

The Zoning By-Law
of the Town
Plainfield
Massachusetts



Voted by Town Meeting: September 13, 1982
Approved by the Attorney General: December 20, 1982

Amended by Town Meeting: June 29, 1993
Approved by the Attorney General: August 30, 1993

Amended by Town Meeting: June 27, 1995
Approved by the Attorney General: December 17, 1995

Amended by Town Meeting: November 10, 1998
Approved by the Attorney General: January 14, 1999

Amended by Town Meeting: May 5, 2005
Approved by the Attorney General: December 2005

Amended by Town Meeting: March 10, 2015
Approved by the Attorney General: May 22, 2015

Amended by Town Meeting: May 7, 2016
Approved by the Attorney General: July 22, 2016

TABLE OF CONTENTS	PAGE
Section I: Title, Authority and Purpose	
1.0 Title	1
1.1 Authority	1
1.2 Purpose	1
Section II: Definitions	
2.0 Word Definitions	1
2.1 Term Definitions	1
Section III: Establishment of Districts	
3.0 Zoning District	7
3.1 Solar Photovoltaic Overlay District	7
Section IV: General Use Regulations	
4.0 General Permitted Use Regulations	8
4.1 Uses Allowed by Right	8
4.2 Uses Allowed by Special Permit	10
from the Zoning Board of Appeals	
4.3 Uses Allowed by Special Permit	12
from the Planning Board	
4.4 Prohibited Uses	13
Section V: Intensity Regulations	
5.0 General Requirements	13
Section VI: General Provisions	13
6.0 Non-Conforming Uses and Structures	13
6.1 Travel Trailer or Camper	13
6.2 Mobile Home	14
6.3 Conditions for Construction	14
Section VII: Wireless Communication Facilities	15

	7.0 Purpose and Applicability	15
	7.1 Construction and Siting Requirement	16
	7.2 Application for Special Permit	17
	7.3 Continued Use	17
	7.4 Severability	18
	7.5 Public Safety	18
Section VIII:	Special Use Regulations	18
	8.0 Signs	18
	8.1 Campgrounds	18
	8.2 Accessory Apartments	19
	8.3 Large scale ground-mounted solar photovoltaic installations	21
Section IX:	Administration	26
	9.0 Enforcement	26
	9.1 Penalty	26
	9.2 Zoning Board of Appeals	26
	9.3 Administrative Appeals	27
	9.4 Special Permits	27
	9.5 Variances	31
	9.6 Amendments	32
	9.7 Validity	32
EXHIBIT A	Yard Setbacks	33
EXHIBIT B	Tables of Intensity Regulation	34
EXHIBIT C	Maps	35

ZONING BYLAW FOR THE TOWN OF PLAINFIELD

SECTION I: TITLE, AUTHORITY AND PURPOSE

1.0 TITLE

This Bylaw shall be known and may be cited as the “Zoning Bylaw for the Town of Plainfield”.

1.1 AUTHORITY This Bylaw is adopted pursuant to the authority granted by Massachusetts General Law, Chapter **40A** as amended.

1.2 PURPOSES The purposes of this Bylaw are to confirm and preserve the character and integrity of the Town of Plainfield as a rural residential and agricultural community, with all the protection authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A and amendments thereof.

To promote the health, safety and general welfare of all the inhabitants of the Town of Plainfield, to protect and conserve the value of property, the beauty of the town, its streams, ponds and waterways, and to encourage appropriate utilization of land and alternative energy sources.

SECTION II: DEFINITIONS

For the purpose of this bylaw, certain terms or words used herein shall be interpreted as follows:

2.0 WORD DEFINITIONS

2.0.1 The word **person** includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

2.0.2 The **present tense** includes the future tense and the plural number includes the singular.

2.0.3 The word **shall** is mandatory, the word **may** is permissive.

2.0.4 The words **used or occupied** include the words **intended, designed**, or arranged to be **used or occupied**.

2.0.5 The word **lot** includes the words **plot, parcel** or **property**.

2.1 TERM DEFINITIONS

2.1.1 Abandonment. The cessation of a non-conforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a non-conforming use of a structure for two years or more; or the cessation by its replacement with a conforming use or structure.

2.1.2 Accessory Apartment. An Accessory Apartment is a self-contained housing unit incorporated within or accessory to a single family dwelling complete with its own sleeping, cooking and sanitary facilities and a separate means of egress. Such an apartment is a subordinate part of the single family dwelling, and as such, must meet all other applicable zoning requirements, including setbacks.

2.1.3 Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

2.1.4 Agriculture, Horticulture, Floriculture or Viticulture. Agriculture, Horticulture, Floriculture or Viticulture shall include but not be limited to farming, including the raising of stock on parcels of land with more than five (5) acres, truck gardening, greenhouses in connection with truck gardening and floriculture except for a commercial greenhouse, nursery, maple sugar production, the growing and harvesting of forest products, and display and sale of natural products raised in the town with the necessary structures needed for these uses.

2.1.5 Antique Shop. A retail establishment selling principally antiques, including but not limited to, furniture, jewelry, silver, glass and pottery.

2.1.6 Arts and Crafts Production and Training. Any business concerned with the creation or production of any of the fine arts, graphic arts, photography, or hand crafts including training in the creation or production of said arts and crafts and the display of such arts and crafts for commercial purposes in an art gallery or crafts gallery.

2.1.6A As-of-Right Siting. The siting of a development may proceed without the need for a special permit or other discretionary approval. However, development shall be subject to site plan review to determine conformance with local zoning ordinances, bylaws, federal and state building codes, and to protect the public health, safety and welfare. Siting of projects cannot be prohibited, but can be reasonably regulated by the local building commissioner, local inspectors, and a designated Site Plan Review Authority.

2.1.7 Boarding Kennel. A business serving owners of small pets, such as dogs and cats, providing boarding facilities and care for such pets. As an accessory service such business may provide grooming services to such pets. The business must be located on parcels of land with five (5) acres, or more to achieve setbacks, buffer and containment adequate for sound containment.

2.1.8A Building Commissioner. The lead person in a municipal building department. All other inspectors are deemed to be local inspectors in accordance with MGL, chapter 143, & section 3 & 3A. The building commissioner is also the zoning enforcement officer.

2.1.8 Building. Any enclosed structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

2.1.9A Building Permit. A construction permit issued by an authorized local building commissioner; the building permit affirms that the project is consistent with the state and federal building codes as well as local zoning bylaws.

2.1.9 Building Height. Vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof, or parapet.

2.1.10 Building Trades and Contractors. Any of the trades connected with the construction of buildings, including but not limited to, general building contractor, well digger, excavator, electrician, plumber, carpenter, painter, landscape designer. No more than (15) employees shall be at the office site of any contractor or business trade at any given time.

2.1.11 Business. Place where a commercial, industrial, service, or professional activity takes place.

2.1.12 Camper. See Travel Trailer.

2.1.13 Campgrounds. Any area or tract of land used commercially to accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits.

2.1.14 Child Care Facility. Facilities that serve children under seven years of age or sixteen if the children have special needs, or school-age children (under fourteen years of age or sixteen if they have special needs) in programs that are held before or after school hours or during vacation.

2.1.15 Commercial Greenhouse. A retail or wholesale establishment engaged in the production of vegetables, including hydroponic culture, flowers, shrubs, ornamental plants, and small trees.

