and seconds), ground elevation, height of Tower or structure, type of Antennas proposed, proposed Antenna gain, height of proposed Antennas on Tower or structure, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial plots from each of these Facility Sites as proposed, shall be provided as part of the Application.

- c) Applicant shall demonstrate with written documentation that they have analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with J, 1a) & 1b) above to provide Adequate Coverage and/or Adequate Capacity to the Town of Wendell. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall be provided as part of the Application.

2. Required Documentation:

- a) Copies of all submittals and showings pertaining to: FCC licensing; Environmental Impact Statements; FAA Notice of Construction or Alteration; Aeronautical Studies; and, all data, assumptions and calculations relating to service coverage and power levels regardless of whether categorical exemption from Routine Environmental Evaluation under the FCC rules is claimed.
- b) Copies of all information submitted in compliance with requirements of Massachusetts Department of Public Health, 105 CMR 122 FIELD FACILITIES WHICH GENERATE ELECTROMAGNETIC FIELDS IN THE FREQUENCY RANGE OF 300 KHz to 100 GHz and MICROWAVE OVENS, or any revisions thereof as the Department of Public Health may, by written notice, create.

- c) The exact legal name, address or principal place of business and phone number of the Applicant. If any Applicant is not a natural person, it shall also give the state under which it was created or organized.
 - d) The name, title, address and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the Applicant.
 - e) Name, address, phone number and written consent to apply for this permit, of the owner of the property on which the proposed Tower shall be located, or of the owner(s) of the Tower or structure on which the proposed Facility shall be located.
 - f) Required Plans and engineering plans, prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. (Note: survey plans should also be stamped and signed by a Professional Land Surveyor registered in Massachusetts.) Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below, and which show the following information:
 - i. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal and signature of the P.E. and other professionals who prepared the plan.
3. For new Tower construction, or Major Modification of an Existing Tower, a Tower Construction, Special Permit is required.
- a) Applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the Tower, to rent or lease Available Space for co-location on the Tower at fair-market prices and terms, without discrimination to other Personal Wireless Service Providers.

- b) If applicant is not simultaneously applying for a Personal Wireless Service Facilities Special Permit, it shall provide a copy of its existing lease/contract with a Personal Wireless Service Provider. A Tower Construction Special Permit shall not be granted for a Tower to be built on speculation.
- c) The following plans and maps:
 - i. Location Map: Copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact Latitude and Longitude (degrees, minutes and seconds).
 - ii. Vicinity Map: At a scale of 1" = 200' (1:2400) with contour intervals no greater than 10 feet (3 meter) showing the entire vicinity within a 2000' radius of the Tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, habitats for endangered species. Indicate the property lines of the proposed Tower Site Parcel and all abutters within 300' of the Tower Site Parcel, (from Assessors maps or available surveys). Include the names of all abutters within 300' of the Tower Site Parcel. Indicate any access easement or right of way needed for access from a public way, approved private way or street to the Tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.
 - iii. Existing Conditions Plan: A recent survey of the Tower Site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1: 500) with topography drawn with a minimum of 2' (0.6 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, individual trees with diameters greater than 12" diameter at breast height (dbh) within a 200' radius from the base of the proposed Tower (labeled with their

current heights). Show the boundary of any wetlands or floodplains or watercourses and of any bodies of water within 200' from the Tower or any related facilities or access ways or appurtenances. The survey plan must have been completed, on the ground, by a Professional Land Surveyor within two years prior to the application date.

iv. Proposed Site Plans: Proposed Facility Site Layout, grading and utilities at the same scale or larger than the Existing Conditions Plan.

- (1) Proposed Tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (Communication Equipment Shelter or Other). Indicate property boundaries and setback distances to the base(s) of the Tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements.
- (2) Indicate proposed spot elevations at the base of the Proposed Tower and at the base of any guy wires, and the corners of all appurtenant structures.
- (3) Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines. Communication and utility lines shall be buried.
- (4) Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
- (5) Any direct or indirect wetlands alteration proposed.
- (6) Detailed plans for drainage of surface and/or subsurface water; plans to control erosion and sedimentation both during construction and as a permanent measure.
- (7) Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc.,

any exterior lighting or signs.

