

ZONING BYLAW

OF THE

TOWN OF ROYALSTON, MASSACHUSETTS



I, Melanie A. Mangum, as Town Clerk of Royalston, hereby certify that this is a true copy of the Zoning Bylaws of the Town of Royalston, Massachusetts:

:true copy attest

:town seal

Melanie A. Mangum, Town Clerk

The Royalston Zoning Bylaws were first enacted on May 8, 1987, and amended in 1989, 2001 and 2013. An amendment on April 10, 2015 deleted the entirety of the previously existing Zoning Bylaws and map and replaced it with a new version - approved by the Attorney General on August 13, 2015 with an effective date of April 10, 2015. This version of the Zoning Bylaws reflects an amendment approved at the October 4, 2018 Special Town Meeting and approved by the Attorney General on January 15, 2019. This version added a new section IX, entitled "Recreational Marijuana Establishments", renumbered sections IX, X and XI as sections X, XI and XII, respectively, and added additional use categories to Section III.B, Table of Use Regulations, Industrial Uses. The effective date of these new amendments is October 4, 2018.

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SECTION I. PURPOSE AND AUTHORITY

- A. Purpose.** This Bylaw is enacted to promote the health, safety and welfare of the inhabitants of the Town of Royalston, to conserve the value of land and buildings, to encourage the most appropriate use of land throughout the town, to conserve the town's natural resources and prevent blight and pollution, to ensure adequate provision of municipal services, and to protect the town's rural character while allowing for growth, all as authorized by the provisions of the Zoning Act, Chapter 40A of the Annotated Laws of Massachusetts, as amended, and by Article 89 of the amendments to the Constitution.
- B. Authority.** This Bylaw is authorized by, but not limited by, the provisions of the Zoning Act, G.L. c.40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.
- C. Amendments.** This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.
- D. Severability.** The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION II. ESTABLISHMENT OF DISTRICTS

A. General Districts. The Town of Royalston is hereby divided into the following zoning districts:

1. Residential District (R District)
2. Historic Residential District (HR District)*
3. Rural Residential and Agricultural District (RR&A District)

B. Overlay Districts. In addition, the following overlay districts are also hereby established:

1. Flood Plain District
2. Solar Overlay District

C. Zoning Map.

1. Basic District Map. The location and boundaries of these districts are shown, on a map entitled, "Zoning Map of Royalston, Massachusetts," dated 4/10/2015 on file in the office of the Town Clerk. This zoning map, with all explanatory matter thereon, is hereby made a part of this bylaw.

*Note: The Historic Residential Zoning District boundaries adopted on June 24, 1977, coincide with the local Historic District, established under the provisions of M.G.L Chapter 40C in 1977 and recorded in the Worcester County Registry of Deeds as Book 636 Page 44. The location and boundaries of this district will be shown on the "Zoning Map of Royalston".

SECTION III. USE REGULATIONS

A. Uses By Right, Special Permit Requirements. No building or structure shall hereafter be used for any purpose other than those permitted in this section. This bylaw establishes five general types of uses in each zoning district: those permitted by right, those prohibited, those permitted by Special Permit (See Section V-A), those permitted with Site Plan approval (See Section V-B) and those permitted by a permit from the Board of Selectmen.

B. Table of Use Regulations **Amended 10-4-18, app by AG 1-15-19 - eff date 10-4-18*

Y	=	Yes, Allowed by Right	SPA	=	Site Plan Approval Required
N	=	No, Prohibited	PBS	=	Permit from Board of Selectmen
SPBA	=	Special Permit from ZBA			
SPPB	=	Special Permit from Planning Board			

PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
RESIDENTIAL			
Detached Single Family	Y	Y	Y
Two Family	Y	Y	Y
Internal conversion of Single Family to Two Family with Board of Health approval for sewage disposal.	Y	Y	Y
Extend addition to a Single Family house to a two family with Board of Health approval for sewage disposal.	Y	Y	Y
Room Rental, or Boarding House	SPBA	SPBA	SPBA
Multi-Unit Dwelling	N	N	N
Mobile Homes	N	N	N
<i>Mixed Use Buildings</i>	SPBA	N	N
GENERAL USES			
Boarding of Horses	SPBA	Y	Y
Riding Academy	SPBA	N	Y
Agriculture (excluding livestock)	Y	Y	Y
Livestock Agriculture	SPBA	SPBA	Y
Sale of Natural Products produced on property	SPBA	SPBA	Y
Saddlehorse or Riding Stable	SPBA	N	Y
Smokehouses	N	N	SPBA
Outside Boiler/ Hydronic Heater	Y	Y	Y
Wood Lot Operations	SPBA	SPBA	Y
Lumbermill	N	N	SPBA
Earth Removal of greater than 2000 yards for purposes other than development. (See Town Bylaws)	PBS	PBS	PBS
Commercial Greenhouses	SPBA	SPBA	SPBA
GOVERNMENT INSTITUTIONAL AND PUBLIC			

PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
USES			
Religious	Y	Y	Y
Educational	Y	Y	Y
Government	Y	Y	Y
Utilities greater than 40 kW	SPPB	SPPB	SPPB
Non-Profit Human or Health Services	SPBA	SPBA	SPBA
State or Town Owned Recreation or Amusement Facilities	Y	Y	Y
Private Recreation or Amusement Facilities	SPBA	SPBA	SPBA
Health Organizations	SPBA	SPBA	SPBA
Nursing, Convalescent Homes or Long Term Care Facility	SPBA	SPBA	SPBA
Private Clubs	N	SPBA	SPBA
Golf Courses	N	N	SPBA
BUSINESS USES			
Restaurants	SPBA	N	N
Automobile Service Station, Repair Shop or Storage Garage	SPBA	N	N
Retail, Office or Service Uses of 1500 square feet of sales area or less.	SPBA	N	N
Retail, Office or Service Uses greater than 1500 square feet of sales area.	N	N	N
Home Occupations	Section III.E.4	Section III.E.4	Section III.E.4
Hotels, Motels or Inns	N	N	N
Bed and Breakfasts	SPBA	[SPBA	SPBA
Warehousing	N	N	N
Auto Salvage Operation	N	N	N
Telecommunications & Wireless Towers (see Section VII.A.)	SPPB	SPPB	SPPB
Accessory Fixed Wireless Broadband Facilities over ten (10) feet in height	SPPB Section III.E.5	SPPB Section III.E.5	SPPB Section III.E.5
INDUSTRIAL USES			
Research Operations	SPA	SPA	SPA
Wholesaling	N	N	SPA
Light Industry (Unrestricted) equal to or less than 10,000 square feet of building area.	SPA	N	SPA
Marijuana cultivator, tier 1 and tier 2	SPPB	N	SPPB
Marijuana Cultivator, tier 3 through 11	N	N	N
Marijuana product manufacturer	SPPB	N	SPPB
Independent testing laboratory	SPPB	N	SPPB
Marijuana transporter	SPPB	N	SPPB
Any other type of licensed marijuana-related business	SPPB	N	SPPB
On-site consumption of marijuana at licensed marijuana establishment	SPPB	N	N

PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
INDUSTRIAL USES (CONT.)			
Prohibited Industries (See Section II)	N	N	N
Restricted Industries	SPA	N	SPA
(All other types of industry not included in Light or Prohibited) equal to or less than 10,000 square feet of building space. Any industrial use of more than 10,000 sq.ft.	N	N	N
Renewable Energy Uses			
Large Solar Installations 40 kW and greater	SPPB	SPPB	SPPB
Small Solar Installations 39 kW and less	Y	Y	Y
Small Wind Energy System (SWES): under eighty (80) feet in height	Y	Y	Y
Large Wind Energy System (LWES): (80) eighty feet and over in height	SPPB	SPPB	SPPB

C. Conforming Use Status. Any structure or activity permitted by special permit which is in existence at the time of the enactment of this bylaw, or which is constructed thereafter under a properly granted permit, shall be considered a conforming use for all purposes of this bylaw. No special permit shall be required for renovation or for reconstruction of a conforming use after fire or other casualty.

D. Nonconforming Uses and Structures

1. **Applicability.** This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.
2. **Nonconforming Uses.** The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:
 - a. Change or substantial extension of the use;
 - b. Change from one nonconforming use to another, less detrimental nonconforming use.
3. **Nonconforming Structures.** The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to

the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

- a. Reconstructed, extended or structurally changed;
 - b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;
 - c. Reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within eighteen (18) months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure;
 - d. The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.
4. **Nonconforming Single and Two Family Residential Structures.** Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
5. **Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.
6. **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert back to a nonconforming use.

E. Accessory Uses

1. **General.** Any use which is customarily accessory and incidental to a permitted principal use shall be allowed on the same lot with said principal use, or on a lot adjacent thereto in the same ownership, subject to the general limitation that it shall not be detrimental to the neighborhood or to other property in the vicinity, and subject further to the following provision: whenever a principal use is allowed by special permit from the Board of Appeals or the Planning Board then the accessory use to the principal use shall be subject to a special permit, unless otherwise provided for in Section E. Accessory Uses.
2. **Accessory Scientific Uses.** Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the

Board of Appeals, provided that the Board finds that the proposed accessory use does not substantially derogate from the public good.

3. Accessory Dwelling Units

- a. Purpose. This section has been adopted to promote the following purposes:
 - 1) To provide small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town;
 - 2) To enable owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership;
 - 3) To provide additional living space for extended family members.
- b. Special Permit Required. Accessory dwelling units may be allowed by special permit by the Board of Appeals, which shall terminate either upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his legal residence, and subject to the following considerations.
- c. Procedures. An application for a special permit shall be governed by the following procedures:
 - 1) Plot Plan. A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey, properly adapted, shall be sufficient to meet this requirement.
 - 2) Board of Health. Any special permit application shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). Therefore, applicants are encouraged to seek Board of Health review prior to making an application to the Board of Appeals. The Board of Health shall also approve water supply resulting from the proposed accessory dwelling unit as adequate for the proposed construction.
 - 3) Affidavit. Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property at least six months in any calendar year.
- d. Standards. Accessory dwelling units shall be subject to the following standards:
 - 1) Limit. Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed 33% of the gross living space of the existing or expanded principal structure or 800 square feet, whichever is greater.
 - 2) Location. The accessory dwelling unit may be located in the principal structure or in a detached accessory structure; provided, however, that an accessory dwelling

unit may be located in such detached accessory structure only where such detached accessory structure has been in existence for at least ten (10) years.

- 3) Appearance. The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single family structure, in accordance with the following:
 - a) Any accessory dwelling unit construction shall not create more than a 15% increase in the gross floor space of the structure;
 - b) Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized;
 - c) Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
 - d) All construction and/or renovation shall be performed in accordance with the applicable requirements of the State Building Code.
- e. Conditions for Issuance and Renewal of Special Permits. The initial term and subsequent terms of a special permit for an accessory dwelling unit shall terminate upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his or her legal residence. Subsequent special permit issuances for existing accessory dwelling units may be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory dwelling unit has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.
- f. Decision. Special permits for an accessory dwelling unit may be issued by the Board of Appeals upon a finding that the construction and occupancy of the dwelling unit complies with foregoing provisions and will not be detrimental to the neighborhood in which the lot is located and after consideration of the criteria specified.

4. Home Occupations

- a. Home Occupations As of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:
 - 1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto which has been in existence at least five (5) years, without extension thereof.
 - 2) No person not a member of the household shall be employed on the premises in the home occupation.
 - 3) The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

- 4) There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.
 - 5) No disturbance shall be caused, nor shall the home occupation use or store hazardous materials in quantities greater than associated with normal household use.
 - 6) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- b. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Planning Board; provided, however, that all of the following conditions shall be satisfied:
- 1) All of the requirements of Section a.1, a.2.
 - 2) Not more than one (1) person not a member of the household shall be employed on the premises in the home occupation.
 - 3) An unlighted sign of not more than six (6) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.
 - 4) Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard.
 - 5) No disturbance shall be caused. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

5. Fixed Wireless Broadband Facilities

- a. Purpose. The purpose of the Fixed Wireless Broadband Facilities bylaw is to:
- 1) Foster rural economic development including small business growth (home-based enterprises – publishing, crafts)
 - 2) Improve the quality of life for residents of the Town of Royalston
 - 3) Provide an important education and public safety tool as well as a tool to increase civic involvement.
- b. Fixed Wireless Transceiver Antenna Array (FWTAA) is any series of antenna or array of antennas that receives and transmits fixed wireless signals to provide subscribers with high-speed (broadband) internet service.

Existing Structure(s) is (are) defined as residential or commercial buildings, barns, silos, water towers, public utility transmission poles or towers, or other similar structures where fixed wireless broadband technology is to be deployed.