2.1.16 Community Based Health Service. A place for the provision of health care, primarily outpatient, which includes, but is not limited to, a community health center.

2.1.17 Cottage Industry. A business activity conducted for financial gain within a dwelling and/or accessory building by the residents thereof. Cottage industry is a more extensive form of a home occupation business activity and may have significant nonresidential characteristics. A cottage industry includes, but is not limited to, traditional craft or artisan business activity such as pottery, weaving, leather work, clothes-making, woodworking, etc. No more than fifteen (15) persons at any given time shall be employed on the premises.

2.1.18 Dwelling, One-Family. A detached residential dwelling unit, designed for and occupied by one family only. This definition shall include manufactured housing units that meet the state standards for building construction.

2.1.19 Dwelling, Two-Family. A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

2.1.20 Family. A family is any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit, provided that a group of not more than five persons keeping house together but not necessarily related by blood or marriage shall be considered a family. This section, however, does not apply to non-related disabled persons as defined by any applicable Federal and/or State law and/or regulations.

2.1.21 Family Day Care Home. Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore.

2.1.22 Farm Business. Business established for processing of farm products, 50% of which must have been raised or produced on the premises or elsewhere in the Town of Plainfield, but not including slaughter house, poultry process and manufacturing of farm products.

2.1.23 Farm Stand. A business for the sale of natural products, such as vegetables, maple syrup, flowers and/or small amounts of cord wood. Such natural products may have been raised in Plainfield, but this is not a requirement and the display and sale of such products from other areas is permissible.

2.1.24 Forest Products. All operations associated with the cutting and removal of timber for commercial purposes, including energy uses and milling processes, production of wood products and the distribution thereof.

2.1.25 Frontage. The linear distance of a lot fronting on a single street measured continuously along one line between its side lot lines and their intersection with the street line. (See Exhibit A). Frontage must provide meaningful access to the parcel.

2.1.26 General Store. A retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and furnishings, small wares and hardware, groceries, and feed and seed. There may be associated fuel pumps.

2.1.27 Hairdresser/Beauty Salon. A retail establishment for the care of hair, pedicure, or salon providing hair treatment, facials and the like.

2.1.28 Hardware Store. A retail establishment selling tools, fittings and materials to the building trades for construction and to the general public for home maintenance and repair, gardening and land management.

2.1.29 Hazardous Waste. A waste which is hazardous to human health or the environment. Hazardous wastes have been designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, MGL Chapter 21 C.

2.1.30 Home Occupation. A professional or business activity conducted for financial gain within a dwelling and/or from an accessory building by the residents thereof which is incidental and subordinate to the residential use of the property and which does not change the residential character of the neighborhood. No more than three (3) persons at any given time, other than the residents therein, shall be employed on the premises.

2.1.31 Institutional Uses. In accordance with Massachusetts General Law, Chapter 40A any facility for religious or educational purposes whether owned or leased by the Commonwealth or any of its agencies or subdivisions or by a religious sect or denomination or by a nonprofit educational corporation, or any child care facility, any family day care home. Such institutional uses are exempt from special permit for use but are governed by all other provisions of the by-laws

2.1.32 Junk Yard. Land or structures used commercially for collecting, storing or selling wastepaper, rags, scrap metal or discarded materials; or for collecting, dismantling, storing, salvaging or selling inoperative machinery, vehicles or parts thereof.

2.1.33 Lot. A parcel of land. In order to be used for building purposes, it must meet the criteria for a building-lot.

2.1.34 Lot, Building. A parcel of land held in single or common ownership meeting the dimensional requirements of this Bylaw for the district in which land is situated, and if occupied by a principal building and its accessory structures, meeting the minimum yard requirements of that district, and defined on a plan or deed recorded in the Registry of Deeds.

2.1.35 Lot, Corner. A lot having at least two adjacent sides dividing it from a street right of way, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

2.1.36 Lot Line. The established division between lots or between a lot and a street right-of-way. (See Exhibit A)

2.1.37 Mobile Home. A dwelling unit (see Dwelling, one-family) built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters.

2.1.38 Non-Conforming Use of Land or Structure. Any structure or use of land lawfully existing at the effective date of this Bylaw or subsequent amendment which does not conform to one or more provisions of this bylaw.

2.1.38A Project Proponent. The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this By-Law.

2.1.39 Recreational Facility. A recreational facility offered to the public on a regular or seasonal basis such as cross country skiing ski-tow, athletic club, fitness center, golf course, swimming pool, tennis court which is functionally compatible with the natural resources of Plainfield.

2.1.40 Repair Garage. Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered for or incidental to a commercial purpose.

2.1.41 Restaurant. An establishment where food is, and where alcoholic beverages may be, prepared, served and consumed primarily within the primary building.

2.1.42 Riding Academy, Riding Stable. An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public, for a fee, hire horses for riding. Must be located on (a parcel) of land with five (5) acres or more.

2.1.43 Sawmill. A facility utilized to process timber into boards, beams and related wood stock for commercial purposes, excluding operation accessory to a permitted agricultural use.

2.1.44 Service Station. Any building, land area or premises, or portion thereof, used or intended to be used for retail dispensing or sale of vehicular fuels; and including as accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

2.1.45 Sign. Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of an advertisement.

2.1.45A Site Plan Review. A review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

2.1.45B Site Plan Review Authority. The person or group designated as such by the municipality to perform Site Plan Reviews.

2.1.46 Special Permit. A process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings and insures proposals are consistent with the purposes of the Zoning Bylaw. Special permits are issued by the Special Permit Granting Authority, as provided in Section 4.0 and Section 9.4 of this Bylaw.

2.1.47 Special Permit Granting Authority. The Special Permit Granting Authority shall be the Zoning Board of Appeals or the Planning Board as provided in Section 4.0 and Section 9.4 of this Bylaw.

2.1.48 Street. A public way (Town, County or State), a way shown on a definitive plan of a subdivision of land which has been approved and endorsed by the Planning Board, or a way in existence when the subdivision control law became effective in June 17, 1973 in Plainfield- which, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic including emergency vehicles in relation to the proposed use of the land abutting thereon or served thereby.

2.1.49 Street Right-of-Way. A general term denoting land, property or interest therein, usually a strip, acquired for or devoted to a planned roadway. A street right-of-way should be sufficient to accommodate the ultimate roadway, including, but not limited to, the street pavement, shoulder, grass strip, public utility facilities, street trees, and snow storage.

2.1.50 Structure. A combination of materials for permanent or temporary occupancy or use, such as: a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, gasoline pumps, recreational courts, or the like.

2.1.51 Travel Trailer or Camper. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; and when equipped for the road, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.

2.1.52 Tourist Industry. A business which is conducted to provide transient lodging to the public of more than three rooms with the service of food and beverage.

2.1.53 Vehicle Service. An establishment serving vehicles, including repair garage and/or service station, as defined herein; or, in association with a general store, there may be fuel pumps and the accessory sale of lubricants, cleaning agents, and the like.

2.1.54 Variance. A departure from the provisions of a zoning bylaw relating to structures, setbacks, side yards, frontage requirements and/or lot size, but not involving the actual use. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

2.1.55 Yard. A required open space, unoccupied except as herein permitted, between a principal building and a street or a lot line. (See Exhibit A)

2.1.56 Yard, Front. The minimum required distance between the right of way line of a street, and the part of a building nearest such line, excluding steps, but including porches, decks, and the like.