- (8) Plans of proposed access driveway or roadway and parking area at the Tower Site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, and paving or surface materials.

v. Proposed Tower and Appurtenances:

- (1) Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
- (2) Two cross sections through proposed Tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of Tower above average grade at Tower Base. Show all proposed antennas, including their location on the Tower.
- (3) Details of proposed Tower foundation, including cross-sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
- (4) Detail proposed exterior finish of the Tower.
- (5) Indicate relative height of the Tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.
- (6) Illustration of the modular structure of the proposed Tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
- (7) A Professional Structural Engineer's written description of the proposed Tower structure and its capacity to support additional Antennas or other communications facilities at different heights and the ability of the Tower to be shortened if future communications facilities no longer require the

original height.

(8) A description of available space on the tower, providing illustrations and examples of the type and number of Personal Wireless Service Facilities which can be mounted on the structure.

(9) Plans depicting the drop area of the tower and appurtenances should they be damaged and/or fall.

d) Proposed Communications Equipment Shelter:

- i. Floor Plans, elevations and cross sections at a scale of no smaller than 1" = 4' (1:48) of any proposed appurtenant structure
- ii. 2) Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.

e) Sight Lines:

- i. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site shown beginning at True North and continuing clock-wise at forty-five degree intervals
- ii. A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed Tower from a public way, approved private way or street shall be indicated.
- iii. 3) Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale of 1:25,000, and submit profile drawings on a horizontal scale of 1" = 400' with a vertical scale of 1" = 40'. Trees shall be shown at existing heights and at projected heights in ten years.

f) Balloon Tests:

- i. Within 35 days of submitting an Application, Applicant shall arrange to fly, or raise upon a temporary mast, on two separate occasions, a three-foot diameter brightly colored balloon at the maximum height and at the location of the proposed Tower. The dates, (including a rain date, in case of poor visibility on the initial dates);

times and location of these balloon tests shall be advertised, by the Applicant at 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the Town of Wendell. The applicant shall inform the SPGA and the Planning Board, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 9:00 am and 5:00 pm of the dates chosen.

- g) Scaled renderings, which include current tree height and proposed tower height from a minimum of three line of sight locations to be determined by the SPGA.
4. For a new Personal Wireless Service Facility, or major modification of an existing facility, a Personal Wireless Service Facility Special Permit is required.
- a) The following plans and maps shall accompany application for such a special permit:
 - i. Location Map: Copy a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25000, and showing the area within at least two miles from the proposed facility site. Indicate the location of the proposed Personal Wireless Service Facility, or the facility undergoing major modification, and the exact latitude and longitude (in degrees, minutes and seconds).
 - ii. Proposed Facility Plan: A recent survey of the facility site at a scale no smaller than 1"=40' (1:480 or metric equivalent 1:500) showing:
 - (1) Horizontal and radial distances of antenna(s) to nearest point on property line.
 - (2) Horizontal and radial distance of antenna(s) to nearest dwelling.
 - (3) Proposed utilities, including distance from source of

power, size of service available and required, locations of any proposed utility or communication lines. Utility and communication lines shall be buried.

- (4) Any changes to be made to the existing facilities landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of this proposed modification of the facility.

iii. Proposed Communications Equipment Shelter:

- (1) Floor plans, elevations, and cross sections at a scale no smaller than 1"=4' (1:48) of any proposed appurtenant structure.
- (2) Number of antennas and repeaters, as well as the exact locations of antennas and of all repeaters (if any) located on a map as well by degrees, minutes, and seconds of latitude and longitude.
- (3) Mounting locations on tower or structure, including height above ground.
- (4) Antenna type(s), manufacturer(s), model number(s).
- (5) For each Antenna, the antenna gain and antenna radiation patterns.
- (6) Number of channels per antenna, projected and maximum.
- (7) Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.
- (8) Output frequency of the transmitter(s).

j) Section K. Monitoring and Evaluation of Compliance

- 1. Pre-Testing: After the granting of a Special Permit and before Applicant's Personal Wireless Service Facilities begin

transmission, the applicant shall pay for an Independent Consultant hired by the Town, to Monitor the Background levels of EMF radiation, around the proposed Facility Site and/or any Repeater locations to be utilized for Applicant's Personal Wireless Service Facilities. The Independent Consultant shall use Monitoring Protocol. A report of Monitoring results shall be prepared by the Independent Consultant and submitted to the Board of Selectmen, the Planning Board, the Board of Health, the Town Engineer, the Building Inspector and the Town Clerk.