- 1) Criteria for attaching FWTAA to existing structures, as defined above, are as follows:
 - a) Attaching FWTAA technology to any existing public utility transmission towers or poles, or newly installed poles if adjacent to existing public utility transmission poles, shall be allowed by right if the height of the FWTAA is not over 10 feet in height above the utility transmission tower or pole. If the FWTAA installation exceeds 10 feet in height a Permit shall be required in accordance with Section V.A. of the Zoning Bylaw.
 - b) If the FWTAA and associated equipment being installed are concealed inside an existing structure and are not visible from the street, such installation shall be allowed by-right.
 - c) If the exterior installation of a FWTAA exceeds 10 feet in height above the roofline of the existing structure a Special Permit will be required. If the exterior installation of the FWTAA is below the height as specified above, such installation shall be allowed by right, unless the installation is located within the Royalston Historic District in which a Special Permit will be required.
 - d) If the FWTAA and associated equipment being installed are mounted on a pre-existing HAM Operator Tower, such installation shall be allowed by-right
- c. Fixed Wireless Transceiver Tower Structure (FWTTS) – a structure that supports an antenna that receives and transmits fixed wireless signals to provide customers with high-speed broadband internet service.
 - 1) All new FWTTSs applications shall require a Special Permit from the Planning Board following the requirements in Section V.A. (Special Permit) in accordance with MGL 40A Section 9.
 - 2) A Special Permit for a FWTTS may be granted by the Planning Board, in accordance with Section V. A, provided that the proposed activity complies with the following performance standards:
 - 3) Location and Site Performance Standards
 - a) New FWTTSs shall be considered only upon a finding by the Planning Board that existing structures or towers cannot accommodate the fixed wireless transmitter antenna array and associated equipment for the proposed tower structure.
 - b) The Applicant shall demonstrate to the satisfaction of the Planning Board that the location of the FWTTS is necessary and that the size and height of the tower structure is the minimum necessary for the purpose.

- c) Setback considerations.
 - i. The FWTTS shall be setback at least fifty (50) feet from any property line.
 - ii. The FWTTS shall be setback from any habitable structure(s) by a minimum distance equal to the height (1x) of the FWTTS.
 - iii. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.
 - iv. For any waiver requests involving any habitable structure, such waiver shall not be granted by the Planning Board unless the request includes written permission from the owner of the affected asset.
 - d) Land Clearing shall be performed in a manner that will maximize preservation of natural beauty, conservation of natural resources, and minimize the marring and scarring of the landscape. Applicants for new FWTTS shall meet the clearing requirements of Section VIII A.6.o(i)-(iv).
 - e) Lighting considerations
 - i. Lighting at top of the tower - Night lighting of FWTTS shall be prohibited unless required by law (e.g., FAA)
 - ii. Lighting for equipment/access considerations - Lighting fixtures shall be installed to direct light downward so that there is no light bleed beyond 10 feet of the footprint of the pad of the base of the FWTTS, including any accessory structure. In addition, lighting shall be equipped with motion sensors.
 - f) Accessory Structures shall be limited to one (1) structure per FWTTS. Such structure shall not exceed one hundred (100) square feet in size and ten (10) feet in height.
 - g) Any back-up power generation shall be solar power generated unless a waiver is granted by the Planning Board.
 - h) Utility connections shall meet the requirement as specified under Section VIII A.6.m of the Zoning Bylaw
 - i) There shall be a minimum of one (1) parking space for each FWTTS to be used in connection with the maintenance of the FWTTS and the site, and not to be used for the permanent storage of vehicles.
- 4) **Conditions of Use.** Any FWTTS that is out of operation for a continuous period of twelve (12) months shall be considered abandoned. The owner of such FWTTS shall have it removed within ninety (90) days of receipt of notice from the zoning enforcement officer notifying the owner of such abandonment. An initial cash bond in a reasonable amount determined and approved by the Planning Board shall be in force to cover removal of the FWTTS when abandoned.

F. Use Regulations for Flood Plain District

1. **Purpose.** The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas.
2. **Boundaries.** The boundaries of the Flood Plain District are shown on the Royalston Flood Insurance Rate Map (FIRM), dated June 15, 1983, as Zones A 1-30, to indicate the 100 year flood plain. The exact boundaries of the District are defined by the 100 year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated December 15, 1982. The floodway boundaries are delineated on the Flood Boundary Floodway Map (FBFM) dated June 15, 1983, and further defined by the Floodway Data Tables contained in the Flood insurance Study. These two maps as well as the *Tables contained in the accompanying Study* are incorporated herein by reference and are on file with the Town Clerk, Conservation Commission, Planning Board, Building Inspector and Selectmen.
3. **Use Regulations.** The Flood Plain District is established as an overlay district to all other districts. All development, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the General Laws (The Wetlands Protection Act) and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains (currently Section 744).

Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Conservation Commission and Building Inspector. If the data is sufficiently detailed and accurate, it shall be relied upon by the Building Inspector to establish compliance with this bylaw and the State Building Code.

- a. Uses Permitted by Right within the Flood Plain District. The following uses shall be allowed provided they have low flood damage potential and will not obstruct flood flows, are permitted in the underlying district, and do not require structures, fill or storage of materials or equipment:
 - 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 - 2) Forestry and nursery uses.

- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
 - 4) Conservation of water, plants or wildlife.
 - 5) Wildlife management areas, foot, bicycle, and/or horse paths.
 - 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
 - 7) Buildings lawfully existing prior to the adoption of these provisions.
- b. Uses and Activities Requiring a Special Permit Within the Flood Plain District. No structure or building shall be erected, constructed, substantially filled, excavated, or transferred unless a special permit is granted by the Zoning Board of Appeals. The Board may issue a special permit subject to other applicable provisions of this bylaw if the application complies with the following provisions:
- 1) The proposed use shall comply in all respects with the provisions of the underlying District; and
 - 2) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood.
 - 3) The site plan shall show area of altered land, and proposed LID practices.
4. **Subdivision Plans Requiring Approval.** All subdivision proposals for which approval of the Planning Board is required under Chapter 41, Section 81 of the General Laws shall be reviewed to determine whether any of the land included within the subdivision is located within the Flood Plain District. If any of the land is so located, the plan shall comply with the following provisions:
- a. The proposal shall be designed to minimize flood damage.
 - b. All public utilities and facilities shall be constructed so as to minimize flood damage.
 - c. Adequate drainage shall be provided.
 - d. For all subdivisions greater than 50 lots or 5 acres, base flood elevation shall be provided by the developer/applicant.
5. . Within the Flood Plain District all new and replacement water, sewer waste disposal systems shall be designed to minimize infiltration in the event of flooding. All on-site waste disposal systems within said Flood Plain District shall be designed to avoid failure in the event of flooding.
6. The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

SECTION IV. INTENSITY REQUIREMENTS

A. Table of Requirements

Zone	Status	Minimum Continuous		Minimum Setbacks		
		Lot Size	Lot Frontage	Front	Rear	Side
R	With Sewers	½ ac.	75'	25'	25'	25'
R	Without Sewers	1 ac.	100'	25'	25'	25'
HR		1 ac.	125'	25'	25'	25'
RRA	With Sewers	1 ac.	125'	50'	25'	25'
RRA	Without Sewers	3 ac.	300'	100'	40'	40'

1. The size or shape of an existing lot with a dwelling on it shall not be changed so as to result in a violation of the requirements set forth in Section IV.A. Table of Requirements.
2. Nothing in this section shall be construed to prohibit the addition of any parcel of land to an existing parcel owned by the same individual, even though the parcel to be added does not meet the requirements set forth in Section IV.A. The two parcels shall thereafter be considered together in determining whether the land in question meets the requirements of Section IV.A.
3. With a two-family home, minimum lot size and frontage must be double what is listed in the above table.
4. For Open Space Residential Development, see Section VII.C.

SECTION V. DEVELOPMENT REVIEW REQUIREMENTS

A. Special Permit

1. **Special Permit Granting Authority.** The Board of Appeals and the Planning Board are the Special Permit Granting Authorities (SPGA).
2. **Process for Filing a Special Permit.**
 - a. Application. Applicants for a special permit shall file one (1) copy each of an application and a site plan with the Town Clerk, and six (6) copies of each with the SPGA. Such application and site plan shall include the application requirements, as provided below, and shall also include information as to the nature and extent of the proposed use of the buildings.
 - 1) The proposed placement of buildings
 - 2) Major topographic changes
 - 3) Surface and ground water drainage and erosion control
 - 4) Protection against flooding and inundation
 - 5) Prevention of water pollution and environmental damage
 - 6) Provision for adequate utility services and waste disposal
 - 7) Provision for off-street parking
 - 8) Traffic impacts: showing locations with proposed off-street loading, intersections, driveways and streets
 - b. Waiver. Upon written request from the applicant prior to the filing of an application, the Planning Board or the Board of Appeals may waive the submission of above requirement including such information as plans, studies or analyses, or parts thereof, as may not be needed for, or germane to, consideration of the application.
 - c. Review by other Town Departments. Upon receipt of a completed application, the SPGA shall promptly notify the Board of Health, the Conservation Commission, and such other boards, commissions or departments as it may consider appropriate, given the substance of the application. The SPGA shall not make a decision on such application until boards, commissions and departments have submitted reports or recommendations thereon or until 35 days have elapsed since the filing of a completed application.
 - d. Public Hearing. A public hearing shall be held within sixty-five (65) days after a completed application is filed with the SPGA, a copy of which shall forthwith be given to the Town Clerk by the applicant.
 - e. Decision. Within ninety (90) days of the close of the public hearing, the SPGA shall file a decision with the Town Clerk, indicating approval, conditional approval, or denial of the Special Permit or Modification of a Special Permit. This time limit may

be extended by written agreement between the applicant and the SPGA. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the SPGA may deem necessary to serve the purposes of this Zoning Bylaw.

3. Criteria. Special permits shall be granted by the SPGA only upon its written determination that the proposed use will not have adverse effects on either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:

- a. That the premises in question is reasonably adaptable to the proposed use, and that adequate parking will be provided.
- b. That it will not cause traffic congestion, danger of fire, or create a common nuisance.
- c. That it will not have an adverse effect on the value of properties in the area.
- d. That it will not produce noise, vibrations, smoke, dust, pollution, heat, or glare in amounts detrimental to the normal use of adjacent property.
- e. That the proposed use is harmonious with the existing character of the area. Since most of Royalston is wooded, rural and agricultural in character, proposed uses must not be injurious or destructive to this environment.
- f. Low Impact Development (LID) was considered for use and incorporated in the design when it was environmentally and cost effective.

4. Regulations. The SPGA may adopt rules and regulations for the administration of this section.

5. Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for Special Permits.

6. Expiration/Lapse. Special permits shall lapse twenty-four (24) months following special permit approval (plus such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17,) if a substantial use thereof or construction has not begun, except for good cause. If a development is not completed in its entirety within that time, the applicant must again petition, in writing the SPGA for re-approval. The applicant shall apply for re-approval (60) sixty days prior to the lapse of the Special Permit.

B. Site Plan Review/Approval (SPA)

1. Applicability. The following types of activities and uses require site plan review by the Planning Board:

- a. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or any multi-family structure.
 - b. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.
 - c. Subdivisions that use Flexible Development (Section VII.B) or Open Space Residential Development (Section VII.C) provisions of this Bylaw.
 - d. Interior Lot Development (Section VII.A).
 - e. As specified in Section III.B. Table of Use Regulations.
2. **Procedure.** Applicants for site plan approval shall submit five (5) copies of the site plan to the Planning Board for review, and within three (3) days thereafter shall also submit a copy of the site plan to the Select Board, Board of Health, Highway Department, Building Inspector, Fire Department, and Conservation Commission for their review and comments. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be by a majority vote. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board.
- a. Application for Building Permit. An application for a building permit to perform work as set forth in herein and Section V.B.1. shall be accompanied by an approved site plan.
 - b. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section V.A. and Section IX.B.5., shall be accompanied by an approved site plan; in addition, any special permit or variance granted for work shall contain the following condition: The work described herein requires the approval of a site plan by the Planning Board pursuant to Section VI.B.3 of the Zoning Bylaw. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.
 - c. Other Related Permits. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.
 - d. Where the Planning Board serves as the Special Permit Granting Authority for proposed work, it shall consolidate its site plan review and special permit procedures.
 - e. Extensions. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
 - f. Deviations From Approved Plan. No deviation from an approved site plan shall be permitted without review and approval by the Planning Board of the requested modifications.