2.1.57 Yard, Rear. A yard adjacent to the rear lot line and extending between side lot lines.

2.1.58 Yard, Side. A yard adjacent to the side lot line and extending from the front yard to the rear yard.

2.1.59 Wireless Communication Facility: A general term to include buildings, devices such as antennas and dishes, and structures such as towers used by commercial or public utility companies to facilitate wireless communications including cellular telephone service, personal communications service, enhanced specialized mobile radio service, and similar uses.

SECTION III: ESTABLISHMENT OF DISTRICTS

3.0 ZONING DISTRICTS

For the purpose of this Bylaw, the whole area of the Town of Plainfield constitutes of a single, Rural, Residential, and Agricultural zoning district known as the Rural Residential/Agricultural zoning district with uniform regulations for each class or kind of structure or use permitted.

3.1 Solar Photovoltaic Overlay District

3.1.1 Purposes and Intent

The purpose of the **Solar Photovoltaic Overlay District** is to identify designated location(s) where certain large-scale solar photovoltaic installations are allowed by right in accordance with Sections 4.1 and 8.3.

3.1.2 Applicability

There shall be a Solar Photovoltaic Overlay District which consists of the area known as Plainfield Assessor Map 15C Parcel 19 and which is shown on the Solar Photovoltaic Overlay District map on file with the Town Clerk.

SECTION IV: GENERAL USE REGULATIONS

4.0 GENERAL PERMITTED USE REGULATIONS

All buildings and land uses shall be subject to existing laws, bylaws and regulations, as well as to regulations set forth in this Bylaw or set forth as permissible by Special Permit. No land or building shall be used for any purpose harmful to public health, safety or comfort by reason of transmission or emission of radiation, fumes, dust, gas, smoke, or poisons; by reason of vibrations, noise, fire, explosion, or hazard; or by tending to pollute water.

4.1 USES ALLOWED BY RIGHT

The following are allowed by right in the Town of Plainfield:

4.1.1 Residential Use

- a. Single, detached, one-family dwelling.
- b. Two or more families or households in one dwelling provided the following conditions are met:
 - (1) At least two-thirds of the involved dwelling existed in 1982.
 - (2) The involved dwelling lot equals or exceeds three (3) acres per resident family or household.

4.1.2 Accessory Uses or Structures

Accessory Uses or Structures must be incidental and subordinate to permitted residential uses.

- a. See section 8.2 for Accessory Apartment standards.

4.1.3 Business Uses

Any lawful business which does not violate Section 4.0 shall be allowed by right if it is:

- a. Agricultural, horticulture, floriculture or viticulture.
- b. Riding academy, riding stable on a parcel of land with more than five (5) acres.
- c. Renting rooms to boarders or tourists provided all the following conditions are met:
 - (1) The number of rooms rented is limited to three (3).
 - (2) No separate cooking facilities are provided therein.
 - (3) There must be adequate bathroom facilities for the intended use which shall conform to all applicable standards in the state including sanitary, building and other codes.
 - (4) The use must not change the single-family character of the dwelling.
 - (5) The owner or an agent thereof shall be in residence on the premises throughout the duration of the rental period.
 - (6) Parking will be accommodated off-street.

- d. Home occupations may be engaged in as an accessory use of a dwelling by a resident of that dwelling if conforming to the following conditions:
- (1) The home occupation or profession shall be carried on wholly within the principal building and/or within a building or structure accessory thereto.
 - (2) A home occupation shall be incidental to the use of a residential dwelling. No more than thirty (30) percent of the gross floor area of a residence may be used in connection with the home occupation or for associated storage purposes. Gross floor area shall include all heated, ventilated and thereby habitable space
 - (3) Not more than three (3) persons at any given time, other than the residents therein, shall be employed on the premises.
 - (4) Any on-site exterior storage must comply with setback requirements and be suitably screened, to the extent practicable, from the view of abutting properties and the roadway by vegetation, berms, or opaque fencing.
 - (5) No offensive noise, vibration, smoke, dust, odors, heat, fumes, lighting glare or electrical or telecommunications interference shall be detectable off the site with instrumentation.
 - (6) Traffic generated to and from the site shall not exceed volumes normally expected in the rural residential agricultural zone.
 - (7) Parking generated shall be accommodated off street, preferably not in the required front yard.
 - (8) There shall be no retailing of articles not principally produced on the premises, unless incidental to another allowed activity.

4.1.4 Institutional Uses

The following uses are uses allowed by right, but shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

- a. Religious uses.
- b. Educational uses.
- c. Child care facility.
- d. Family day care home.
- e. Municipal uses.

4.1.5 Signage

See Section 8.0.

4.1.6 Large-Scale Ground-Mounted Solar Photovoltaic installations

As-of-Right Siting of Large-Scale Ground-Mounted Solar Photovoltaic installations up to 1.5 acres in area are allowed within the Solar Photovoltaic Overlay District following site plan review in accordance with the requirements of Section 8.3.

4.2 USES ALLOWED BY SPECIAL PERMIT FROM THE ZONING BOARD OF APPEALS

To better secure their livelihood, the people of Plainfield are entitled to establish business uses that in no way conflict with the character and integrity of this rural and agricultural community, and that abide with Article 97 of the Constitution of the Commonwealth of Massachusetts, to wit:

The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and aesthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

To secure this purpose, each business use not allowed by right and not prohibited under Prohibited Uses, Section 4.4, must receive a special permit from the Zoning Board of Appeals in full accord with all applicable criteria, including the conditions, criteria and guidelines required under the Zoning Board of Appeals Rules and Regulations, dated July 1, 1988, or as amended (see Section 9.4).

4.2.1 Cottage Industry

Cottage industry shall be allowed as an accessory use of a dwelling by a resident of that dwelling, following issuance of a special permit subject to the following conditions:

- a. The cottage industry shall be carried on wholly within the principal building and/or within buildings or structures accessory thereto.
- b. No more than sixty-five (65) percent of gross floor area may be used in connection with the cottage industry or for associated storage. Gross floor area shall include all heated, ventilated and thereby habitable space and accessory buildings.
- c. Not more than fifteen (15) persons at any given time shall be employed on the premises of the cottage industry.
- d. No offensive noise, vibrations, smoke, dust, odors, heat, fumes, lighting glare or electrical or telecommunications interference shall be detectable off the site.
- e. Traffic generated shall not exceed volumes normally expected in the rural residential/agricultural zone.
- f. The business shall comply with the intensity requirements of Section 5.1 except where a more stringent requirement has been stipulated in the Bylaw or as a condition of the special permit.
- g. Parking shall be off-street, preferably not in the required front yard.
- h. Any on-site exterior storage must comply with setback requirements and be suitably screened to the extent practicable from the view of abutting properties and the roadway by vegetation, berms, or opaque fencing.
- i. Business uses will be limited as required to comply with Section 4.4, Prohibited Uses, herein.

4.2.2 Business uses.

The following business uses shall apply for special permits. Section 2.1 Definitions, should be referenced for additional standards.