2. Annual Testing: After transmission begins, the owner(s) of any Personal Wireless Service Facility(s) located on any Facility Site shall pay for an Independent Consultant, hired by the Town, to conduct testing and Monitoring of EMF radiation emitted from said Site, and to report results of said Monitoring, as follows:
 - a) There shall be routine annual Monitoring of emissions by the Independent Consultant using actual field measurement of radiation, utilizing the Monitoring Protocol. This Monitoring shall measure levels of EMF radiation from the Facility Site's primary Antennas as well as from Repeaters (if any). A report of the monitoring results shall be prepared by the Independent Consultant and submitted to the Board of Selectmen, the Planning Board, the Board of Health, the Building Inspector and the Town Clerk.
 - b) Any major Modification of Existing Facility, or the activation of any additional permitted channels, shall require new Monitoring
 - c) The initial test shall occur within the first 90 days of operation.
3. Excessive Emissions: Should the monitoring of a Facility Site reveal that the site exceeds the FCC 96-326 standard, then the owner(s) of all facilities utilizing that Site shall be so notified. The owner(s) shall submit to the SPGA and the Building Inspector a plan for reduction of emissions to a level

that complies with the FCC 96-326 standard within 10 business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification of non-compliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of non-compliance shall be a violation of the Special Permit and subject to penalties and fines as specified in this Article. Such fines shall be payable by the owner(s) of the Facilities with Antennas on the Facility Site, until compliance is achieved.

4. Structural inspection: Tower owner(s) shall pay for an Independent Consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the Tower's structural integrity and safety. Guyed Towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Board of Selectmen, the Planning Board, the Board of Health, the Town Engineer, the Building Inspector, and the Town Clerk. Any Major Modification of Existing Facility which includes changes to Tower dimensions or antenna numbers or type shall require new structural inspection.
5. Unsafe Structure: Should the inspection of any Tower reveal any structural defect(s) which, in the opinion of the Independent Consultant render(s) that Tower unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the Tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the Special Permit and subject to penalties and fines as specified in this Article. Such fines shall be payable by the owner(s) of the Tower, until compliance is achieved.

Section L. Removal Requirements

1. Any Personal Wireless Service Facility which ceases to operate for a period of one year shall be removed. Cease to operate is defined as not performing the normal functions associated with the Personal Wireless Service Facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the Facility Site shall be remediated such that all Personal Wireless Service Facility improvements which have ceased to operate are removed. If all Facilities on a Tower have ceased to operate, the Tower shall also be removed, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. Applicant shall, as a condition of the Special Permit, provide a financial surety, or other form of financial guarantee payable to the Town of Wendell and acceptable to the SPGA, to cover the cost of removal of the Personal Wireless Service Facility and the remediation of the landscape, should the Facility cease to operate.
2. Conditions of Use:
 - a) The tower and its transmissions shall comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever is stricter.
 - b) Towers shall be removed within one (1) year of cessation of use.
3. At the time of Application, an estimated cost of demolition, removal, and to the extent feasible, restoration of the site to it's original condition shall be submitted by an appropriately licensed contractor(s) independent from the owner or installer. Any estimate submitted must be valid for one year.

Section M. Term of Special Permitted

A Special Permit issued for any personal wireless service facility over fifty (50) feet in height shall be valid for ten (10) years. At the end of that time period, the personal wireless service facility shall

be removed by the carrier or a new Special Permit shall be required. If new technology is developed which is determined by the SPGA to be safer and/or less obtrusive to the landscape, it shall be substituted.

Section N. Fees and Insurance

1. A schedule of fees for Towers and Personal Wireless Service Facilities permitting and renewal, any monitoring of emissions and inspection of structures, and any other fees shall be established by the SPGA. This schedule may be amended from time to time.
2. Towers and personal Wireless Service Facilities shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Selectman's Office on an annual basis in which the Town of Wendell shall be an additional named insured.

Section O. Violation Penalties

Whoever violates any provision of this Article shall be punishable by a fine of not more than \$ 300 for each such violation. Each day during which a violation exists shall constitute a separate offense.

Section P. Cease and Desist

Upon notice from the building official that work on any building or structure or any operation of a personal wireless service facility is being prosecuted contrary to the provisions of this Article or in an unsafe and dangerous manner or contrary to the approved construction documents submitted in support of the Special Permit application or Special Permit, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work or use will be permitted to resume. Any person who shall continue any work in or about the Facility after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$ 300 for each such violation. Each day during which a violation exists shall constitute a separate

offense.