- g. Preparation of Plans. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the Planning Board. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.
- h. Contents of Overall Site Plan. The contents of the site plan are as follows:
 - 1) Six (6) separate pages: a site locus page prepared at a scale of one (1) inch equals forty (40) feet or such other scale as may be approved by the planning board, and five (5) additional sheets prepared at a scale of one (1) inch equals forty (40) feet.
 - 2) Site Locus: showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.
 - 3) Site layout: depicting the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing.
 - 4) Topography and drainage: depicting the existing and proposed final topography at two-foot intervals and LID best management practice plans or other means of handling stormwater.
 - 5) Utility and landscaping: depicting all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.
 - 6) Architectural: depicting the ground floor plan and architectural elevations of all proposed buildings.
 - 7) Landscaping: depicting the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.
- i. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
- j. A written summary of the proposed projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.

- 1) The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Royalston subdivision regulations and incorporate LID practices as required in Section I where applicable.
 - 2) The Planning Board may require a narrative statement detailing the impact of the proposed use on municipal services and the environment.
 - 3) Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
 - 4) Waiver of Technical Compliance: The Planning Board may, upon written request of the applicant, waive any of the requirements of this Section where the project involves relatively simple development plans or constitutes a minor site plan. An application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of 500 square feet but not exceed a total gross floor area of 2000 square feet, or an application which will not generate the need for more than 10 parking spaces shall be deemed a "minor site plan." For the purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans shall set forth all of the information required by Section V.B.2; provided, however, that the scale of the site plan may be 1" = 80', and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey, and further provided that the Planning Board may waive any required component of the plan required by Section V.B.2 at the written request of the applicant.
3. **Approval.** Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.
- a. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board`s Subdivision Rules and Regulations.
- 1) New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:
 - a) Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation

displaced, the extent of storm water flow increase from the site, soil erosion, and threat of air and water pollution;

- b) Maximize Low Impact Design where environmentally beneficial and cost effective.
 - c) Maximize pedestrian and vehicular safety both on the site and egressing from it;
 - d) Minimize obstruction of scenic views from publicly accessible locations;
 - e) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 - f) Minimize glare from headlights and lighting intrusion;
 - g) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
 - h) Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
 - i) Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping.
4. **Lapse.** Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended (60) sixty days prior to lapse in writing by the Planning Board upon the written request of the applicant.
5. **Regulations.** The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.
6. **Fee.** The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

SECTION VI. DESIGN STANDARDS

The design standards established herein will be used for all applicable permits within Town, including but not limited to Site Plan Review, Special Permits, Building Permits, and Driveway Permits.

A. Sign Standards

1. No sign shall flash, rotate, spin or move in any manner. Promotional pennants and flags are prohibited. Illumination of signs must be accomplished by a source of light external to the message of the sign. Naked incandescent light bulbs are prohibited. Neon signs are prohibited.
2. **Types of signs and requirements.**
 - a) Business signs are limited to activities on the premises where located. The aggregate size of all signs on a business premises shall not exceed 24 square feet.
 - b) Advertising signs (signs not related to activities conducted on the premises) are not permitted.
 - c) Directional signs are limited to activities in the Town of Royalston and shall be no larger than 6 square feet.
 - d) Signs relating to home occupations shall be no larger than 6 square feet. Signs relating to governmental or institutional uses shall be no larger than 8 square feet.
 - e) Temporary signs - Signs related to public, charitable, political, or religious events shall be allowed for a period not to exceed 6 weeks.

B. Parking Standards

Schedule of Off-Street Parking Requirements. In all districts there shall be provided and maintained off-street automobile parking spaces in connection with the construction, conversion or increase by units or dimensions of buildings, structures and use in at least the following minimum amounts for the following uses:

1. Residential
 - a. Attached dwelling units, Inn, Bed and Breakfast, lodging house or other non-family accommodations = 1.2 per spaces/unit
2. Non-Residential
 - a. Hotel or motel guest units = 1.2 spaces per guest unit plus 1 space per 2 employees in the largest shift
 - b. Nursing homes or hospitals = 1 space per 3 beds
 - c. Industry, including warehouses or other structures for storage, distribution or wholesale marketing = 1 space per 700 sq. ft. of gross floor area or 1 space per 1.3 employees on the largest shift, whichever is greater
 - d. Retail business/consumer service = 1 space per 200 sq. ft. gross floor area plus 1 space per separate enterprise
 - e. Office, professional, administrative, banks = 1 space per 300 sq. ft. gross floor area plus 1 space per separate enterprise

- f. Restaurants or establishments licensed as a common victualer or business purveying food to be consumed on or off premises = 1 space per 3 seats plus 1 space per 2 employees plus 5 spaces per takeout area
 - g. Places of public assembly = 1 space per 3 persons to capacity
 - h. Gas/service station = 3 spaces per service bay but not less than 1 space per 100 sq.ft. gross floor area
3. All other uses, including but not limited to multi-use facilities, recreation facilities, or sight-seeing enterprises, parking spaces adequate to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients and visitors to the premises, as determined by the Planning Board.

C. Low Impact Development (LID)

1. Scope and Applicability

- a. This section of the zoning bylaw shall be applicable to all new development and redevelopment including, but not limited to, special permits, site plan review applications, subdivision applications and applications for earth removal permits, in all zoning districts. This section shall apply to any activities that will result in an increased amount of stormwater runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless they are listed as exempted (Section I.2). Due to the many benefits of Low Impact Development, persons exempt from this bylaw are encouraged to use stormwater control and site planning methods described in the Massachusetts Stormwater Management Standard and Handbook.
- b. A land alteration, redevelopment, or conversion of land use or activities to those with higher potential pollutant loadings such as but not limited to: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require the use of LID practices regardless of area of land alteration. Proposed LID practices must be shown on the site plan application.
- c. Property maintenance security may be required as detailed in Section VI C.4.

2. Exemptions

No person shall commence land alteration within the Town of Royalston without having incorporated LID practices or demonstrated the consideration of the use of LID with the following exceptions:

- a. Any single or two family residential development on a single lot
- b. Any activity that will disturb or alter an area less than one (1) acre unless site plan, subdivision or review for an earth removal permit are required. An applicant claiming exemption under this one (1) acre rule shall be required to document that the extent of land disturbance or alteration is less than one (1) acre. The area required for constructing a septic system serving a one- or two-family residential dwelling shall be exempt.
- c. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Bylaw 310 CMR 10.04 and MGL Chapter 40A Section 3.

- d. Timber harvesting conducted under the terms of an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.

3. Best Management Practices and Technology

The Permit Granting Authority as applicable, shall use the policy, criteria and information, including specifications and standards, of the latest edition of the *Massachusetts Stormwater Management Standards and Handbook* to execute the provisions of this section of the bylaw. The Handbook includes a list of acceptable stormwater treatment practices, including specific design criteria. The *Standards and Handbook* may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically revised in the zoning bylaw, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts' water quality standards.

4. Maintenance of LID Best Management Practices (BMPs)

A maintenance plan shall be provided for all proposed LID BMPs. The maintenance plan shall include routine maintenance as well as a detailed emergency maintenance plan. A maintenance history must be kept on file for a minimum of three years from the date of maintenance. Data sheets shall be made available to the Planning Board upon request. As a condition of approval, the maintenance plan shall include a provision that the property owner shall allow the property to be inspected. At the Permit Granting Authority's sole discretion, a Maintenance Bond or other form of security as may be approved, in an amount to be determined by a peer review engineer, may be required for future maintenance of the LID BMPs.

SECTION VII. OPTIONAL DEVELOPMENT METHODS

A. Interior Lot Development

1. **Purpose.** This Section is intended to encourage efficient, economic use of backland in the RRA District when individual lots do not have the required frontage. These lots may be developed with a Site Plan approval (Section V.B.) from the Planning Board following the procedures described below.

2. Procedure for Interior Lot Development

- a. Any person wishing to build on an interior lot shall submit three (3) copies of an Interior Lot Site Plan to the Planning Board. An application shall consist of the following:
 - 1) The site plan shall be prepared by a Massachusetts registered architect, landscape architect, or civil engineer and shall show, among other things, all existing and proposed lot lines, all existing and proposed buildings and structures, their uses, elevations, driveways and driveway opening, all facilities for sewage, or surface water drainage. A map shall also be provided showing the existing topography of the property.
 - 2) The plan shall include the following statement: "Lot _____ is an Interior Lot; building is permitted only in accordance with Interior Lot provisions of this bylaw."
 - 3) An application that does not contain the material described above shall be considered incomplete and shall not be accepted for processing. Upon receipt of material purporting to be an application, the Planning Board or its designee shall determine whether the application is complete and notify the applicant in writing if the application is considered incomplete. If no such notification is made within 45 days, the application shall be considered to be complete as of the date submitted.
 - 4) The Planning Board will make a decision and notify the Building Inspector within 60 days of receipt of plans filed in accordance with this section.

3. Development Standards

- a. The following standards shall apply to all interior lots:
 - 1) Lot size per dwelling unit of at least five acres
 - 2) Access frontage of at least 50 feet.

- 3) Minimum width of access of 35 feet.
- 4) The interior lot shall have a shape such that it 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) Each access drive for an interior lot shall not be closer than 200 feet from another interior lot access drive. If an access drive serves more than one interior lot, then the distance from the next access shall increase by 200 feet for each extra interior lot.
- 6) Access driveways shall be built according to the following standards:
 - a) Width of at least 12 feet, but shall be cleared to a width of at least 18 feet.
 - b) Maximum grade of 10 percent.
 - c) Centerline radius of at least 80 feet.
 - d) A length such that the distance along the driveway centerline to each principal building on the premises will not exceed 1,000 feet from the street sideline.
 - e) Driveway must be capable of 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.
 - f) All driveways, including turnarounds, must be capable for use in all seasons serving all vehicles including moving vans, ambulances, fire engines, and police vehicles.
 - g) At most two lots may be connected to or otherwise share the same access driveway.
 - h) A recorded clear provision for all shared driveways, running with the land, and establishing clear responsibilities for maintenance and snow removal.
 - i) A location entirely within one or both of the lots being served.

4. Occupancy Permit

- a. No occupancy permit for a residence constructed on an interior lot shall be issued until the Planning Board certifies in writing that the access driveway, including permanent turnarounds, has been completed in accordance with the standards specified in the interior lot site plan approval.

B. Flexible Development

1. **Applicability.** An owner or owners of land in a RRA District may apply to the Planning Board for Site Plan Review Section V.B. and for Flexible Development under this Section VII.B.

Approval of a Flexible Development Plan will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in Section IV, Intensity Regulations, of this Zoning By-Law in order to fulfill the purposes of Flexible Development. The Planning Board shall be the Special Permit Granting Authority for any Special Permit for Flexible Development issued under this Section. Nothing in this section shall be interpreted as conflicting with the right of a landowner to proceed under the Subdivision Control Law with an application for a preliminary or definitive subdivision plan pursuant to G.L.c.41, Sections 81S and 81T, or with an application for endorsement of a plan of land division as "approval not required" pursuant to G.L.c.41, Section 81P.

2. **Purpose.** The purpose of Flexible Development is to allow greater flexibility and creativity in the design and layout of single family residential development, without any increase in permitted density, in order to:
 - a. minimize alteration of or damage to the natural and cultural features and topography of the land;
 - b. avoid undue adverse impacts of new development on existing homes and neighborhoods;
 - c. preserve wooded areas and other undeveloped open land particularly along Town roads;
 - d. preserve the existing semi-rural appearance of the Town.
3. **Fees.** An applicant for a Site Plan Review Permit for Flexible Development shall pay a filing fee and review fees as the Planning Board shall deem reasonably necessary, which fees shall be set forth in the Planning Board Fee Schedule.
4. **Procedure.** A landowner seeking to create a Flexible Development of land may file with the Planning Board an Application for a Site Plan for Flexible Development. The application shall conform to the applicable requirements for a Definitive Subdivision Plan as set forth in the Planning Board's Rules and Regulations for the Subdivision of Land, as well as the Flexible Development requirements contained herein and all other requirements in the Rules for Flexible Development.
5. **Dimensional Requirements.** A Site Plan Review Approval for Flexible Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements contained in Section IV.
 - a. **Lot Area.** Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling and its accessory structures in accordance with all

applicable state and local regulatory requirements and the purposes of Flexible Development.

- b. **Frontage.** The frontage of each lot for a building site created in a Flexible Development shall be that necessary, in the opinion of the Planning Board, to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.
- c. **Setbacks.** All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut an existing street or which otherwise abut land outside the Flexible Development, setbacks from said lot lines shall conform to the Section IV setback requirements applicable to conventional development in the underlying zoning district.
- d. **Building Height.** The height of all buildings or other structures within a Flexible Development shall conform to the requirements established elsewhere in this Bylaw.