- a. Arts and crafts production and training.
- b. Building trades and contractors.
- c. Business, computer and financial service.
- d. Community based health service.
- e. Farm business, commercial greenhouse.
- f. Forest products.
- g. Printing, publishing and information services.
- h. Tourist industry
- i. Recreational facility.
- j. Consumer, retail, and personal services.
 - (1) Antique shop
 - (2) Arts and/or crafts gallery
 - (3) Boarding kennel
 - (4) Farm stand
 - (5) Vehicle service
 - (6) General store
 - (7) Hairdresser/beauty salon
 - (8) Hardware store
 - (9) Restaurant

4.2.2.1 Educational Uses For Profit.

School operated for profit providing:

- a. Academic: educational curriculum similar to that customarily provided by the public schools of the Commonwealth of Massachusetts.
- b. Business, Vocational and Technical: educational curriculum for business, professions, service occupations or manual trades.
- c. Arts, Physical Fitness and Self Enrichment: educational curriculum such as fine arts, crafts, physical arts, nature studies and philosophies.

4.2.3 General Standards for Business Use.

- a. The business shall comply with the intensity requirements of Section 5.1 except where a more stringent requirement has been stipulated in the Bylaw or as a condition of the special permit.
- b. A business must assure protection of Town amenities and abutting properties through minimizing detrimental or offensive actions; protection of abutting properties from detrimental site characteristics; protection of unique or important natural, historic or scenic features; or by satisfaction of any and all of the applicable subsections of said Rules and Regulations of the Zoning Board of Appeals.

- c. Parking shall be off-street, preferably not in the required front yard.
- d. Any on-site exterior storage must comply with setback requirements and be suitably screened to the extent practicable from the view of abutting properties and the roadway by vegetation, berms, or opaque fencing.
- e. No offensive noise, vibrations, smoke, dust, odors, heat, fumes, lighting or electrical or telecommunications interference shall be detectable off the site.
- f. Traffic generated shall not exceed volumes normally expected in the rural residential/agricultural zone.
- g. Business uses will be limited as required to comply with Sections 4.4 Prohibited uses, herein.

4.2.5 Signs

See Section 8.0 for Signage standards

4.2.6 Wireless Communications Facility (See Section VII)

4.2.7 Large-Scale Ground-Mounted Solar Photovoltaic installations

Large-Scale Ground-Mounted Solar Photovoltaic installations outside the Solar Photovoltaic Overlay District and all Large-Scale Ground-Mounted Solar Photovoltaic installations greater than 1.5 acres in size shall be allowed following issuance of a special permit and site plan review in accordance with the requirements of Section 8.3.

4.3 USES PERMITTED BY SPECIAL PERMIT FROM THE PLANNING BOARD

The following uses are subject to the Special Permit procedures described in Section 9.4.

4.3.1 Campgrounds.

See Section 8.1 for campground standards.

4.4 PROHIBITED USES

4.4.1 No land within the Town of Plainfield may be used for the collection, treatment, storage, burial, incineration or disposal of radioactive waste, including transuranic waste, unless the site and method for such handling and/or processing have been previously approved by a two-thirds (2/3) vote at the Town Meeting; except as any such restriction may be precluded under present or subsequent state law.

4.4.2 No land within the Town of Plainfield may be used for the collection, treatment, storage, burial, incineration or disposal of hazardous chemical waste unless the site and method for such handling and/or processing have been previously approved by a two-thirds (2/3) vote at the Town Meeting.

4.4.3 A junk yard is not an allowed use, with the exception of one owned by the Town of Plainfield for the sole use of its residents for the discard or recycling of materials deriving only from use in Plainfield.

SECTION V: INTENSITY REGULATIONS

5.0 GENERAL REQUIREMENTS

5.0.1 All permitted uses and uses allowed by Special Permit shall be in conformity with the intensity regulations set forth in Exhibit B, Table of Intensity Regulations. No existing lot shall be changed in size or shape so as to result in the violation of requirements set forth in Exhibit B.

SECTION VI: GENERAL PROVISIONS

6.0 NON-CONFORMING USES AND STRUCTURES

The lawful operation of any structure or use existing at the time of the enactment or amendment of this Bylaw may be continued even though such structure or use does not conform with the provisions of the Bylaw. This use or structure is, however, subject to the following;

6.0.1 Abandonment:

A non-conforming use which has been abandoned or not used for a period of two years or more may not be reestablished, and any other future use shall conform with this bylaw.

6.0.2 Extensions:

Pre-existing non-conforming structures or uses may be extended or altered to another non-conforming use by Special Permit from the Zoning Board of Appeals provided the Board finds that the extension or alteration is not more detrimental to the neighborhood character than was the existing non-conforming use or structures.

6.0.3 Reconstruction:

A non-conforming structure which has been damaged or destroyed may be repaired or reconstructed and used as before, provided such restoration is completed within one year from date of damage, and does not exceed the original dimensions of the nonconforming structure.

6.0.4 Changes:

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

6.1 TRAVEL TRAILER OR CAMPER

6.1.1 A travel trailer or camper shall not be used as a dwelling unless in certified campground.

6.1.2 A travel trailer or camper, as defined in Section 2.1.12 and Section 2.1.51 of this Bylaw, to be stored or parked outdoors must be located at least twenty (20) feet from the rear and side property lines.

6.1.3 Nothing in this section shall restrict the use of a travel trailer or camper for temporary occupancy for travel, recreational, or vacation use by a landowner or the landowner's invitees, provided that such use is limited to no more than 30 consecutive days nor more than 90 days in any calendar year.

6.2 MOBILE HOMES

6.2.1 The owner or occupier of a residence which has been rendered uninhabitable by fire or natural disaster may place a mobile home on the site of such residence and may, by right, reside in such mobile home for a period not to exceed twelve months while the residence is being rebuilt. Any such mobile home is subject to the provisions of the State Sanitary Code and the pertinent regulations of the Board of Health. The mobile home must be removed from the site upon issuance of the Certificate of Occupancy by the Building Inspector for the rebuilt residence.

6.3 CONDITIONS FOR CONSTRUCTION

The following shall apply to all new construction, repair, alteration or moving taking place in the Town of Plainfield:

- 6.3.1** All permits for new residence construction shall be granted only upon provision of **acceptable water and sanitary systems** as certified by the Board of Health.
- 6.3.2** No person shall construct, alter or move any building or structure without having first obtained a permit for the same.
- 6.3.3** The Inspector of Buildings, as appointed by the Board of Selectmen, shall be solely responsible for the issuance or withholding of a building permit in accordance with the provisions of this Bylaw
- 6.3.4** The application for a building permit shall be submitted to the Inspector of Buildings and shall be accompanied by two (2) copies of a site plan drawn to scale which clearly shows boundaries of the lot, location of the street, any required culvert, placement of building or buildings, location of sewerage system and water supply, and, if required, a sketch of the structure showing the location of smoke detectors.
- 6.3.5** Simultaneously, an additional copy of the site plan shall be forwarded, by the applicant, to the Superintendent of Highways for review. Said Superintendent shall make recommendations as she/he deems appropriate and shall send a copy thereof to the Inspector of Buildings within ten (10) days.
- 6.3.6** Simultaneously, a copy of the sketch of the building, showing location of the smoke detectors shall be forwarded, by the applicant, to the Chief of the Fire Department for review. Said Fire Chief shall make recommendations as she/he deems appropriate and shall send a copy thereof to the Inspector of Buildings within ten (10) days.
- 6.3.7** The Inspector of Buildings shall either accept or reject a permit application within thirty (30) days of submission. Failure of the Inspector of Buildings to issue the permit within said thirty (30) day period shall be deemed a denial of said application. Copies of all permits issued within each month shall be forwarded to the Board of Selectmen, Board of Health, Zoning Board of Appeals, Planning Board, Conservation Commission and Board of Assessors by the first day of each month.