Section Q. Severability Clause

The invalidity of any section or provision of this Article shall not invalidate any other section or provision thereof.

ARTICLE XIV. SOLAR ELECTRIC INSTALLATIONS

Section A. Purpose

The purpose of this bylaw is to facilitate the creation or expansion of Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

Section B. Applicability

This Article XIV applies to the construction, operation, repair, and/or removal of Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations, and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. This Article XIV shall not apply to Small-Scale Ground-Mounted Solar Electric Installations or to building-mounted Solar Electric Installations.

Section C. General Requirements

The following requirements are common to all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations.

1. Compliance with Laws, Bylaws, and Regulations.

The construction and operation of all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric 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 thereof shall be constructed in accordance with the Massachusetts State Building Code.

2. Building Permit and Building Inspection.

No Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall be constructed, installed or modified as provided in this Article XIV without first obtaining a building permit.

3. Fees

Large-scale Ground-Mounted Solar Electric Installations or Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be constructed, installed, or modified as provided in the Article XIV without first obtaining a building permit.

4. Independent Consultants

Upon submission of an application for Site Plan Review and/or a Special Permit, the Site Plan Review Authority and the Special Permit Granting Authority are authorized to engage outside consultants to peer review the application, pursuant to G.L. c. 44, § 53G, whose services shall be paid for by the applicant.

Section D. Site Plan Review

Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall undergo Site Plan Review by the Site Plan Review Authority, in accordance with Article VI, prior to construction, installation or modification thereof, and shall further meet the requirements of this Article XIV.

1. General

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

2. Required Documents

The project applicant shall provide the following documents in addition to or in coordination with those required under Section VI.

a) Site Plan. A Site Plan showing:

- i. Property lines and physical features, including roads and topography, for the project site.
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, fencing, screening vegetation and structures, including their height.
- iii. Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).
- iv. Locations of floodplains or inundation areas for moderate or high hazard dams.
- v. Locations of local or National Historic Districts.
- vi. Water provision, including fire protection measures.
- vii. Storm water drainage, including means of ultimate disposal and calculations
- viii. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening. Each individual tree does not need to be described, an area that is forested should be indicated.
- ix. Identification of the site of the proposed installation by street address, if any, and the name(s) of the street(s) and way(s) nearest thereto.
- x. Map and lot number(s) for the site, available from the Assessor's office.
- xi. Zoning district designation(s) for the parcel(s) of land

comprising the project site.

- b) Blueprints. Blueprints or drawings of the installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing:
 - i. The proposed layout of the system and any potential shading from nearby structures.
 - ii. One or three line electrical diagram detailing the Solar Electric Installation, associated components, and electrical interconnection methods, with all Massachusetts and National Electrical Code compliant disconnects and overcurrent devices.
- c) General Documentation. The following information shall also be provided:
 - i. A list of any hazardous materials along with their Material Safety Data Sheets (MSDSs) proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
 - ii. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc. any MSDSs involved with these components.
 - iii. Name, address, and contact information for proposed system installer.
 - iv. Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any.
 - v. The name, contact information and signature of any agents representing the project applicant.
 - vi. Certified list of abutters.

- vii. Any and all presentation board(s) and/or full-sized plan(s) utilized by the applicant at meeting(s) of the Site Plan Review Authority, provided in a format no larger than 24" x 36".
 - viii. Owner and operator of the facility (see responsibilities/enforcement below...we need to be clear who they are and they need to be so bylaw is enforceable.
- d) Site Control. The project applicant 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 Electric Installation.
 - e) Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the Solar Electric Installation, which shall include measures for maintaining safe access to the installation, storm water management (consistent with the Town of Wendell's Storm water Regulations as delineated in the Town's Subdivision Regulations under Design Standards) and vegetation controls, as well as general procedures for operational maintenance of the installation. The key requirements for storm water management are that storm water should not leave the site, storms should be anticipated so that storm water management structures are appropriately sized.
 - f) Insurance. The project applicant shall provide proof of liability insurance in an amount sufficient to cover loss or damage to person(s) and structure(s) occasioned by the use or failure of the Solar Electric Installation.
 - g) Financial Surety. Applicants for Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the site to its natural preexisting condition, 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. The project applicant 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.