6. Other Requirements

- a. **Buildable Lot.** Buildable lot shall be defined for purposes of determining the density of a Flexible Development as an area of contiguous land, having sufficient area and dimensions to meet the applicable requirements of this Zoning By-Law for use as the site of one single family detached dwelling, and conforming to all relevant state and local laws and regulations.
- b. **Developed Areas.** The boundaries of the area(s) within each lot that will contain all principal and accessory structures shall be shown on the plan and designated as the "Developed Areas". The areas so designated shall be of a size and location to satisfy the stated purposes and standards set forth herein.
- c. **Single Dwelling.** Not more than one single family dwelling and its accessory structures and uses may be located on a lot created under Flexible Development pursuant to Section VII.B.6.b.
- d. **Density.** The maximum number of lots for building sites in a Flexible Development shall not exceed the number of buildable lots which could be created through conventional development of the site. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without substantial waivers from the Planning Board's Rules and Regulations for the Subdivision of Land and in conformance with the conventional dimensional requirements for the underlying zoning district. The Planning Board shall make the final determination of density, provided, however, that for the limited purpose of showing conformance with said conventional dimensional requirements in accordance with Section IV.

- e. **Restrictions Against Further Development.** No Flexible Development for which a Site Plan Review approval has been issued under this Section may be further subdivided. A notation to that effect shall be made on the Lot Plan as defined in the Planning Board Rules and Regulations to be endorsed by the Planning Board and recorded in the Registry of Deeds or the Land Court. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Royalston, shall be recorded with respect to the land within the Flexible Development. Such restriction shall provide that no lot in the Flexible Development may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the lots as the Planning Board may deem appropriate.
- 7. **Allowed Uses.** The land in a Flexible Development may be used for any use otherwise allowable in the RRA District in which it is located, pursuant to the provisions of Section III Use Regulations.
- 8. **Standards.** In reviewing an Application for a Site Plan Review for Flexible Development, the Planning Board shall consider the extent to which the Application meets the purposes of Flexible Development by satisfying the following standards:
 - a. The laying out of Developed Areas, roads, storm drains, LID BMPs, LID maintenance plans, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
 - b. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems and roads shall be minimized.
 - c. Important natural and historic features of the land, as determined by the Planning Board, shall be protected.
 - d. The Flexible Development shall be in keeping with and enhance the overall rural appearance of Royalston by:
 - 1) preserving views from existing roads;
 - 2) avoiding undue adverse impacts on neighborhoods;
 - 3) conserving natural and historic resources, including but not limited to those linked to off-site protected resource areas.
 - e. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
 - f. The design, number and location of curb cuts shall be such that any conflict with existing traffic flow is minimized, and the semi-rural appearance of existing streets is maintained or enhanced.

- g. Provision, satisfactory to the Planning Board, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Flexible Development.
- h. The design shall minimize the size of Developed Areas.

C. Open Space Residential Development

1. **Purpose.** The purpose of Open Space Residential Development is to provide an optional development method for residential projects of four (4) or more lots and to encourage the preservation of common land for conservation, agriculture, open space and recreational use; to preserve historical or archaeological resources; to protect existing or potential municipal water supplies; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the zoning bylaw through a greater flexibility in design; and to allow more efficient provision of municipal services.
2. **Procedures**
 - a. **Filing of Application.** Each proposal for an Open Space Residential Development shall begin with a Site Plan Review/Approval, in accordance with Section V.B.
 - b. **Contents of Application.** In addition to the requirements of the Site Plan Review/Approval site plan the application shall also include the following information:
 - 1) The number of dwellings which could be constructed under this bylaw by means of a conventional development plan, considering the whole tract, exclusive of water bodies and/or land within the Floodplain District or land prohibited from development by legally enforceable restrictions, easements or covenants. [Note: Such areas are not to be counted in figuring the number of permissible units. The applicant shall be required to exclude those areas in making these calculations.]
 - 2) Evaluation of the open land proposed within the Open Space Residential Development, with respect to size, shape, location, natural resource value, and accessibility by residents of the town or of the Open Space Residential Development.
 - c. **Relation to Subdivision Control Act.** Planning Board approval of a permit hereunder shall not substitute for compliance with the subdivision control act nor oblige the planning board to approve any related definitive plan for subdivision, nor reduce any time periods for board consideration under that law.
3. **Minimum Dimensional Requirements.** The following dimensional requirements shall govern an Open Space Residential Development:

- a. The area of the tract to be developed is not less than five (5) acres.
- b. Every single-family detached dwelling placed upon a lot shall have the height, frontage, side and rear yard requirements in accordance with the requirements of Table 1, Dimensional Requirements--Open Space Residential Development.
- c. Minimum width of open land between any group of lots and adjacent property lines is 50 feet and between each group of clustered buildings is 100 feet.
- d. Except as specified in a Site Plan Approval granted under this section, all requirements of the zoning bylaw shall continue to apply.
- e. The number of units shall not exceed 100% of the number allowable in the district in a normal subdivision.

Table 1 - TABLE OF DIMENSIONAL REGULATIONS -- OPEN SPACE RESIDENTIAL DEVELOPMENT

District	OSRD Min. Del. Area per structure	Dev. Area Frontage (feet)	OSRD Min. Setback Side and rear	OSRD Front Setbacks from Right of Way	Bldg. Height (feet)	Buffers w/ abutting Properties
Unsewered lots, Single family detached	1 acre	100	15	75	25	75
Unsewered Two family detached	2 acres	125	15	75	25	75

Note: 1 OSR Minimum Lot Area. This is an area designated to one detached dwelling unit. It includes land and any accessory buildings.

4. Required Open Land

- a. At least 40% of the buildable land, exclusive of land set aside for roads and parking, shall be open land. (See Definition of Open Land.)
- b. The Open Land and such other facilities as may be held in common shall be conveyed to one of the following, subject to the following guidelines. In general, valuable natural resource land such as wetlands not suitable for any public use, or suitable for extensive public recreational use, should be conveyed to the town or to a trust; whereas land which will be principally used by the residents of the Open Space Residential Development should be conveyed to a homes association.
 - 1. To a corporation or trust comprising a home association whose membership includes the owners of all lots or units contained in the tract. The developer shall

include in the deed to owners of individual lots beneficial rights in said open land, and shall grant a conservation restriction to the Town of Royalston over such land pursuant to M.G.L. Chapter 184. Section 31- 33, to insure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by section 33 of Chapter 184 of M.G.L. In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homes association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Worcester County Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

- a) Mandatory membership in an established homes association as a requirement of ownership of any lot in the tract.
 - b) Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the homes association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homes association or the owner of any lot.
 - c) Provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law.
2. To the Conservation Commission of the Town for a park or open space use, subject to the approval of the selectmen, with a trust clause insuring that it be maintained as open space.

Subject to the above, the open space may be used for recreational purposes including golf courses, riding trails, tennis courts, gardens, swimming pools and temporary structures. The Planning Board may permit open land owned by a home association to be used for individual septic systems, or for shared septic systems if the Planning Board and the Board of Health, are convinced that proper legal safeguards exist for proper management of a shared septic system.

5. Further Requirements

- a. No use other than residential or recreational shall be permitted
- b. No lot shown on a plan for which a Site Plan Approval is granted under this section may be further subdivided, and a notation to this effect shall be shown upon the plan.

- c. No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Planning Board that the premises have been built in accordance with the plan approved by the Board herein.
- d. The Planning Board may grant a Site Plan Approval hereunder for Open Space Residential Development even if the proposed development is not subject to the subdivision control law.
- e. Except insofar as the subdivision is given eight years protection under M.G.L. Chapter 40A, section 6, the Site Plan Approval granted under this section shall lapse within two years (or less), excluding time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not begun, except that the Planning Board may grant an extension for good cause and shall grant an extension if the delay was caused by the need to seek other permits. Such approval may be extended by the Planning Board by written request of the applicant (60) sixty days prior to the lapse.
- f.
- g. Subsequent to granting of the Site Plan Approval the Planning Board may permit relocation of lot lines within the Open Space Residential Development. However, any change in overall density, street layout, or open space layout will require further hearings.
- h. All roads within the development shall remain under private ownership for perpetuity, unless there is express acceptance by the Town to accept the ways as public ways.
- i. All developments must provide individual water and septic system to each dwelling.
- j. Development of a maintenance plan for LID BMPs .

SECTION VIII. NON-RESIDENTIAL DEVELOPMENT METHODS

A. Telecommunications Tower and Wireless Communication Facilities

1. **Purpose.** The purpose of this bylaw is to establish guidelines for the siting of telecommunication towers and facilities within the Town of Royalston. The goals are to:
 - a. Minimize the adverse visual impacts of towers.
 - b. Avoid damage to adjacent properties.
 - c. Lesson visual and economic impact on the surrounding properties.
 - d. Lessen the impact on traffic.
 - e. Encourage the location of towers on municipal land.
 - f. Minimize the number of towers throughout the community.
 - g. Require the co-location of new and existing tower sites and the wireless communications facilities (WCF).
 - h. Require users of the towers and WCF's to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - i. Require users of the towers and WCF's to configure them in a way minimizes the adverse visual impact of towers and WCF.
 - j. Make available all telecommunications tower and WCF locations to local municipal agencies.

2. Definitions

Abandoned Tower. A tower not being used for the purpose for which it was permitted for a period of twelve months.

Antenna. A device by which electromagnetic waves are sent or received (whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable, or other arrangement serving such purpose).

Applicant. A Telecommunications Tower Provider or Wireless Communications Service Provider authorized by the Federal Communications Commission, that provides wireless communications services.

Camouflage. A wireless service facility, both tower and WCF, that: A. may be placed within an existing or proposed structure and disguised, painted, colored, hidden, by a compatible part of an existing or proposed structure, or made to resemble an architectural feature of the building or structures on which it is placed; B. may be painted, screened or otherwise hidden to blend with the natural environment.

Co-location. The use of a single mount by more than one carrier and/or several mounts on a building or structure by more than one carrier. Each service on a co-location is a separate wireless service facility.

Lattice Tower. A type of mount that is self-supporting with multiple legs and crossbracing of structural facility.

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

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 from the primary sending and receiving site in a wireless communications network.

Special Permit Granting Authority. The Royalston Planning Board.

Tower. A monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennae intended for transmitting and/or receiving wireless communications.

Tower Height. The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support is on a sloped grade, then the average between the highest and the lowest grades shall be used in calculating the tower height.

Town. Royalston, Massachusetts, and/or its elected or appointed officials.

Wireless Communications Facility (WCF). All towers and all appurtenances such as, but not limited to, equipment buildings and structures with which a wireless communication services carrier broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof.

Wireless Communication Service Provider. An entity licensed by the Federal Communications Commission (FCC) to provide wireless communication services to individuals, businesses and institutions.

3. Permitting

- a. No self-supporting tower, such as a monopole, lattice tower or similar tower, also known as a communication tower, telecommunications tower, wireless tower or cellular tower ("tower"), or wireless communications facility ("WCF"), containing an antenna or antennae, one or more repeaters or related wireless telecommunications apparatus, may be erected without first obtaining a Special Permit from the Special Permit Granting Authority (SPGA). The SPGA under this bylaw shall be the Planning Board. Permits shall be granted only in accordance with the procedure for notice hearings, decisions and appeals set forth within the Royalston Zoning Bylaw and MGL Chapter 40A, Sections 9 and 11. Any special permit granted hereunder shall lapse within (1) year if substantial use has not commenced except for good cause.

- 1) Towers and WCF shall be allowed within all zoning districts only after obtaining a special permit from the Special Permit Granting Authority (SPGA) pursuant to this bylaw.

- i. Historic District(s). No tower or WCF shall be allowed within the Royalston Historic District or within 1,000 feet of the boundaries of any and all Royalston Historic Districts unless the tower and WCF is totally concealed within an existing structure.

- 2) Expiration of Permit: The Special Permit granted under this bylaw shall expire within (5) years of the date of issuance of the permit. An application to extend the special permit beyond the end of the (5) years may be allowed if: (i) the application is submitted to the SPGA no later than one-hundred and seventy-five (175) days prior to the end of the five (5) year term of the existing permit; (ii) a public hearing is held; (iii) the applicant complies with all applicable bylaws.

4. Permit Application

- a. An application for a Special Permit under this bylaw shall be filed utilizing the forms and procedures described in Section V.A (Special Permit) of the Royalston Zoning Bylaw. In addition to the requirements of this Section VIII.A, the following shall apply:
 - 1) The site plan shall be prepared by a Massachusetts licensed, professional engineer and shall include the following minimum requirements:
 - a) Tower location, including guy wires, if any, tower height, all WCF apparatus such as structures and location of utilities
 - b) Topography
 - c) Fencing and landscaping
 - d) Access and parking
 - e) Lighting
 - f) Areas to be cleared of vegetation and trees
 - g) Site boundaries
 - h) All abutters within one-thousand (1000) feet of the tower and WCF site boundaries
 - i) Eight (8) view lines in a one (1) mile radius from the site, shown beginning at True North and continuing clock-wise at forty-five (45) degree intervals
 - 2) A locus map will be prepared and shall show all streets, bodies of water, landscape features, historic sites, habitats for endangered species within two-hundred (200) feet, and all buildings within one-thousand (1000) feet of the proposed tower and WCF site. Other feasible sites, including existing sites, if any shall be identified on the locus map.
 - 3) Reports, plans, and profiles prepared by one or more professional engineers, which shall:
 - a) Describe the tower and WCF through profiles and renderings, their locations, all proposed, technical, economic and other relevant reasons

for the tower and WCF design, and the need for the tower and WCF at the proposed location.