SECTION VII: WIRELESS COMMUNICATION FACILITIES

(Site Plan and Construction Review Process)

7.0 Purpose and Applicability

The purpose of this Section of the By-law is to minimize the adverse impact of any wireless communication structures, buildings and/or appurtenances on adjacent properties and residential neighborhoods; to limit the number and height of such facilities to only what is essential; to promote shared use of existing facilities to reduce the need for new facilities; to protect, to the maximum extent possible, the historic and residential character of the Town of Plainfield, the property values of the community and the health and safety of its citizens.

Construction of wireless communication facilities shall be in compliance with this Section and shall require a Special permit issued by the Zoning Board of Appeals. Any modification to an existing facility such as addition of microwave dishes, antennas, structures, etc., shall also require a Special Permit or an amendment to the original Special Permit. This Section does not apply to any tower or antenna used by a federally licensed amateur radio operator or television antennas or satellite dishes which are accessory to a residential use or to Town of Plainfield owned facilities used for public service or emergency communications.

7.1. Construction and Siting Requirements

7.1.1 Wireless communication facilities shall, if feasible, be located in or on preexisting load-bearing structures, buildings or towers such as church steeples, silos, water towers, etc, provided such installation shall preserve the character of the structure, building or towers. For new sitings, preference should be given to locating the facility on public land.

7.1.2 Only monopolies and associated antenna and panels are allowed. Facilities requiring three or more **legs and lattice** type towers are prohibited. All towers shall be pre-engineered to fail at a pre-determined height enabling the structure to collapse upon itself in the event of a catastrophic failure.

7.1.3 The total allowable height from ground level shall not exceed more than 25 feet above the existing tree line or the anticipated tree line of maturing trees growing in the vicinity of the tower. In no event, however, shall the total allowable height be more than 100 feet. Total allowable height shall include all antennas and accessories on the facility. Equipment shelters shall be no more than 12 feet in height.

7.1.4 The facility shall be located a minimum of 500 feet from the nearest residential lot line and a minimum setback from town ways shall be equal to the height of the facility.

7.1.5 All wireless communication facilities shall be located in such a manner that the view of the facility shall be as limited as possible. All equipment at the facility shall be painted or otherwise colored in such a way as to blend with the existing landscape. A different and conforming color scheme shall be used, if appropriate, above and below the tree line. The facility shall be designed, constructed, located and accessed in a manner that preserves existing vegetation to the maximum extent possible.

7.1.6 The facility shall be fenced to prevent unauthorized access and shall have a landscape buffer of shrubs or trees with a minimum height of at least the height of the fencing or associated buildings, whichever is higher, and which will completely shield the facility, excluding the tower, from any residential view. The use of razor or spun barbed wire or electrical fencing is prohibited.

7.1.7 No facility installed within 750 feet of a single residence shall exceed the maximum height limitation established by the Federal Aviation Administration (FAA) for required night lighting. Night lighting of towers, except as required by the FAA, shall be prohibited. Tower lighting shall be limited to that needed for emergencies. Lighting of the buildings and grounds may be provided to ensure a safe and secure facility; however, all lighting shall be shielded to prevent undue impact on surrounding properties.

7.1.8 There shall be no signs except: a sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four hour basis; a no trespassing sign, a sign displaying the FCC registration number, and any signs warning of danger. All signs shall comply with the requirements of this Zoning-By-Law.

7.1.9 At no time shall the facility be used to store equipment or vehicles other than that required for normal operation.

7.1.10 To the extent technologically feasible, all network interconnections from the facility shall be via land line.

7.2 Application for Special Permit

For an application to be complete the following information must be submitted and must be in compliance with Sections 7.0. and 7.1. above, along with any other reasonable information, technical or otherwise, requested by the Zoning Board of Appeals to assist them in making judgment on the application

7.2.1 A survey of all pre-existing structures, buildings or towers, which are capable of supporting the equipment necessary to provide the intended service and technical report which demonstrates why any such structure, building or tower cannot be used by the applicant.

7.2.2 A description of the wireless communication facility including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type, size and number of transmitters and a technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.

7.2.3 The technical and other reasons for the proposed location, height and design including, but not limited to, a survey of all sites which are feasible for providing the intended service, both within and directly adjacent to the Town of Plainfield and the reasons(s) the proposed site was selected.

7.2.4 A color rendition of the proposed facility including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the proposed facility from the nearest street or streets. At the request of the Zoning Board of Appeals, a viewshed analysis will be completed and submitted showing at least four views from one half mile each.

7.2.5 Evidence in the form of a deed, lease or other such instrument to show that the applicant has a right to use the proposed site.

7.2.6 A landscape plan showing the proposed site before and after development including topography and screening proposed to protect abutters.

7.2.7 A statement that the sound levels under normal operating conditions, whether emanating directly from, or as a result of natural wind blowing through the facility, measured at the boundary of the lot on which it is sited, shall be dampened to an acceptable level.

7.2.8 A certification that the applicant possesses a valid written agreement with a telecommunications provider, all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service (no permits will be granted for a tower to be built on speculation).

7.3 Continued Use

7.3.1 The owner shall provide to the Town Clerk written annual certification demonstrating structural integrity, continued compliance with the regulations and standards of the FCC, FAA, Nations' Council for Radiation Protection and the American National Standards Institute and annual proof of insurance to cover any and all damages resulting from the facility.

7.3.2 All unused portions of the facility which have been idle for a period of one year shall be dismantled and removed at the owner's expense. Dismantling shall be completed within eighteen months of discontinuance.

7.3.3 The Zoning Board of Appeals may at its discretion, require the applicant to post a bond or other financial security with the Town Treasurer in an amount deemed sufficient to cover the cost of demolition and removal of the facility in the event of discontinuance, or to cover the cost of repairs deemed to be a security or health hazard which are not corrected by the owner in a timely manner after written notification.

7.3.4 In the event of changes in technology that if incorporated into the site would favorably impact the visual aspects of the site, it shall be the responsibility of the owner to incorporate such technology within six months or as soon as reasonably possible thereafter, once the owner has been made aware of such changes.

7.4 Severability

The invalidity, unconstitutionality, or illegality of any provision of the By-law shall not have any effect upon the validity, constitutionality or legality of any other provision of this By-law.

7.5 Public Safety

Tower owners shall provide space, free of charge except for installation charges, on any tower in the Town of Plainfield, for antennae owned by the Town of Plainfield which provide safety or public service transmissions.

SECTION VIII: SPECIAL USE REGULATIONS

8.0 SIGNS

Any exterior sign, lettered surface or other display used to identify or advertise shall, except as expressly provided, conform to the following restrictions:

8.0.1 One non-illuminated sign up to a maximum size of eight (8) square feet is allowed by right.

8.0.2 A permanent sign accessory to the permitted use which is greater than eight (8) square feet shall be permitted on the same lot as the permitted use by Special Permit from the Zoning Board of Appeals.