- h) Utility Notification. No Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall be constructed until evidence has been given that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Electric Installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section E. Conditions

In addition to those considerations specified in Section VI, Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed so as to:

1. **minimize visual impacts** through proper lighting, landscaping and screening of the Solar Electric Installation and appurtenant structure(s), if any;
2. **minimize environmental impacts** by avoiding land clearing and fragmentation of open space, preserving natural habitat and limiting the use of and providing for the containment of hazardous materials, and by satisfying applicable noise standards;
3. **minimize safety impacts** through compliance with applicable dimensional requirements, design of the site so as to prevent unauthorized access and development of an emergency response plan; and
4. **ensure compliance** with all applicable local, state and

federal statutes, regulations, codes, bylaws, rules and standards.

Section F. Dimensional Requirements

1. **Setback Requirements.** For all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations, minimum setbacks shall be as follows. Acreage and generating capacity thresholds apply in the aggregate to new facilities and expansions of existing facilities. For expansions, the acreage and output generation of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.

FRONT SETBACK (feet) 100

REAR YARD (feet) 100

SIDE YARD (feet) 100

PERIMETER SETBACK (feet) 100

2. **Dimensional Requirements for Appurtenant Structures.** All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be subject to reasonable regulations concerning lot area, parking, and building coverage, as per the Wendell Zoning Bylaw. Setbacks shall be determined by Section G, 1. 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 screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
3. **Height of Structures.** The height of any structure associated with Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 35 feet.

4. Design and Performance Standards

- a) **Lighting** Lighting of Solar Electric Installations and appurtenant structures shall be consistent with the Wendell Zoning Bylaw, and all other applicable local, state and federal laws. Lighting of the installation, including appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. All lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- b) **Signage.** Signs on all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall comply with Article VIII of the Wendell Zoning Bylaw. Sufficient signage shall be provided, in accordance with said Section, to identify the owner of the facility and provide a 24-hour emergency contact phone number. Solar Electric Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.
- c) **Utility Connections.** Electrical transformers or other utility interconnections shall be constructed as required by the utility provider and may be above ground if necessary; provided, however, that reasonable efforts shall be made to place all utility connections underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.
- d) **Roads.** Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.
- e) **Control of Vegetation.** Herbicides may not be used to control vegetation at the Solar Electric Installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

- f) **Hazardous Materials.** If hazardous materials are to be used or generated on site, provision shall be made for the storage thereof in accordance with all requirements of, including but not limited to the storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment and for full containment of such materials in the event of a release. An enclosed containment area, designed to contain at least 110% of the volume of the hazardous materials used, generated or stored on the site, may be required.
- g) **Noise.** Noise generated by Large-scale Ground-Mounted Solar Electric Installations, Extra-Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the MassDEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:
 - i. increases the broadband sound level by more than 10 db(A) above ambient; or
 - ii. produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more. Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the MassDEP.
- h) **Landscaping and Screening.** Any fencing or other structure(s) erected to prevent unauthorized access to the Solar Electric Installation, as well as any appurtenant structures, shall be screened using landscaping or other means to minimize their visual impact.

5. Safety and Environmental Standards

- a) **Emergency Services.** The Solar Electric Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief, Highway Superintendent, and Emergency Management Director. 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 Electric Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b) **Access.** All Large-scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed so as to prevent unauthorized access (e.g. by fencing, by locked access).
- c) **Land Clearing, Soil Erosion and Habitat Impacts.** All Large-scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed to minimize land clearing and fragmentation of open space areas, and shall be located so as to avoid significant negative impacts on rare or protected species in the vicinity. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Electric Installation or as otherwise prescribed by applicable laws or regulations.
- d) **Wetlands.** All Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be located in a manner consistent with applicable state and local wetlands regulations.

6. Monitoring, Maintenance and Reporting.

- a) **Solar Electric Installation Conditions.** Solar Electric Installation Conditions. The Solar Electric Installation

owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Installation and any access road(s).

- b) **Modifications.** All material modifications to a Solar Electric Installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority and Special Permit Granting Authority, if applicable.
- c) **Commissioning Report.** Prior to placement of a Solar Electric Installation into operation, the owner or operator thereof shall submit a commissioning report demonstrating that said Installation has been adequately tested and that it functioned as designed prior to start-up. The report shall be submitted to the Select Board at least thirty (30) days prior to activation of the facility.
- d) **Annual Reporting.** The owner or operator of the Solar Electric Installation shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan (see Section D, 2, e), the requirements of this Section XIV and the approved site plan, including but not limited to continued control of vegetation, compliance with noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Selectboard, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