- b) Demonstrate that the capacity of the tower and WCF complies with all applicable standards of the Federal and State governments.
 - c) Describe the capacity of the tower and WCF including the number and type of transmitter receivers that it can accommodate and the basis for the calculation of capacity.
 - d) Demonstrate that the tower, WCF and site comply with this regulation.
 - e) Describe the wireless telecommunications provider's master antenna plan, including detailed maps, showing the precise locations, characteristics of all antennas and towers and indicating coverage areas for current and future antennas and towers.
 - f) Describe the proposed tower and WCF in relation to all known towers and WCFs, regardless of ownership, and all such facilities proposed by the applicant, within the Town of Royalston
- 4) A copy of the requests made by the applicant to the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health to provide a written statement that the proposed tower and WCF complies with applicable regulations administered by the agency or that the tower is exempt from those regulations and a copy of the response from each agency.
- 5) On Site Demonstration: Between the plan submittal and the date of the public hearing, a balloon shall be put in place at the height of the proposed tower, for not less than seven (7) days. The balloon shall be of a size and color that can be seen for a distance of at least one (1) mile. The balloon must be removed within three (3) days of the close of the public hearing. The applicant shall provide at least two public notices at least fourteen (14) and seven (7) days prior to the placement of the balloon. Public notice shall be given in at least one newspaper of local circulation.
- 6) Fee. A one-hundred and fifty dollar (\$150) non-refundable application fee shall be submitted to the Royalston Planning Board at the time that an application for a Telecommunications Tower and Wireless Communication Facility is submitted. A five-thousand dollar (\$5,000.00) initial technical assistance fee, for the use by the Royalston Planning Board, shall accompany the application. Any additional funds required to cover the entire costs of all aspects of technical review also shall be required to be submitted to the Royalston Planning Board at the time that an application for a Telecommunications Tower and Wireless Communication Facility is submitted.

- 7) An applicant for a tower and WCF permit must be a wireless communication provider or must provide a copy of its executed contract to provide land to an existing wireless communications provider at the time that an application is submitted. A permit shall not be granted for a tower or WCF to be built on speculation.
5. **Approval.** A Special Permit shall be granted by the Planning Board in accordance with Massachusetts General Law (MGL) and the provisions of this Bylaw relative to special permits. Any extension, addition of cells or construction of new or replacement towers or WCFs or transmitters shall be subject to an amendment to the Special Permit, following the same procedure as for an original grant of a special permit.
6. **Location And Site Requirements.** The tower and WCFs shall be located in accordance with the Federal Communication Commission (FCC) and the Federal Aviation Administration (FAA) regulations in effect at the time of construction. The operation shall comply with all requirements of these agencies during the entire period of operation. In addition, the tower WCF shall be located within the Town of Royalston as follows:
 - a. The Applicant shall demonstrate to the satisfaction of the Planning Board that the location of the tower and WCF is necessary and that the size and height of the tower is the minimum necessary for the purpose.
 - b. New towers shall be considered only upon a finding by the Planning Board that existing or approved towers cannot accommodate the wireless communication equipment planned for the tower.
 - c. To the extent feasible all applicants shall provide evidence to the SPGA that all avenues for the siting of the tower and WCF on available public and private owned land have been explored and exhausted.
 - d. To the extent feasible all applicants and service providers shall co-locate on a single tower. Towers and accessory buildings shall be designed structurally to accommodate the maximum number of users.
 - e. The setback of the tower from property lines, designated wetlands, areas with a slope in excess of five (5%) percent shall be a minimum of a distance at least one and one-half times the height of the tower. Towers to be in proximity to wetlands protected under the Wetlands Protection Act and the Rivers Protection Act must be no closer than the maximum buffer zone limit established under the respective Acts, or one and one-half times the height of the tower; whichever is greater.

- f. Tower and WCF distance from all existing Buildings shall be at least five-hundred (500) feet.
- g. Fencing shall be provided to control access to the base of the tower and shall be compatible with the scenic character of the Town and shall not be of barbed wire or razor wire.
- h. Access shall be provided to a site by a roadway that respects the natural terrain, does not appear as a scar on the landscape, and is approved by the Planning Board, the Fire Chief to assure emergency access at all times and the Superintendent of the Department of Public Works for a road access permit.
- i. The site shall be designed to minimize erosion, construction on unstable soils and steep slopes.
- j. All wireless communication towers and WCF shall be sited on municipal land or concealed inside buildings, such as church steeples, whenever feasible.
- k. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform to sign requirements of the Royalston Zoning Bylaw Section VI.A.
- l. Accessory structures shall be limited to one (1) structure per use per tower, but shall not exceed four (4) structures per tower. If more than one (1) use, the accessory buildings shall be connected by a common wall. Each structure shall not exceed one-hundred (100sq. ft.) square feet in size and ten (10') feet in height, and shall be of the same design and color.
- m. To the extent feasible all network interconnections (from and to) the communications site shall be installed underground.
- n. The tower shall minimize adverse visual effects on the environment and the people of Royalston. The Planning Board may impose reasonable conditions to ensure this result, including, but not limited to: camouflage, painting, lighting standards and screening.
- o. Clearing shall be performed in a manner that will maximize preservation of natural beauty and conservation of natural resources, which will minimize marring, and scarring of the landscape or silting of streams.
 - 1) The time and method of clearing rights-of-way should take into account soil stability, the protection of natural habitat for wildlife.

- 2) Clearing of natural vegetation should be limited to that material which poses a hazard to the tower.
- 3) The use of "brush blades" instead of dirt blades on bulldozers is recommended in clearing operations where such will preserve the cover crop of grass, low-growing brush or other vegetation.
- 4) Areas should be cleared only when necessary to the operation, maintenance, and construction of the tower.

7. **Development Requirements.** Visual impacts of the tower shall be minimized.

- a. The Applicant shall demonstrate that the proposed tower is no higher than necessary to accommodate transmitter and receivers. Towers shall be no higher than one-hundred and fifty (150) feet.
- b. All towers may be monopole or lattice in type or of other suitable type acceptable to the SPGA.
- c. The SPGA may specify the colors, screening, landscaping and/or camouflaging of the tower and WCF.
- d. Night lighting of towers shall be prohibited unless required by law.
- e. Siting shall be such that the view of the tower from other areas of the Town shall be minimized.
- f. Shared use of towers is to be encouraged. When technically not practical, towers shall be separated so that, if the support structure of one falls, it will not strike another.
- g. The tower shall be designed to accommodate the maximum number of uses technologically practical.
- h. There shall be a minimum of one (1) parking space for each tower, to be used in connection with the maintenance of the tower and the site, and not to be used for the permanent storage of vehicles.

8. **Conditions of Use.** Any tower and/or WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such tower and facility shall remove the same within ninety (90) days of receipt of notice from the Building Inspector notifying the owner of such abandonment.

9. **Performance Guarantees**

- a. Insurance in a reasonable amount determined and approved by the Planning Board after consultation at the expense of the Applicant with one (1) or more insurance companies shall be in force to cover damage from the structure, damage from transmissions and other site liabilities. Annual proof of said insurance shall be filed with the Town Clerk.

b. An initial bond shall be posted to cover construction costs. An annual maintenance bond shall be posted for the access road, site and tower(s) in an amount approved by the Planning Board. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission and the Federal Aviation Administration shall be filed with the Building Inspector by the Special Permit holder. An initial cash bond in a reasonable amount determined and approved by the Planning Board shall be in force to cover removal of the tower when abandoned.

10. **Reference to Other Bylaws.** The applicant must ensure that its proposal is in conformity with all of the provisions of the Bylaws of the Town of Royalston.

11. **Exemptions.** Exempted under this bylaw are private, non-commercial Amateur Radio Operator (HAM) radio or CB towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC). These towers are still subject to the following conditions:

- a. Require a Building Permit if over seventy (70') feet above the ground level.
- b. The setback of the tower, from any property bounds, must be no less than the actual length of the tower.
- c. The tower must be removed upon loss or termination of said FCC license.

12. **Waivers**

- a. The Planning Board may waive strict adherence to sections of this bylaw if it finds that the safety and well being of the public will not be adversely affected by such waiver. For each waiver granted, the Planning Board will make written record indicating that the proposed tower meets the Purpose (Section VIII.A) of this bylaw.
- b. All requests for waivers shall be made in writing on a separate sheet (or sheets) of paper and be attached to the Special Permit application and be presented at the time of the initial application.
- c. Requests for waivers shall indicate the section number and the reason the applicant needs the waiver along with documentation to support the request.
- d. The Planning Board will grant requests for waivers only upon a 4/5 (four fifths) majority vote. Each request shall be voted on separately. The applicant shall have the right to withdraw the request at any time prior to the actual vote. Once a request for a waiver is withdrawn it may not be presented again for a period of one (1) year.

- e. Requests for more than three (3) waivers will indicate to the Planning Board the following: (i) The Site is inadequate for the proposed use; and/or, (ii) The Site Plan is incomplete.

13. **Invalidation.** If any portion of this bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

B. Large-Scale Ground-Mounted Solar Photovoltaic Installations

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

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

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

2. Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 40 kW DC.

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

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

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

3. **Use Standards.** Large-Scale Ground-Mounted Solar Photovoltaic Installations are hereby allowed by right in Solar Overlay District located on Assessors Map 11 parcel 39 and allowed by Special Permit in the Residential (R) and the Residential/Agricultural (RA) Districts.

4. General Standards

- a. Permit Granting Authority. It is hereby established under this bylaw that the Planning Board will be the permit granting authority under this section.

b. Site Plan Review and Special Permit Requirements. Ground-mounted large scale solar photovoltaic installations with 40 kW or larger of rated nameplate capacity shall undergo either Site Plan Review or Special Permit review process contingent on the location of proposed project prior to construction, installation or modification as provided in this section. Projects that are subject to the Site Plan Review provision of this bylaw shall be acted upon by the Planning Board within 180 days from the time of the initial approved application submittal.

1) General

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

2) Required Documents

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

a) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
- iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the project proponent; and

b) Documentation of actual or prospective access and control of the project site;

c) An operation and maintenance plan (see also Section 12);

d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

e) Proof of liability insurance; and

f) Description of financial surety that satisfies Section 16.

3) Waiver. The Planning Board may waive documentary requirements as it deems appropriate.

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

6. **Utility Notification.** No large-scale ground-mounted solar photovoltaic installation shall be constructed until written evidence has been given to the Planning Board and a Utility Company has been informed and has an agreement in hand, of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

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

8. **Fees.** At the time of an application submittal an Administration Fee will be required. A Review Fee will be determined by the Planning Board before the Public Hearing by acquiring an estimate from the peer review engineer and other professionals as appointed by the Planning Board to review the project.

9. Design Standards

a. **Dimension and Density Requirements.** Large Scale Solar Energy Systems shall comply with all standards within Intensity Requirements section of the Zoning Bylaw.

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

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

c. **Screening/ Buffer Requirement.** If permitted by special permit in residential districts, the entire perimeter of the project shall have a vegetated buffer that will screen the view of the Large-Scale Ground-Mounted Solar Photovoltaic Installation. The buffer must be sufficiently dense to block the view of the Large-Scale Ground-Mounted Solar Photovoltaic Installation and appurtenant structures from all dwellings abutting the property. In all other districts where site plan approval is given, the project shall have a vegetative buffer that will screen the view of the

Large-Scale Ground-Mounted Solar Photovoltaic Installation from the boundary of any abutting residential premises and from the boundary of an abutting residential district and/or farm and forest district.

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

10. Safety, Emergency Services and Environmental Standards

- a. Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation. . The applicant will implement Best Management Practices (BMPs) to help manage stormwater per the Zoning Bylaw requirements for Low Impact Development.

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

12. Operation and Maintenance Plans

- a. The project applicant shall submit a plan for the operation and maintenance of the installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- b. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

13. Modifications

- a. All material modifications to a Solar Energy Collection System installation made after approval of the site plan shall require a modification of the approval.
- b. The Planning Board shall review each site plan at intervals of not less than five years and may, after public notice and hearing, modify the approved plan to insure the public safety and compliance with the town bylaws and regulations.

14. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The Utility Company shall have the right of first refusal as to whether they will choose to assume responsibly for the solar operation. If the Utility Company chooses to forgo the operation and the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning; the town may enter the property and physically remove the installation.