8.0.3 Political signs not to exceed six (6) square feet in area shall be allowed by right.

8.0.4 No sign attached to a building may be elevated above the height of the building to which it is attached any other sign shall be eight (8) feet or less above ground at the highest point.

8.0.5 All signs shall be of a non-illuminating variety with no mechanical or moving devices or noise making features.

8.1 CAMPGROUNDS

Campgrounds shall be permitted by Special Permit as described in Section 9.4 by the Planning Board. The purpose of the following requirements is to provide minimum regulations for areas developed for rental of sites for tents, campers or travel trailers for the use of vacationers and travelers, including sanitary, cooking, recreational and parking facilities for patrons:

8.1.1 Minimum Site Intensity Requirements

The total area of the site for the proposed campground shall be at least fifty (50) acres. The minimum frontage for a campground shall be at least 1,000 feet. The maximum height for all structures shall be 35 feet.

8.1.2 Minimum Front, Side and Rear Yard Requirements

No building or structure shall be located within fifty (50) feet of any property lines.

8.1.3 Driveway Requirements

No driveway for ingress or egress shall be located within fifty (50) feet of any side or rear property line.

8.1.4 Landscaping

Camping sites, parking spaces for campers or trailers, and unenclosed recreational facilities shall be located not less than five hundred (500) feet from any property line and shall be screened in such a manner as to be not visible from adjacent properties. Screening shall be comprised of vegetative plantings. All such planting shall be designed and maintained as an effective visual screen. Plants that die shall be replaced within one growing season.

8.1.5 Number of Parking Sites Required

The number of parking sites for travel trailers or similar vehicles shall not exceed the total number of cabins and camping sites. The number of sites for tents, campers or travel trailers shall not exceed twelve (12) per acre, exclusive of all common use space.

8.1.6 Lighting

Lighting shall be so shielded as to cast no light upon adjacent property or public ways.

8.1.7 Audio

An audio system shall be permitted except where such system is audible at any property line.

8.1.8 Traffic in the Development

Within the development, vehicular and pedestrian circulation facilities shall be provided for safe and convenient use in accordance with state planning standards.

8.1.9 Compliance with Other Laws and Regulations

Camping areas shall comply with Title V, Environmental Code, Commonwealth of Massachusetts regulations and any other laws, and regulations pertaining to the establishment and maintenance of sanitary sewerage facilities. No special permit shall be issued by the Planning Board unless and until the Board of Health of the Town of Plainfield has approved those aspects of the development which come under its jurisdiction.

8.1.10 Occupancy Requirements

Occupancy of these recreational facilities shall be temporary, falling between May 15 and October 15 of the same year. Additional occupancy time may be granted by Special Permit from the Planning Board.

8.1.11 Amendments

The Planning Board may prescribe, from time to time, rules and regulations to amend the standards and conditions set forth in these zoning regulations for campgrounds, provided the rules and regulations are not inconsistent with the Zoning Bylaw and Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

8.2 ACCESSORY APARTMENTS

8.2.1 Definition:

- a. An Accessory Apartment is a self-contained housing unit incorporated within or accessory to a single dwelling complete with its own sleeping, cooking, and sanitary facilities and a separate means of egress.

8.2.2 Purpose:

- a. The purpose of this by-law is to:
- (1) Provide older homeowners with an opportunity to obtain rental income, companionship, security and services, should they so choose, thereby enabling them to remain more comfortably in their homes;
 - (2) Add affordable rental units to the existing housing stock to meet the needs of smaller households; and
 - (3) Protect the stability, property values and single family residential character of our community by ensuring that accessory apartments are created only as accessory to single family dwelling.

8.2.3 Conditions:

- a. An Accessory Apartment in a single-family dwelling, or in a detached structure accessory to the single-family dwelling, shall be allowed by right provided that the following conditions are met
- (1) The Accessory Apartment shall be a complete, separate housekeeping unit, including its own kitchen and bath, that functions as a separate unit from the original unit, have least one of its means of egress separate from that of the single family dwelling;
 - (2) Only one Accessory Apartment shall be allowed on a single family lot;
 - (3) The lot size and frontage of the single family dwelling to which an Accessory Apartment is added shall meet the requirements of the lot size and frontage of a single family house as specified in other sections of this Zoning By-Law;
 - (4) Accessory Apartments proposed for non-conforming lots/structures shall require a Special Permit to expand or alter a non-conforming lot;
 - (5) The Accessory Apartment shall be designed so that the appearance of the building(s) remains that of a one-family dwelling to the extent practicable. Any exterior changes made must conform to the existing single family character of the neighborhood and the existing architectural elements of the single family house and detached structure. To the greatest extent possible, any new entrances shall be located on the side or road of the building;
 - (6) An addition to the original single family dwelling is permitted, provided that the Accessory Apartment shall be clearly a subordinate part of the single family dwelling with any addition being not more than one third (33%) of the existing total residential living space (excluding unfinished attic and basement, garage, porch, patio) of the primary single family dwelling. These same dimensional criteria shall apply to an Accessory Apartment constructed in a detached building, such as a garage, barn, or carriage house, or to an Accessory Apartment constructed as part of a new single family dwelling;
 - (7) The gross floor area of Accessory Apartment shall not exceed nine hundred (900) square feet (stairwell access, porches, patios, shall not be included in the computation)
 - (8) At least three off-street parking spaces shall be available for combined use for the single family dwelling occupant(s) and Accessory Apartment tenant(s);

- (9) A Sanitarian or professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal system are adequate and in accord with 310 CMR 15.000, The State Environmental Code, Title 5;
 - (10) The construction of the Accessory Apartment shall conform to all applicable standards in the State Sanitary, Building and other applicable codes.
- b. The provisions of this by-law also apply to an Accessory Apartment in a newly constructed home if the proposed project meets all requirements of this Accessory Apartment by-law.

8.3 LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

8.3.0 Purpose

The purpose of this Section 8.3 is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Large-Scale Ground-Mounted Solar Photovoltaic installations that address public safety and minimize impacts on scenic, natural and historic resources. Such installations include:

- a. As-of-Right Siting of Large-Scale Ground-Mounted Solar Photovoltaic installations up to 1.5 acres in size within the Solar Photovoltaic Overlay District defined in Section 3.1, as allowed by Section 4.1.6.
- b. Special Permit siting of Large-Scale Ground-Mounted Solar Photovoltaic installations outside the Solar Photovoltaic Overlay District defined in Section 3.1 and installations greater than 1.5 acres in size, as allowed by Section 4.2.7.

8.3.0.1 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 rated nameplate capacity greater than 50 KW DC.

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

8.3.1 Applicability

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

Installations up to 1.5 acres are allowed as-of-right within the Solar Photovoltaic Overlay District by Section 4.1.6, while installations outside the Solar Photovoltaic Overlay District or greater than 1.5 acres require a special permit under Section 4.2.7. The calculation of coverage area shall exclude required setbacks. The combined area of multiple installations (new or existing) on a single lot, or adjacent lots in common ownership shall be used to determine accordance with the 1.5 acre threshold.