7. Abandonment or Decommissioning

- a) **Removal Requirements.** Any Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installations which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no later than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority and Special Permit Granting Authority, if applicable, by certified mail, of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
- i. Physical removal of all components of the Solar Electric Installation, including but not limited to structures, equipment, security barriers, and on-site transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - iii. Restoration of the site to its natural preexisting condition, including 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.
- b) **Decommissioning by the Town.** If the owner or operator of a Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation fails to remove such installation in accordance with the requirements of this Article XIV, Section G, 7 within 150 days of discontinued operations or abandonment, the Town may enter the property and physically remove the installation at the owner's expense, drawing from the escrow account or upon the bond or other financial surety provided by the applicant pursuant to Article XIV, Section D, 2 G.

Section G. Severability Clause

The invalidity of any section or provision of the Article shall not invalidate any other section or provision thereof.

ARTICLE XV. FLOODPLAIN OVERLAY DISTRICT

Section A. Statement of Purpose

The purposes of the Floodplain Overlay 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 a reduction in water quality, contamination, and/or 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. Reduce costs associated with the response and cleanup of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

Section B. Floodplain District Boundaries And Base Flood Elevation And Floodway Data

1. The Floodplain District is herein established as an overlay district. The Floodplain District includes all special flood hazard areas designated as Zone A on the Wendell Flood Hazard Boundary Map (FHBM) dated January 17, 1975, issued originally by the Department of Housing and Urban Development Federal Insurance Administration and currently maintained by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP, which indicates the 100-year regulatory floodplain. The FHBM is incorporated herein by reference and is on file with the Town Clerk, Zoning Board of Appeals, Planning Board, Building Inspector, and

Conservation Commission.

2. Floodway Data: In Special Flood Hazard Areas or 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 as outlined in the State Building Code 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.
3. Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 2 lots or 5 acres, whichever is less, where a portion of the development activity would be located within Special Flood Hazard Areas or A zones.

Section C. Notification of Watercourse Alteration

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

Adjacent Communities

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

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

Section D. Use Regulations

5. **Reference To Existing Regulations.** All development in the Floodplain District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws (the Wetlands Protection Act) and with the following:

6. Section of the Massachusetts State Building Code which addresses floodplain hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction");
7. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
8. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
9. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
10. 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.
11. Permitted Uses. The following uses with low flood damage potential and causing no obstructions to flood flows are allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:
 12. Agricultural uses such as farming, truck farming, horticulture, aquaculture, etc.
 13. Forestry and nursery uses.
 14. Outdoor recreational uses, including fishing, boating, play areas, etc.
 15. Conservation of water, plants, wildlife.
 16. Wildlife management areas, foot, bicycle, and/or horse paths.
 17. Non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
 18. Buildings lawfully existing prior to the adoption of these provisions.
 19. Other legal uses in the underlying district remain permitted unless prohibited by Section D.3.

20. Prohibited uses

1. No altering, dumping, filling, or removal of riverine materials or dredging is permitted. Maintenance of the floodway may be done under requirements of M.G.L. Ch. 131, Sec. 40, and any other applicable laws, by-laws, and regulations, and must be done using best management practices.
2. Commercial or industrial uses are prohibited in the Floodplain District.
3. D. Storage of vehicles or equipment within the floodway, other than for normal residential use, is prohibited. The Zoning Board of Appeals may consider whether a variance from this prohibition is warranted.
4. Dumping of trash, garbage or other materials in the floodway is prohibited.
5. Storage or processing of hazardous materials is prohibited.
6. Construction of any kind on slopes greater than 25% within the district is prohibited.

21. Non-conforming Uses

Any lawful use or structure existing at the effective date of this Bylaw/Ordinance or amendments thereof and not in conformance with the provisions of the bylaw/ordinance shall be considered to be a non-conforming use or structure governed by Article IV, Non-Conforming Lots or Structures herein.

Any non-conforming structure located in the floodplain experiencing substantial damage may not be rebuilt. Other than grandfathered residences on an existing footprint.

22. Other Use Regulations. All subdivision proposals must be designed to assure that:

1. Such proposals minimize flood damage;
2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood

hazards.

Section E. Enforcement

23. Any violation of this section of the bylaw shall be subject to enforcement action by the Building Inspector pursuant to Article II, Section A, Enforcement, herein. A violator of any provision of this by-law shall be given sixty (60) days in which to conform. After that time a fine of not more than \$100.00 shall be levied for each day of each separate violation.
24. Restoration of Disturbed Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Building Inspector may file an enforcement action in the courts seeking injunctive relief, which could include a court order directing the violator to take actions to restore disturbed land or similar remedies.