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

16. Severability. If any section or provision of this bylaw is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other section or provision of this Bylaw.

C. Wind Energy Systems

- 1. **Purpose.** The purpose of this bylaw is to minimize the impacts of wind turbines on the character of neighborhoods, property values, scenic, historic, and environmental resources of the Town and to protect health and safety while allowing wind energy.
- 2. **Applicability.** This section applies to all utility-scale, on-site wind facilities, and small wind energy systems, proposed to be constructed after the effective date of this section. This section also includes building integrated wind systems, and physical modifications to existing wind facilities that materially alter the type, configuration, location or size of such facilities or other equipment.

3. Definitions

Utility-Scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity on-site.

Small Wind Energy System (SWES): All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which will have a height not to exceed than 79 feet to the maximum tip height.

Large Wind Energy System (LWES): All equipment, machinery and structures utilized in connection with the conversion of kinetic energy by wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which will have a height greater than 80 feet maximum tip height.

Building-Integrated Wind Energy Facility: A wind energy facility shall be considered to be building-integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height. This measure is also commonly referred to as the maximum tip height (MTH).

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

Special Permit Granting Authority (SPGA): The special permit granting authority shall be the planning board for the issuance of special permits to construct and operate wind facilities.

Substantial Evidence: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

Wind Energy Facility: All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, developer-owned electrical equipment, storage, collection and supply equipment, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine the potential wind power that might be generated at the site.

Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or, if there are none in a town, the board of selectmen, or person or board designated by local bylaw charged with the enforcement of the Zoning Bylaw.

Building Permit: A building permit is a required approval of a project by a building inspector which is consistent with the local, state and federal building codes. In addition, the permit must meet the criteria set forth under the local zoning bylaws regarding small wind energy systems.

Agriculture: Farming' or agriculture' shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

4. General Requirements for all Wind Energy Facilities

- a. Exemptions. Wind turbines constructed, reconstructed, or renovated for the primary purpose of agriculture shall be considered a structure pursuant to MGL, c. 40A, §3 and, therefore, shall be exempt from this by-law.
- b. Compliance with Laws, Bylaws and Regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.
- c. Fees.
 - 1) The Planning Board will normally require fees to cover the costs of outside consultants, to be deposited in advance with the Town, in accordance with the provisions of MGL c. 44, § 53G. Such fees will be deposited in a separate account, and any amounts remaining in said account after the completion of the associated project will be refunded to the applicant or successor, in accordance with these rules and said state law. When the expense of such consultants exceeds the currently available funds in the 53G account, the applicant is required to provide such additional and appropriate funds within 14 days of notification by the Board of the required amount.
 - 2) The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a Permitted Accessory Use.
- d. Proof of Liability Insurance. The applicant shall be required to provide evidence of liability insurance in an amount, and for a duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility. Insurance in a reasonable amount determined and approved by owner's insurance company shall be in force prior to construction. Annual proof of said insurance shall be filed with the Town Clerk.

- e. Site Control. At the time of its application for a special or building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation, or inconsistent or interfering use, within the setback areas.
- f. Utility Notification. No site plan for the installation of a wind energy facility shall be approved until evidence has been given that the electric utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator, and copies of site plans showing the proposed location have been submitted to the utility for review. No installation of a wind energy facility shall commence and no interconnection shall take place until an Interconnection Agreement pursuant to applicable tariff and consistent with the requirements for other generation has been executed with the utility. Off-grid systems shall be exempt from this requirement, unless they are proposed to be located within setback distance from the sideline of an existing utility Right of Way (ROW).

5. Small Wind Energy System Requirements

- a. Building Permit. No small wind energy system (SWES) shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from the Building Inspector. All such wind energy systems shall be constructed and operated in a manner that will minimize adverse visual, safety and environmental impacts. The construction of a small wind facility shall be permitted in any zoning district, except a designated historic district, subject to the issuance of a permit and provided that the use complies with all requirements set forth in sections F, G and H set forth herein.
- b. Application Process & Requirements. The building permit application shall be accompanied by the following documents:
 - 1) A plot plan showing:
 - a) Property lines and physical dimensions of the subject property within 500 feet of the wind turbine from the proposed tower location.
 - b) Location, dimensions, and types of existing major structures on the property
 - c) Location of the proposed wind system tower, foundations, guy anchors and associated equipment.
 - d) The right-of-way of any public road that is contiguous with the property;
 - e) Location of all existing above ground or overhead gas or electric infrastructure, including Critical Electric Infrastructure, and utility rights of way (ROW) and easements, whether fully cleared of vegetation or only partially cleared, within 500 feet of the site parcel;
 - f) Location and approximate height of tree cover;
 - 2) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - 3) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC (*National Electric Code*) and

applicable Massachusetts Electric Code Amendment-compliant disconnects and overcurrent devices.

- 4) Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any.
- 5) The name, contact information and signature of any agents representing the applicant.
- 6) A plan for maintenance of the small wind energy facility.

6. Large Wind Energy System (LWES) Requirements

- a. Special Permit. No large wind turbine or tower may be erected, constructed, installed or modified without first obtaining a Special Permit from the Special Permit Granting Authority (SPGA). The SPGA under this bylaw shall be the Planning Board. A LWES may be permitted in any zoning district, excluding historical districts, provided that the use is maintained and complies with all requirements set forth herein and any conditions ascribed to any specific project. No Special Permit shall be granted unless the SPGA determines that all such wind energy systems shall be constructed and operated in a manner that minimizes adverse visual, safety, and environmental impacts.
- b. General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.
- c. Waivers
 - 1) The Planning Board may waive strict adherence to sections of this bylaw if it finds that the safety and well-being of the public will not be adversely affected by such a waiver. For each waiver granted, the Planning Board will make a written record indicating that the proposed tower meets the purpose of this bylaw.
 - 2) All requests for waivers shall be made in writing on a separate sheet (or sheets) of paper and be attached to the site plan review special permit application and be presented at the time of the initial application.
 - 3) Requests for waivers shall indicate the section number and the reason the applicant needs the waiver along with any documentation to support the request.
 - 4) The Planning Board will grant requests for waivers only upon a four-fifths majority vote. Each request shall be voted on separately. The applicant shall have the right to withdraw the request at any time prior to the actual vote. Once a request for a waiver is withdrawn it may not be presented again for a period of one (1) year.
 - 5) Requests for more than three waivers, including, in the case of an amendment or renewal, any waivers previously granted for the existing or any predecessor permits, will indicate to the Planning Board that a new special permit application for the project will be required.
- d. Application Requirements. An application and plans shall be filed under the provision set forth in the Zoning Bylaw Special Permit Section V.A. Plans shall include the following:
 - 1) Site boundaries and access road.
 - 2) Tower location, including guy wires, if any, tower height and blade length.
 - 3) Setbacks from property boundaries.
 - 4) Buildings within 500 feet of the proposed tower.
 - 5) Abutters.
 - 6) View lines from the middle of each abutter's property line, including a view from each street shown, beginning at true North and continuing clockwise.

- 7) Topography.
- 8) Fencing and landscaping.
- 9) Areas to be cleared of vegetation and trees.
- 10) Historic sites.
- 11) Wetlands (pond, lake, marsh, swamp, bog, etc.) within 100 feet of the proposed area.
- 12) Rivers, streams or brooks within 200 feet of the proposed area.
- 13) Habitats for endangered species,
- 14) A locus map showing lot dimensions and all abutting street locations.
- 15) Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
- 16) The name, contact information and signature of any agents representing the applicant; and
- 17) A stormwater management plan showing best design practices per Section VI.C. Low Impact Development.
- 18) A maintenance plan for the wind energy facility.
- 19) Reports that:
 - a) Describe the wind turbine, tower and the technical, economic and practical reasons for the tower design, and the need for the tower at the proposed location.
 - b) Demonstrate to the satisfaction of the Planning Board that the location of the wind turbine and tower is adequate and that the size and height is the minimum necessary for the purpose.
 - c) Show other feasible sites, including existing sites, if any
 - d) Demonstrate that the wind turbine and tower complies with these regulations and all applicable standards of the federal and state governments.
 - e) Provide the specifications of the wind turbine and tower.

e. Notification. Permits for Large Wind Energy Systems (LWES) shall be granted in accordance with the procedure for notice hearings, decisions and appeals set forth in Royalston Zoning Bylaw Section V.A., and MGL c. 40A, §§ 9 and 11. All additional abutters within one half mile are also to be notified of the hearings.

f. Decision. See Section V.A. for specific information.

g. Lapse. Permits granted hereunder shall lapse within one year if substantial progress has not been made unless satisfactory reasons have been provided to the SPGA.

h. Modifications. A substantial modification to approved plans will apply if:

1. The applicant requests the terms of the Special Permit be altered, or,
2. The applicant requests adding equipment, alters the height or location and or exterior appearance of the original design, or
3. SPGA initiates modification if good cause is shown.

Modifications shall be granted in accordance with the procedure for notice hearings, decisions and appeals set forth in Royalston Zoning Bylaw Section V.A., and MGL c. 40A, §§ 9 and 11.

i. Renewals. Existing special permits under this bylaw shall not require the re-submission unless there has been a substantive change in the information or conditions reviewed for existing special permit, and provided further that a complete application for renewal of the permit is submitted prior to the expiration of the existing permit.

- j. Term of Special Permit. A special permit issued for a wind facility shall be valid for twenty (20) years, unless extended or renewed. The time period may be extended or the permit renewed by the SPGA upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the special permit granting authority acts. At the end of that period (including extensions and renewals), if the permit is not renewed the wind facility shall be removed as required by this section.

7. Design Standards

- a. Appearance, Color and Finish. Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements. Colors and surface treatment of the installation shall minimize visual disruption, for example, by using non-reflective dark muted colors against land, and lighter colors against the sky, without graphics or other decoration. However, visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- b. Lighting. Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- c. Signage. Signs on wind energy facilities shall comply with the Town's sign by-law (Section VI.A.). The following signs shall be required:
 - 1) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
 - 2) Educational signs providing information about the facility and the benefits of renewable energy.Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- d. Utility Connections. Reasonable efforts, as determined by the SPGA, shall be made to place all developer-owned utility connections from the wind energy facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Utility owned electrical equipment required for utility interconnections may be above ground, if required by the utility provider.
- e. Appurtenant Structures. All appurtenant structures to wind energy facilities shall be subject to applicable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

- f. Height . For a Large Wind Energy System (**LWES**) the maximum height shall be determined by the Planning Board and /or according to manufacturer recommendation, not to exceed FAA Regulations.

8. Safety and Environmental Standards

a. Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government, as well as the local electrical utility company. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

b. Unauthorized Access

Wind energy facilities shall be designed to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below eight (8) feet above the ground. Electrical equipment shall be locked where possible.

c. Setbacks

- 1) A SWES and LWES may not be sited within:
 - a) a distance equal to one and one-half (1.5) times the maximum tip height (MTH) of the wind turbine from buildings, critical infrastructure—including Critical Electric Infrastructure and above-ground natural gas distribution infrastructure—or private or public ways that are not part of the wind energy facility;
 - b) a distance equal to three (3.0) times the maximum tip height (MTH) of the turbine from the nearest existing residential or commercial structure; or
 - c) a distance equal to one and one-half (1.5) times the maximum tip height (MTH) of the turbine from the nearest property line, and private or public way.
- 2) The permit granting authority may increase the setbacks due to any public safety impacts.

d. Shadow/Flicker. Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts.

e. Sound. The wind facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Permit Granting Authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- 1) Increases the broadband sound level by more than 10 dB(A) above ambient, or
- 2) Produces a —pure tone condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited structure. Ambient is defined as the background A-weighted sound level that is

exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the permit granting authority.

The permit granting authority, in consultation with the DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

f. **Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility or otherwise prescribed by applicable laws, regulations, and bylaws, and subject to existing easements, restrictions and conditions of record. For storm water infrastructure measures, LID will be used and incorporated into the design.

9. Monitoring and Maintenance

a. **Wind Energy Facility Conditions**

- 1) The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for any access road(s), unless accepted as a public way.
- 2) If a LWES or SWES is designated a safety hazard by the Zoning Enforcement Officer, the owner shall correct the hazard or remove the WES within ninety (90) days.

10. Abandonment or Decommissioning

a. **Removal Requirements.** Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the SPGA by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- 1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

b. **Abandonment.** Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than two years without the written consent of the SPGA. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the facility.

c. Financial Surety

1) Surety for Removal

Applicants for utility-scale large wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal or failure to maintain, in the event the town must maintain or remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, or as determined by a peer review engineer. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a certified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

2) Surety for Maintenance

An initial bond or other form of security as may be approved, shall be posted for a LWES unless they are used solely for commercial agricultural use pursuant to MGL, c. 40A, §3. Such bond or other form of surety shall cover maintenance and construction costs. An annual maintenance bond shall be posted for the access road (if applicable), site (if applicable) and tower(s) in an amount to be approved by the SPGA.