This Section shall not apply to ground mounted solar photovoltaic arrays with rated nameplate capacity up to 50 KW, or to roof mounted solar arrays of any size.

8.3.2 General Requirements for all Large Scale Ground Mounted Solar Photovoltaic Installations

The following requirements apply to all Large Scale Ground Mounted Solar Photovoltaic installations.

8.3.2.1 Site Plan Review

Ground-mounted large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this Section. For the purpose of this Section of the Zoning Bylaw, the Zoning Board of Appeals shall be the Site Plan Review Authority.

8.3.2.1.1 General

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

8.3.2.1.2 Required Documents

Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

(a) A site plan showing:

- i.** Property lines and physical features, including roads, for the project site;
- ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system 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 Massachusetts 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;
- 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;

(d) Proof of liability insurance and builder's risk insurance;

(e) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

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

8.3.2.2 Site Control

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

8.3.2.3 Operation & Maintenance Plan

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

8.3.2.4 Utility Notification

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

8.3.2.5 Dimension and Density Requirements

8.3.2.5.1 Setbacks

Large - scale ground-mounted solar photovoltaic installation setbacks shall adhere to those specified by the Intensity Regulations in Section 5.

8.3.2.5.2 Structures

All structures for large-scale ground-mounted solar photovoltaic installations shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

8.3.2.5.3 Screening

Whenever reasonable, all structures shall have year-round screening from view of side yards of abutters by means of fencing, berms, evergreen trees or shrubs or other reasonable screening to avoid adverse visual impacts.

8.3.2.6 Design Standards

8.3.2.6.1 Site Lighting

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

8.3.2.6.2 Signage

Signs on large scale ground-mounted solar photovoltaic installations shall comply with Section 8.0 of this bylaw. Each sign shall be required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

8.3.2.6.3 Utility Connections

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

8.3.2.7 Safety and Environmental Standards

8.3.2.7.1 Emergency Services

The large scale solar photovoltaic installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent 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 Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.

8.3.2.7.2 Land Clearing, Soil Erosion and Habitat Impacts

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

8.3.2.8 Monitoring and Maintenance

8.3.2.8.1 Solar Photovoltaic Installation Conditions

Project Proponent 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 Project Proponent shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

8.3.2.8.2 Modifications

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

8.3.2.9 Abandonment or Decommissioning

8.3.2.9.1 Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life, or has been abandoned consistent with Section 8.3.2.9.2, shall be removed. The Project Proponent shall physically remove the installation no more than 150 days after the date of discontinued operations. The Project Proponent shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations and structures, including below grade duct banks, raceways, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(c) Stabilization, recovery or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

8.3.2.9.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Site Plan Review Authority.

8.3.2.9.3 Surety

The Site Plan Review Authority may, at its discretion, require the Project Proponent to post a bond or other financial security with the Town Treasurer in an amount deemed sufficient to cover the cost of demolition and removal of the large-scale ground-mounted solar photovoltaic installation in the event of abandonment or decommissioning, or to cover the cost of repairs to remedy site access or public safety hazards which are not corrected by the Project Proponent in a timely manner after written notification.

SECTION IX: ADMINISTRATION

9.0 ENFORCEMENT

9.0.1 The Inspector of Buildings shall be the officer responsible for enforcing the provisions of this Bylaw.

9.0.2 No new building shall be occupied until a certificate of occupancy has been issued by the Inspector of Buildings.

9.0.3 The Inspector of Buildings shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Bylaw.

9.0.4 Construction or operations under a building or special permit shall conform immediately to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit; and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

9.1 PENALTY

Any person violating any of the provision of this Bylaw may be fined by the Board of Selectmen an amount not to exceed one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

9.2 ZONING BOARD OF APPEALS

9.2.1 Establishment

The existing Zoning Board of Appeals of three (3) members and two (2) alternates is appointed by the Board of Selectmen as provided in Chapter 40A of the Massachusetts General Laws, as amended.

9.2.2 Powers

The Board of Appeals shall have the power to hear and decide petitions for administrative appeals, variances, and special permits as provided for in this Bylaw and in accordance with the Zoning Act, Massachusetts General Law, Chapter 40A.

9.2.3 Appeals of Decisions by the Board of Appeals

Any person, any municipal officer, or any municipal board, aggrieved by any of the following may appeal to Superior Court or to the Hampshire County division of the district court department under the provisions of M.G.L., Chapter 40A, Section 17, as amended:

- (a) a decision by the Board of Appeals; or

(b) the failure of the Board of Appeals to take final action concerning any appeal, application or petition within the required time. Any such appeal must be taken within twenty (20) days after the decision is filed with the Town Clerk.

9.3 ADMINISTRATIVE APPEALS

9.3.1 The Board of Appeals shall hear and decide administrative appeals from:

- (a) Any person aggrieved by reason of an inability to obtain a permit or enforcement action from any administrative officer under the provisions of the Massachusetts General Laws, Chapter 40A;
- (b) Any person including any officer or board of the town or of any abutting town, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provision of the Massachusetts General Laws, Chapter 40A, or this Bylaw.

9.3.2 Any appeal shall be filed by the petitioner with the Town Clerk within thirty (30) days from the date of the order or decision, which is being appealed. The notice of appeal shall specify the grounds for the appeal. A copy of the notice, including the date and time of the filing certified by the Town Clerk, shall be filed immediately by the petitioner with the Board of Appeals and with the officer or board whose order or decision is being appealed in accordance with the Zoning Act, Massachusetts General Laws, Chapter 40A, Section 15.

9.3.3 Public Hearing

In accordance with the Zoning Act, Massachusetts General Laws, Chapter 40A, Section 15, the Board of Appeals shall hold a public hearing within sixty-five (65) days from the receipt of notice by the Board of such appeal. The Board of Appeals shall make a decision on the appeal within one hundred (100) days after the date of the filing with the Town Clerk.

9.3.4 Two Years before Next Appeal

No petition considered under Sections 9.3, 9.4 and 9.5 which has been unfavorably acted upon by the Board of Appeals shall be again considered on its merits by said Board within two years after the date of such unfavorable action unless the Board of Appeals and Planning Board consent thereto under the provisions of Section 16 of Chapter 40A as amended.

9.4 SPECIAL PERMITS

Special Permits are requested for certain uses, structures, or conditions as specified in Section 4.0 General Use Regulations.

9.4.1 Purpose

Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic and environment, health and safety, property values, and the character of the Town among other things. The Special Permit review process is intended to ensure a harmonious relationship between proposed development and its surroundings and to ensure the proposals are consistent with the purpose and intent of the Bylaw.

9.4.2 Special Permit Granting Authorities (SPGA)

Zoning Board of Appeals and the Planning Board shall have those special permit granting authorities specified in Section 4.0, Schedule of Use Regulations.

9.4.3 Application Procedures

a. Application is made on the form for special permits available at the Town Offices, Town Clerk's office or through the Zoning Board of Appeals. Application shall be in one original and eight (8) copies, each accompanied by a site plan drawn to scale, and showing the following:

- (1) Location and dimensions of the lot.
- (2) Names of abutting streets and property owners, abutters. owners of land directly opposite on any public or private street or way, abutters to the abutters within **300** feet of the property line of the petitioner.
- (3) Locations, number of stories and intended uses of existing and proposed buildings and structures, including signs or other means of advertising.
- (4) Parking, loading areas and driveways.
- (5) Facilities for water supply, sewer, refuse, other waste disposal and surface water drainage.