Section F. Severability

25. The invalidity of any section or provision of this Article shall not invalidate any other section or provision herein.

Year	Attorney General Case #	Brief Description (<i>Note: TMW=Town Meeting Warrant, BL=Bylaw</i>)
		Wendell Protection By-Law
1988		<p>11/22/1988: Special Town Meeting began 11/22/1988 and ended on 01/31/1989 - Zoning Bylaws were approved at this Special Town Meeting.</p> <p>10/12/1989 –The above Zoning Bylaws had to be re-voted with the addition of creation of a Zoning Board of Appeals (per advice of Attorney General)</p>
1989		<p>Special Town Meeting: 12/5/1989</p> <ol style="list-style-type: none"> 1) TMW Article 13:BL Article V-Section A,5.-allow Guest Cabin on approved building lots by Special Permit, SPGA-PB 2) TMW Article 14: BL Article VI-Section F,1.-add Guest Cabin to table of Uses; Residential Section 3) TMW Article 15: BL Article VI-Section F,1.-List Permanent Mobiles Homes as not allowed/prohibited 4) TMW Article 16: BL Article X-Section D,2.-set maximum # of dwellings a Conservation Development may exceed a conventional plan
1990		<p>Annual Town Meeting: 5/9/1990</p> <ol style="list-style-type: none"> 1) TMW Article 27: BL Article III-add definition of Guest Cabin (with intent of limiting use to <u>temporary use</u> for no more than 30 days, see notes attached to Warrant) 2) TMW Article 28: BL Article III-delete definition of “Temporary Dwelling or Mobile Home” and replace it with separate definitions for “Mobile Home” and “Temporary Dwelling” 3) TMW Article 29: BL Article VI-Section C-revise wording to accommodate removal of temporary dwellings upon expiration of a Special Permit (intent to make provision for use of cabins in addition to mobile homes for temporary use during house construction, see notes attached to Warrant) 4) TMW Article 30: BL Article IV-Non-Conforming Lots or Structures-Paragraph 3-revise wording and add notification of abutters 1 wk prior to Public Hearing (intent to reduce time required to process application to ZBA by allowing for a finding rather than full special permit process concerning non-conforming lots or structures, see

		notes attached to Warrant)
1998/99	771	Article XIII – Wireless communications
2000	2744	Annual Town Meeting: 5/31/00 1) TMW Article 27: adds BL Article VI.; “Special Permits, Use Regulations and Site Plan Review” 2) TMW Article 28: BL Article XIII-adding g) into Section
		3) J. (scaled renderings...) 4) TMW Article 29: BL Article XIII-Section F. (applicant’s signature... on a Special Permit <u>application...</u>) 5) TMW Article 30: deleted BL Article XI., Phased Growth 6) TMW Article 31: correct formatting inconsistencies
2000	2745	Special Town Meeting: 9/28/00 1) TMW Article 5: BL Article XIII-amend Section I, General Requirements, #14, reducing setback requirements 2) TMW Article 5: BL Article XIII-delete Section E, Location, #9, regarding the prohibition of Wireless Communications construction on Commonwealth of MA land 3) <u>INCORRECTLY SUBMITTED TO ATTY GENERAL AS HAVING PASSED AT TOWN MEETING</u> ; BL Article XIII., delete Section I, General Requirements, #11, which allows SPGA to waive height requirements- <u>NOT DELETED-REMAINS IN BYLAW</u>
2001	2746	Special Town Meeting: 1/31/01 1) TMW Article 8: BL Article XIII-delete Section H, Special Permit, #10, regarding the review of possible health effect 2) TMW Article 8; BL Article XIII-delete Section I, General Requirements, #6, regarding the allowance of the use of repeaters by rights
2001	2747	Annual Town Meeting: 5/30/01 1) TMW Article 31: BL Article XI., Add Phased Growth; to expire 6/5/02
2002	2748	Annual Town Meeting: 5/28/02 1) TMW Article 32: BL Article VI-amend Section C, Special Permit and Site Plan Submission Procedure, paragraph #3, added words “or legal counsel” after “independent consultants” to body of this paragraph 2) TMW Article 33: BL Article XI, revise Phased