3) Failure to post an approved bond and/or provide proof of insurance shall be grounds to revoke the special permit.

d. Invalidation. If any portion of this bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

SECTION IX. RECREATIONAL MARIJUANA ESTABLISHMENTS

**Amended/Added at 10-4-18 STM, approved by AG 1-15-19 - eff. date 10-4-18*

A. Purpose

- (1) To provide for the placement of marijuana establishments in appropriate locations in the Town of Royalston and under conditions in accordance with the provisions of Massachusetts General Law Chapter 94G.
- (2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land areas in the Town of Royalston.
- (3) To regulate the siting, design, placement, security, safety monitoring, modifications, and discontinuance of marijuana establishments in the town of Royalston.

B. Applicability

- (1) No marijuana establishment shall be established except in compliance with the provisions of Sections III-A and B, of the Zoning Bylaw of the Town of Royalston, April 10, 2015, and this bylaw (Recreational Marijuana Establishments).
- (2) Marijuana establishments are not a form of agriculture, horticulture, or floriculture for the purpose of the Zoning Bylaws.
- (3) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. Definitions

Terms used in this bylaw and not expressly defined herein shall be defined as set forth in MGL Ch.94G and Ch.94I, and regulations promulgated thereunder and otherwise by their plain language.

Marijuana cultivator, an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of marijuana cultivator.

Marijuana establishment, a marijuana cultivator, craft marijuana cooperative, independent testing laboratory, marijuana product manufacturer, marijuana research facility, marijuana retailer, marijuana transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Marijuana Product Manufacturer, an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Products, cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Independent Testing Laboratory, a laboratory that is licensed by the Cannabis Control Commission and is:

- a) accredited by the International Organization for Standardization 17025 (ISO/IEC 170025: 2017) by a third party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- c) qualified to test cannabis or marijuana in compliance with 935 CMR 500, 160 and MGL, Ch.94C, S.34.

Marijuana retailer, an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of onsite social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter, an entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Other type of licensed marijuana related business, a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana transporter, or marijuana retailer.

Tier 1 marijuana cultivator, a marijuana cultivator with up to 5,000 square feet of canopy.

Tier 2 marijuana cultivator, a marijuana cultivator with between 5,001 to 10,000 square feet of canopy.

D. General Requirements and Conditions for All Marijuana Establishments.

- (1) All marijuana establishments shall be contained within a building or structure.
- (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
- (3) No marijuana establishment shall be located within 500 feet of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed day-care center, church, library, park, playground or other marijuana

- establishments. Distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
 - (5) Marijuana establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosures. Marijuana establishments shall not have drive-through service.
 - (6) No outside storage of marijuana, related supplies or promotional materials is permitted.
 - (7) All marijuana establishments shall be ventilated in such a manner that no:
 - (a) pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
 - (b) odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.

E. Special Permit Requirements.

- (1) A marijuana establishment shall only be allowed by special permit from the Planning Board in accordance with MGL Ch. 40A, Sec 9 and Section V-A of the Zoning Bylaw of the Town of Royalston, April 10, 2015, and this bylaw (Recreational Marijuana Establishments) subject to the following statements, conditions and limitations.
- (2) In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements of the Zoning Bylaw of the Town of Royalston, April 10, 2015.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - (a) Marijuana cultivator
 - (b) Marijuana product manufacturer
 - (c) Marijuana retailer
 - (d) Independent testing laboratory
 - (e) Marijuana transporter
 - (f) Any other type of licensed marijuana-related business
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
 - (a) The name, address, phone number, and email addresses of all management, staff, and key holders of the marijuana establishment, including a minimum of two (2) operators or managers which the facility identifies as contact persons to whom one can provide notice of operating problems associated with the marijuana establishment.
 - (b) If the applicant is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the applicant is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the applicant is a public

agency, evidence of the agency's authority to engage in the development of the marijuana establishment as proposed by the application.

- (c) If the applicant is a business organization, a statement under oath disclosing all its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
 - (d) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the marijuana establishment, including the Cannabis Control Commission.
 - (e) Evidence of the applicant's right to use the site for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease.
 - (f) Details showing all proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from criminal activity. A letter from the Town of Royalston Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.
 - (g) The resume(s) of the applicant and all members of the marijuana establishment management, including company history, references, and relevant experience.
 - (h) Description of activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site.
 - (i) Context map: A map depicting all properties and land uses within a minimum of five hundred (500) foot radius of the proposed site. The context map shall include the measured distance to all uses described in section D (3) of this bylaw.
- (5) The special permit authority shall not issue a special permit for marijuana establishment unless it finds that:
- (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL Ch. 40A, Sec 11.
 - (b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
 - (c) The applicant has satisfied all of the conditions and requirements set forth herein.
- (6) The marijuana establishment owner or their representative shall file an annual report to, and appear before, the Planning Board no later than January 31st of each calendar year providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- (7) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or control of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit

granting authority in the form of an amendment to the special permit with all application information required in accordance with this section and after a posted public hearing.

F. Abandonment Or Discontinuance of Use.

- (1) A special permit shall lapse if not exercised within one year of issuance.
- (2) A special permit shall be automatically revoked if the permit holder ceases operation or the permit holder's registration by the Massachusetts Department of Public Health expires or is terminated.
- (3) A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia within six months of ceasing operations.

SECTION X. ADMINISTRATION

A. Building Inspector; Violations and Penalties

1. **Enforcing officer.** The Building Inspector shall enforce the Zoning Bylaws and the decisions of the Board of Appeals and the Planning Board. The Building Inspector shall not issue a permit for construction, alteration, relocation, occupancy or use of any building, structures or premises in violation of any provision of this bylaw.
2. **Interpretation of bylaw.** In the Building Inspector's interpretation and application of the bylaw, the provisions of this bylaw shall be held to be minimum requirements adopted for the promotion of its purposes. Where this bylaw imposes greater restrictions than imposed by other bylaws, the provisions of this bylaw shall control. Where there is reasonable doubt as to the meaning of any provision in this bylaw, the Building Inspector or Board of Appeals shall consult the Planning Board regarding the intent of the provision, allowing 14 days for a response before rendering a decision.
3. **Issuance of permits.** The Building Inspector shall not issue a permit until he is satisfied after inspection that all the requirements of this bylaw, insofar as applicable, have been met, except as otherwise instructed in writing by the Board of Appeals upon granting a special permit, appeal or variance. The Building Inspector shall specify in writing the reason for refusal of any permit required by this bylaw.
4. **Notice and penalties for violations**
 - a) Any suspected violation of this bylaw shall be inspected, and any violation found shall be reported and specified in writing by the Building Inspector to the owner, to any other occupants affected and to the Select Board.
 - b) If the Building Inspector is requested in writing to enforce this bylaw against any person allegedly in violation thereof and declines to act, he shall notify, in writing, the

party requesting such enforcement of any action, or refusal to act, and the reasons therefor, within 14 days of receipt of such request. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his or her inability to obtain enforcement action, as provided at MGL c. 40A, § 8.

c) Any person violating any provision of the Royalston Zoning Bylaw-or any of the conditions under which a permit is issued or any decision rendered by the Board of Appeals or the Planning Board, after being notified of the violation by the Building Inspector by registered or certified mail, may be fined not more than twenty-five dollars for each offense. Each day that the violation continues shall constitute a separate offense (provided, however, that no fine shall be imposed if the violation is corrected within three days of the receipt of the notice.)

B. Board of Appeals

1. **Appointment, organization and powers.** There shall be a Board of Appeals of three members and two associate members appointed by the Select Board as provided in MGL c. 40A, § 12. Members of the Board of Appeals in office at the time of adoption of this bylaw shall continue in office for the remainder of their terms. Said Board shall annually elect a Chairman from its own number and a Clerk. It shall adopt rules for the conduct of its business and file a copy thereof with the Town Clerk. The Board of Appeals shall have all the power granted to it under MGL c. 40A, including the power to grant special permits required by this bylaw.
2. **Notices of public hearings.** The Board of Appeals shall give public notice of any appeal, application or petition in the manner provided in MGL c. 40A, § 11.
3. **Decisions.** Decisions of the Board shall be made within a period consistent with MGL c. 40A.
4. **Approval of special permits**
 - a) The Board of Appeals shall not approve a special permit unless it finds that in its judgment all criteria are met with in Section V. A. Special Permit.
 - b) In approving a special permit, the Board shall attach such conditions and safeguards as are deemed necessary to protect the neighborhood and the Town.
5. **Approval of variances.** Before a variance may be authorized, the Board shall find that all of the conditions set forth in MGL c. 40A, § 10, have been met and shall give the reasons for its findings regarding each condition in detail. The Board of Appeals shall impose such limitation on time and use and such other conditions as it may deem desirable to protect the public interest and to ensure that the variance granted is not

greater in degree or duration than is justified by the hardship to be relieved. No authority to grant a use variance is meant or implied.

6. **Appeals.** To hear and decide an appeal taken by any person aggrieved by reason of their inability to obtain a permit from any administrative official under the provisions of Chapter 40A of the General Laws as amended, or by any officer or board of the Town, or by any person aggrieved by an order of decision of the inspector of buildings or other administrative official in violation of any provision of MGL c. 40A, or of this bylaw and amendments. An Appeal must be filed with the Town Clerk within thirty (30) days from the date of the order or decision being appealed.

C. Planning Board

1. **Special permits.** In cases where the Planning Board is designated as the special permit granting authority, its actions shall be based upon the same considerations and procedural requirements in this Bylaw Section V. A. -Special Permit, except as otherwise may be required by statute.

2. Zoning Amendments

a) Public hearing on amendments. The Planning Board shall hold a public hearing on any zoning amendment proposed in a Warrant article before the following Town Meeting. The Board may, on its own initiative, hold preliminary public meetings on a proposed zoning amendment in advance of its submittal in a Warrant article. Notices of such hearing shall be given in the manner provided in MGL c. 40A. The Board shall submit a report with its recommendations on the proposed amendment to the Town Meeting.

b) Concept plan. Petitioners for a Zoning Map change to any District shall, prior to their public hearing, submit a concept plan to the Planning Board with the exception of petitions submitted by the Planning Board. A concept plan shall consist of the following:

A schematic development plan, indicating the location of zoning district boundaries, the boundaries of the lot, buildings, roads, and reserved open spaces.

D. Amendment. This bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of MGL c. 40A .

E. Applicability

1. Other laws. Where the application of this Zoning Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Zoning Bylaw shall control.
2. Conformance. Construction or operations under a building or special permit shall conform to any subsequent amendment of this Zoning Bylaw unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued

through to completion as continuously and expeditiously as is reasonable.

F. Severability. The invalidity of any provisions of this Zoning Bylaw shall not affect the validity of the remainder.

SECTION XI. DEFINITIONS

In this Zoning Bylaw, the following terms shall have the following meanings unless another meaning is required by the context or is specifically prescribed in the text of this bylaw. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this bylaw.

Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning Bylaw; provided, however, that the Board of Appeals may reestablish such use by special permit.

Accessory Building. A subordinate building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory Use. A use customarily incidental to that of the main or principal building or use of the land.

Approved Way. Either an existing public way or a proposed way conforming to the requirements of this bylaw or the subdivision control regulations.

Automobile Body Shop. Establishment where the principal service is the repair and painting of automobiles or similar light motor vehicles (maximum 10,000 pound gross vehicle weight and 135-inch wheel base), provided that all but minor repairs shall be conducted entirely within a building.

Automobile Service Station. Sale of motor vehicle fuel, related products and services, including a car wash, provided that such stations shall not be within 1300 feet of another station and that all maintenance and service, other than minor service at the island or emergency repairs, shall be conducted entirely within a building.

Bed and Breakfast. An accessory use to a dwelling unit in which the owner of the establishment resides, consisting of overnight lodging with breakfast. No meals other than a breakfast shall be served, and no breakfast shall be served nor any retail or consumer services shall be provided to any member of the public not lodged as an overnight guest. Bed and breakfasts are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

BMPs (Non-Structural). Site design approaches and techniques that can reduce a site's impact on the watershed through the use of stormwater management practices including conservation and protection of natural areas and greenspace, reducing impervious surfaces, and using natural features for stormwater management.

BMPs (Structural). Are devices that are engineered and constructed to provide temporary storage and/or treatment of stormwater runoff.

Common Land. Land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

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

Developable Lot. A parcel of land that conforms to all of the requirements for development in this Zoning Bylaw and any other applicable Bylaw or regulation of the Town of Royalston.