		Growth; to expire 6/5/03
2003	2749	Annual Town Meeting: 5/28/03 1) TMW Article 34: revised numerous BL Articles to accommodate Secondary Dwellings 2) TMW Article 35: BL Article XI, revised Section C, Phased Growth; to expire 6/30/04
2004	3036	Annual Town Meeting: 6/02/04 1) TMW Article 29: BL Article XI, revised Section C, Phased Growth; to expire 6/30/05
2005	3547	Annual Town Meeting: 6/08/05 1) TMW Article 33: BL Article XI, Phased Growth; major revisions to Sections; A. Purpose, B. Issuing of Building Permits and C. Termination Date; to expire 6/30/08 2) TMW Article 34: BL Articles; I, III and VI. revisions to address flood and dam inundation protection 3) TMW Article 35: BL Article VI. Special Permit Use Regulation and Site Plan Criteria; Section I and Section F; replace text regarding Mobile Homes, removing site plan review requirement and delete them from the table in Section F. 4) TMW Article 36: BL Article XIII, Section J, Wireless Communications Facilities Sections J, H, and F. Revisions re: drop area, requirement for pre-application hearing with SPGA and added clerical and transcription services to Section F.
2005	3575	Special Town Meeting: 9/26/05 1) TMW Article 5: BL Article VI. revisions to Secondary Dwelling; size, setbacks, lot size, open space/conservation fee
2007	4463	Annual Town Meeting: 6/6/07 TMW Articles 25: BL Article VI. delete Sections F, 8 and J, 2 to remove expiration dates re: Secondary Dwellings TMW Article 26: reauthorized all Secondary Dwelling language after having to remove it due to sunset date passing prior to end of this Annual Town Meeting. No changes made to original language except removal of dates as shown in TMW Article 25. BL Article III. correct the definition of Dwelling, Secondary to reflect <i>800 sq.ft.</i> of living space as approved at Special Town Meeting 9/26/05 (housekeeping item) 4) TMW Article 27: Adopted Common Driveway

		bylaw by adding to BL Article III; definition; BL Article V. add Section C, Common Driveway Access.
2008		Sunset of Article XI. Phased Growth By-Law because it was not reauthorized at Annual Town Meeting.
2009		TMW of June 2009 amendments to Article XIII so setback to residences same for Tower and Facility; amendments to Article II to add Section F for outside consulting services; Article XII proposed amendments for Large Development site plan review rejected by AG office so reverts to Special Permit; Hillside and Hilltop Development added to Article V; Article VI amendments to reassign special permits between SPGAs (now Zoning Board of Appeals and Planning Board)
2009		TMW of November 2009, amended Article XIII to exempt unlicensed wireless services
2010		TMW October 2010 added SPGA definition and corrected bylaw to replace Planning Board with SPGA in Article V and VI which were missed on an earlier TMW
2010		TMW December 2010 Article 7 - added definitions, added restriction on primary dwelling building permits unless by Conservation Development to one every seven years, replaced Section X with new Conservation Development.
2011		ATM June 6, 2011; Article 27 change front setback to 35 feet; Article 28 remove 100 foot setback for building or structure containing more than one (1) dwelling unit; Article 29 remove all of Article XII Large Development Review; Add in Article VI Section B requirement for site plan review for buildings of 10,000 square feet or more.
2012		STM October 18, 2012; Article 4 – Definitions: As-Of-Right-Sighting; Building Permit, Extra-Large-Scale Ground-Mounted Solar Electric Installation, Site Plan Review, Site Plan Review Authority, Small-Scale Ground-Mounted Solar Electric Installation, Solar Electric Installations, Special Permit, Zoning Enforcement Authority
		STM October 18, 2012; Article 5 – Add solar to use table
		STM October 18, 2012; Article 6 – added ARTICLE XIV. SOLAR ELECTRIC INSTALLATIONS
		STM October 18, 2012; Article 7 – added Associate Member to the Zoning Board of Appeals

		STM October 18, 2012; Article 8 – added Associate Member to the Planning Board
2013		ATM June 3, 2013 removed Article VI, Section J limiting secondary dwellings to 2 persons
2013		STM September 25, 2013 – added definitions and floodplain overlay district
2015		STM October – allow multi-units; create solar overlay district of two lots where allowed by right; all other solar by special permit
2016		ATM June – junkyards commercial and private definitions; junkyards commercial by special permit, junkyards private not allowed; added approved private way, or street where needed with public ways