Development. The modification of land to accommodate a new use or expansion of use, usually involving construction.

Disturbance of Land. Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. A land altering activity includes the cutting of trees of greater than six (6) inch caliper Diameter Breast Height (DBH).

Dwelling. Any building designed for residential use and containing kitchen and sanitary facilities.

Dwelling, Multi-Unit . A dwelling containing three (3) but not more than four (4) dwelling units, separated by vertical walls or horizontal floors, designed for occupancy by not more than four (4) families.

Dwelling, Single-Family. A dwelling other than a mobile home, singly and apart from any other building used exclusively for occupancy by one (1) family.

Dwelling, Two-Family. A dwelling containing two (2) dwelling units, separated by vertical walls or horizontal floors, designed for occupancy by two (2) families.

Dwelling Unit. One (1) or more rooms for living purposes together with separate cooking and sanitary facilities intended to be used by one (1) family and accessible from the outdoors directly or through an entrance hall shared with other dwelling units. Not more than one (1) family is permitted per dwelling unit.

Educational (non-exempt). Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Family. An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons not legally related, living together as a single housekeeping unit. Any unrelated individual over five (5) shall constitute another family.

Flexible Development. An alternative method of lot development that allows smaller lot sizes and frontage and requires that natural features of the parcel are taken into consideration when placing lot lines.

Gross Floor Area. The sum, in square feet, of the horizontal areas of all stories of a building or several buildings on the same lot measured from the exterior face of exterior walls, or from the center line of a party wall separating two buildings. Gross floor area shall also include garages, basements, cellars, porches and half stories, but shall exclude crawl spaces, attics, and decks.

Home Occupation. An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof.

Hotel/Motel/Inn. A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Impervious Surface. Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, paved recreation areas and paved, gravel and compacted dirt surfaced roads.

Industry, Light. A manufacturing, processing, assembly, packaging or other industrial operation without limit as to category or product, provided that the operation:

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

Industry, Prohibited. The following industrial uses shall be defined as prohibited industrial uses:

- a. Acetylene gas, cyanide compound or oxygen manufacture
- b. Asphalt manufacture or refining
- c. Chlorine or bleaching powder manufacture
- d. Creosote manufacture
- e. Distillation of coal or wood
- f. Drop forge shop
- g. Explosives, fireworks, or ammunition manufacture (
- h. Fertilizer manufacture
- i. Fumigation plants
- j. Glue or size manufacture from fish or animal offal
- k. Gypsum, cement, plaster or plaster of paris manufacture
- l. incineration, reduction, or dumping of offal, garbage or refuse on a commercial basis (except where controlled by the Town)
- m. Junk yard, junk storage. scrapping of autos and parts and the salvage thereof
- n. Linoleum manufacture
- o. Match manufacture

- p. Storage, collection, treatment, burial, incineration or disposal or radioactive wastes, including but not limited to low level waste.

Industry, Restricted. All other forms of industry not specified or alluded to in Light Industry or Prohibited Industry.

Land Alteration. Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Land Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.” A land alteration includes the cutting of trees of greater than six (6) inch caliper Diameter Breast Height (DBH).

Landscaping. Landscaping includes a range of maintenance and construction activities aimed at shaping, defining, and enhancing out-door spaces and environments inhabited by people. It is practiced as both a science and an art. Landscaping involves working with functional site conditions of water, soil, seasonality, wind, and light conditions, requires a thorough knowledge of plant materials, and strives to shape our living environments to achieve aesthetic effects.

Lot. A single area of land in one ownership defined by metes and bounds or boundary lines or a deed recorded in the Registry of Deeds, Worcester County, or drawn on a plan approved under the Subdivision Control Law, or on a plan endorsed by the Planning Board stating "Approval not required under the Subdivision Control Law," or word of similar import.

Lot Area. The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year and other than any marsh, swamp or flat bordering on inland waters.

Lot Frontage. The boundary of a lot coinciding with a street line if there are both rights-of-access and potential vehicular access across that boundary to a potential building site and the street has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Royalston Subdivision Regulations currently in effect to be measured continuously along one (1) street line between side lot lines or, in the case of corner lots, between one (1) side lot line and the midpoint of the corner radius. The portion of a lot fronting on a discontinued road, or a road which is not continuously constructed to a point beyond the border of the subject lot does not constitute frontage for purposes of approval-not-required plans.

Lot Width. The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Low Impact Development(LID). Low Impact Development (LID) is an approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID seeks to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID tools are used to plan and engineer urban and rural sites to maintain or restore the hydrologic and ecological functions of their watersheds.

LID Design Criteria. Best Management Practices (BMPs) and specifications for the use of LID. Projects that comply with prescribed requirements may be allowed reductions in stormwater management requirements when techniques are used to reduce stormwater runoff at the site.

Massachusetts Stormwater Management Standards and Handbook. The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Mobile Home. A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Nonconforming Use. Those uses, buildings, structures, parking spaces, loading bays, signs, landscaping and other activities that are now subject to the provisions of this Bylaw which were lawful before this Bylaw was adopted or before amendments to this Bylaw which are applicable to the situation were adopted, and such situations do not now conform to the provisions of this Bylaw.

Nonpoint Source Pollution. Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

Open Land. Land within the common land which will remain permanently not occupied by any structure, or by any use that would change its natural state.

Outside Wood-fired Boiler /Furnace or Outdoor Hydronic Heater. an accessory structure or appliance designed to be located outside space ordinarily used for residential, business or industrial purposes which is designed to provide heat, via liquid or other means, through the burning of wood, for heating spaces other than where such structure or appliance is located, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor Wood-fired Boiler /Furnace" does not include a fire pit, wood-fired barbeque or chimney. Such use is subject to the Department Of Environmental Protection's emission regulations at 310CMR 7.26(50)-(54), a building permit for the installation is required under the Massachusetts State Building Code (780 CMR) and a permit from the Board of Health .

Pre-Development. The conditions that exist at the initial time that site plans for development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

Post-Development. The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

Point Source. Any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged.

Private Club. Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Recharge. The replenishment of underground water reserves.

Residence

1. *Single Family Residence* - A detached dwelling designed for and occupied by a single housekeeping unit, and having no party wall in common with an adjacent home or house.
2. *Two-Family Residence* - Same as above except designed for two housekeeping units and having a party wall in common with an adjacent home or house.
3. *Multi-Unit Residence* - A structure containing three or more dwelling units.

Retail Store. An establishment that has as its primary function the retail sale of merchandise (excluding automobiles) not produced on the premises.

Restaurant. Premises for which the principal use is the preparation and sale of food or drink to be consumed on-site.

Rooming or Boarding House. A dwelling or part thereof in which lodging is provided by the owner or operator to at least three, but not more than six, boarders.

Sign. Any device displaying or any display of any letter, word, picture, symbol or object designed to inform or attract the attention of persons not on the premises on which such device or display is located, including billboards, advertising devices attached to vehicles, trailers or other movable objects regularly on display, and any internally or decoratively illuminated building surface other than unobstructed window glass.

Sign Area. The surface area within a single continuous perimeter enclosing all of the display area, but not including structural members not bearing advertising matter unless internally or decoratively lighted. One (1) side only of flat, back-to-back signs shall be counted.

Stormwater. Precipitation in all its forms whether liquid or frozen; stored or flowing, point or non-point source. Contaminants of stormwater include both particulate and dissolved constituents that may be entered the precipitation from the air or on the ground, buildings, paving or other surfaces.

Street, Road or Way. Either a public way or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, Chapter 194 Subdivision of Land. Also a way in existence when the Subdivision Control Law became effective in Royalston, having, in the opinion of the

Planning Board, adequate width and construction and suitable grades (see Subdivision Regulations) to support the proposed use of the land to be served by it, including the installation of buildings and municipal services.

Warehousing. A business utilizing buildings used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Yard. An open space, unoccupied and unobstructed by any structure, that lies between the building nearest to the front, rear or side lot line, right-of-way or street line, and is on the same lot with such building or group of buildings, except the following:

- A. Fences, walls, poles, posts, paving and other customary yard accessories, ornaments and furniture.
- B. In front yards only, eaves and steps.

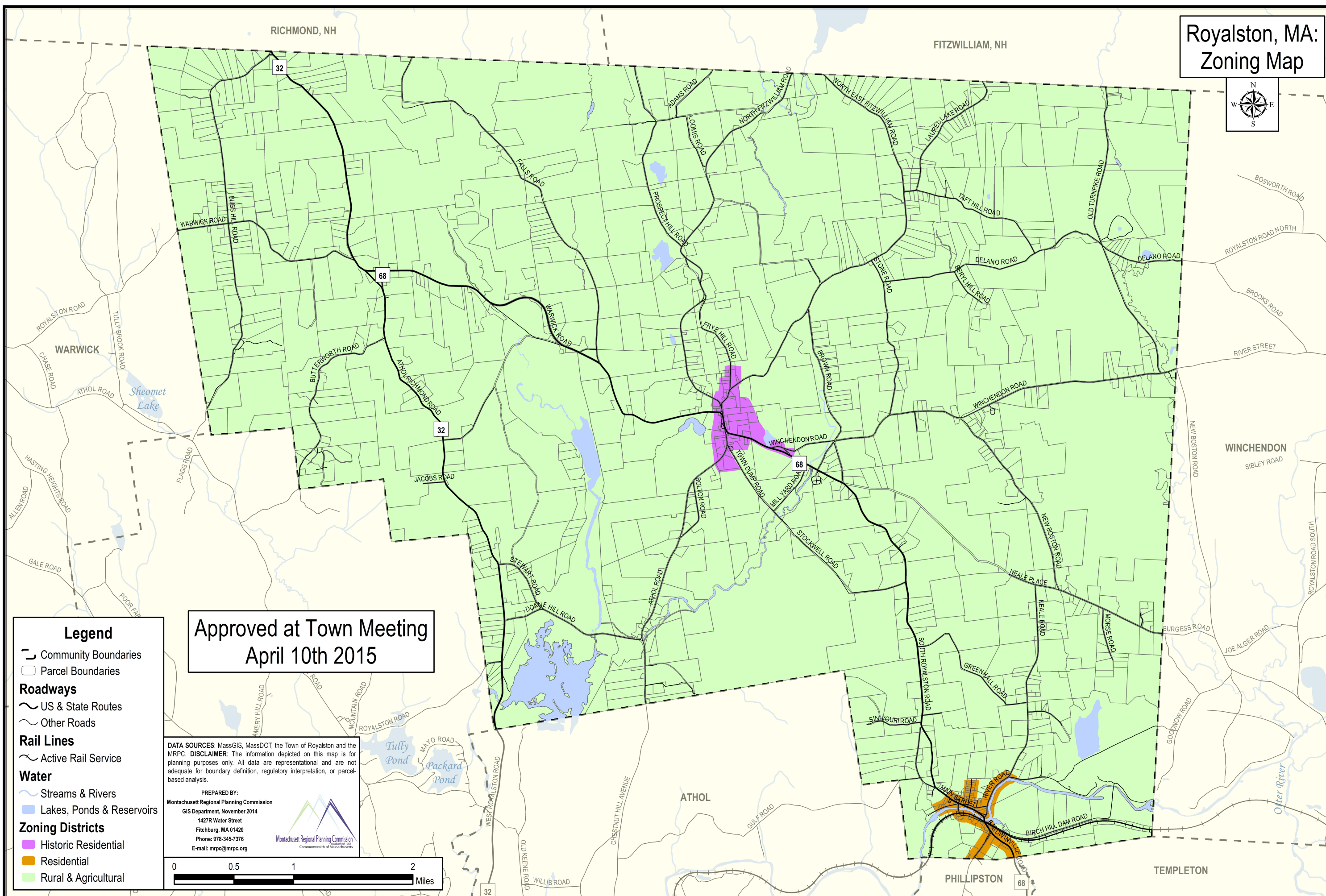
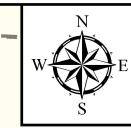
Yard, Front. A yard extending the full width of the lot between a building and the front lot line, right-of-way, or street line.

Yard, Rear. A yard extending the full width of the lot between a building and a rear lot line, right-of-way, or street line.

Yard, Side. A yard extending the full width of the lot between a building and a side lot line, right-of-way or street line.

SECTION XII. ZONING MAP

Royalston, MA: Zoning Map



Approved at Town Meeting
April 10th 2015

Legend

- Community Boundaries
- Parcel Boundaries
- Roadways**
- US & State Routes
- Other Roads
- Rail Lines**
- Active Rail Service
- Water**
- Streams & Rivers
- Lakes, Ponds & Reservoirs
- Zoning Districts**
- Historic Residential
- Residential
- Rural & Agricultural

DATA SOURCES: MassGIS, MassDOT, the Town of Royalston and the MRPC. **DISCLAIMER:** The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

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