9.4.4 Criteria

a. The use must be found, by the board, not to be detrimental to the town or neighborhood and is in harmony with the general purpose and intent of this Bylaw.

b. The board finds that adequate provisions will be made in the following areas:

- (1) Off-street parking and loading accommodations with respect to number of spaces, layout and safety.
- (2) Situations believed to be harmful as stated in Section 4.0, General Use Regulations, of this Bylaw.
- (3) Protection against adverse visual impact, including but not limited to that which may be caused by light, both direct and reflected.
- (4) Protection of unique or important natural, historic or scenic features.
- (5) Pedestrian and vehicular circulation, with particular attention given to safety, convenience, ingress and egress.
- (6) Adequacy of methods of disposal of sewage, refuse and other waste resulting from the uses permitted or permissible on the site, and methods of drainage of surface water.
- (7) Protection from flood hazards.

c. Special Permits subject to Zoning Board of Appeals issuance may also be subject to the information requirements and guidelines required in the Rules and Regulations of said Board, dated July 1, 1988, or as amended thereafter.

9.4.5 Public Hearing

a. In the case of every application for a special permit made to it under the provisions of this Zoning Bylaw, the SPGA shall hold a public hearing to consider the application in question and shall cause a notice thereof to be published in the local newspaper and by posting a notice on the Bulletin Board in the Town Office Building not less than fourteen (14) days before the day of such hearing. A copy of the notice shall also be sent by certified mail by the petitioner to the abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and any other person or persons who in the opinion of the SPGA may be interested in such application. Copies of the public hearing notice shall be sent by the SPGA to the planning board of every abutting town.

b. Special permits may only be issued following a public hearing held within sixty-five (65) days after an application for a special permit has been filed by the applicant with the Town Clerk, a copy of which shall be immediately given to the Special Permit Granting Authority. Said public hearing shall be held in accordance with Section 11, Chapter 40A of the Massachusetts General Laws, as amended.

9.4.6 Review Procedures

Upon receipt of the special permit application, the SPGA shall simultaneously submit one (1) copy of said application and site plan to the Planning Board, Board of Health, Zoning Board of Appeals, Fire Department, Highway Department, Building Inspector and Conservation Commission, for their review. Said Boards and Commission shall make recommendations as they deem appropriate and shall send copies thereof to the SPGA in accordance with Chapter 40A, Section 11, of the Massachusetts General Laws, as amended. Failure of said Boards or Commission to make recommendation within thirty-five (35) days of receipt of the petition by said Board or Commission shall be deemed lack of opposition thereto.

9.4.7 Special Permit Granting Authority Vote

In accordance with Chapter 40A of the Massachusetts General Laws, as amended, the granting of a special permit shall require unanimous vote of the SPGA consisting of three (3) members or a vote of at least four members of a five-member board of the SPGA.

9.4.8 Special Permit Expiration

All special permits shall lapse within two (2) years from the date the permit was granted, unless substantial use or construction has commenced. Included in the two (2) years shall be the time required to pursue or await the determination of an appeal referred to in Section 17, Chapter 40A of the Massachusetts General Laws, as amended.

9.4.9 Conditions, Safeguards, Limitations

In granting a special permit, the Special Permit Granting Authority may, in accordance with M.G.L., Chapter 40A, impose conditions, safeguards, and limitations. Such conditions, safeguards, and limitations shall be in writing and may include but are not limited to the following.

- a. Setback, side and rear yards greater than the minimum required in this Bylaw;
- b. Screening of parking areas or other parts of the premises from adjoining properties or from streets by the use of walls fences, plantings or other such devices;
- c. Limitations of size, number of occupants, method or time of operation or extent of facilities;
- d. Modification of the exterior design or appearance of buildings, structures, lighting, signs, or landscape materials.
- e. Additional parking, loading or traffic requirements beyond the minimum required in the Bylaw;
- f. Measures to protect against environmental pollution; and noise; and
- g. Performance bond or other security to ensure that the project meets the conditions specified in the special permit.

9.4.10 Transfer

Where a special permit involving the construction of buildings has not been implemented by substantial construction, said permit shall not pass to future owners of the property without a public hearing and approval of the Special Permit Granting Authority.

9.4.11 Document Distribution

When a special permit has been granted, one copy each of the decision, conditions, and approved plans shall be filed with the Planning Board or Zoning Board of Appeals, the Assessors, Zoning Enforcement Officer and the Town Clerk and one copy shall be returned to the applicant. The set of documents on file with the Town Clerk shall bear the endorsement of the Special Permit Granting Authority and certification that copies of the decision and related plans have been filed in accordance with this section.

9.4.12 Time Schedule

A special permit shall only be issued following a public hearing held within 65 days after the date the Application was filed. The SPGA shall act within 90 days following the conclusion of the public hearing. Failure of the SPGA to make final action upon an application for a Special Permit within said 90-day period shall be deemed to be a granting of the Special Permit applied for.

9.4.13 Change, Alterations, Expansion

Any substantial change, alteration or expansion of a use allowed by special permit shall require a special permit from the appropriate Special Permit Granting Authority.

9.4.14 Appeals on Special Permit Activity

Any person, any municipal officer, or any municipal board, aggrieved by any of the following may appeal to Superior Court or to the Hampshire County division of the district court department under the provisions of M.G.L., Chapter 40A, Section 17, as amended:

- a) a decision of the Special Permit Granting Authority, or
- b) the failure of the SPGA to take final action concerning any application for a special permit within the required time. Any such appeal must be taken within twenty (20) days after the decision is filed with the Town Clerk.

9.5 VARIANCES

9.5.1 The Zoning Board of Appeals may authorize upon appeal, or upon petition with respect to particular land or structures, a variance from the terms of this Bylaw.

9.5.2 Such a variance shall be granted only if all of the following conditions have been met:

- a. Circumstances exist that relate to the soil conditions, shape or topography of the land or structures which especially affect such land or structures but do not generally affect the zoning district in which the land or structures are located.
- b. Literal enforcement of the Bylaw will result in a substantial hardship, financial or otherwise.
- c. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

9.5.3 Applications

All applications for variances shall be made in writing on forms furnished by the Zoning Board of Appeals and shall be accompanied by a plan indicating the following:

- a. Location of premises showing dimensions, abutting properties with owners names and addresses, abutting and nearby streets and ways, and the zoning of all properties shown.
- b. Location and dimensions of all existing and proposed structures.

9.5.4 If the rights authorized by the variance are not exercised within one (1) year from the date such variance was granted, they shall lapse and may be re-established according to Chapter 40A of the Massachusetts General Laws, as amended.

9.5.5 Variances shall only be issued following a public hearing held in accordance with Chapter 40A, Section 11 of the Massachusetts General Laws, as amended. See Zoning Board of Appeals regulations for additional procedural information.

9.6 AMENDMENT

This Zoning Bylaw may be amended from time to time at an annual or special Town Meeting as provided for by Chapter 40A of the Massachusetts General Laws, as amended. Copies of the procedures for doing so are available at the Office of the Town Clerk.

9.7 VALIDITY

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

Exhibit A. Yard Setbacks

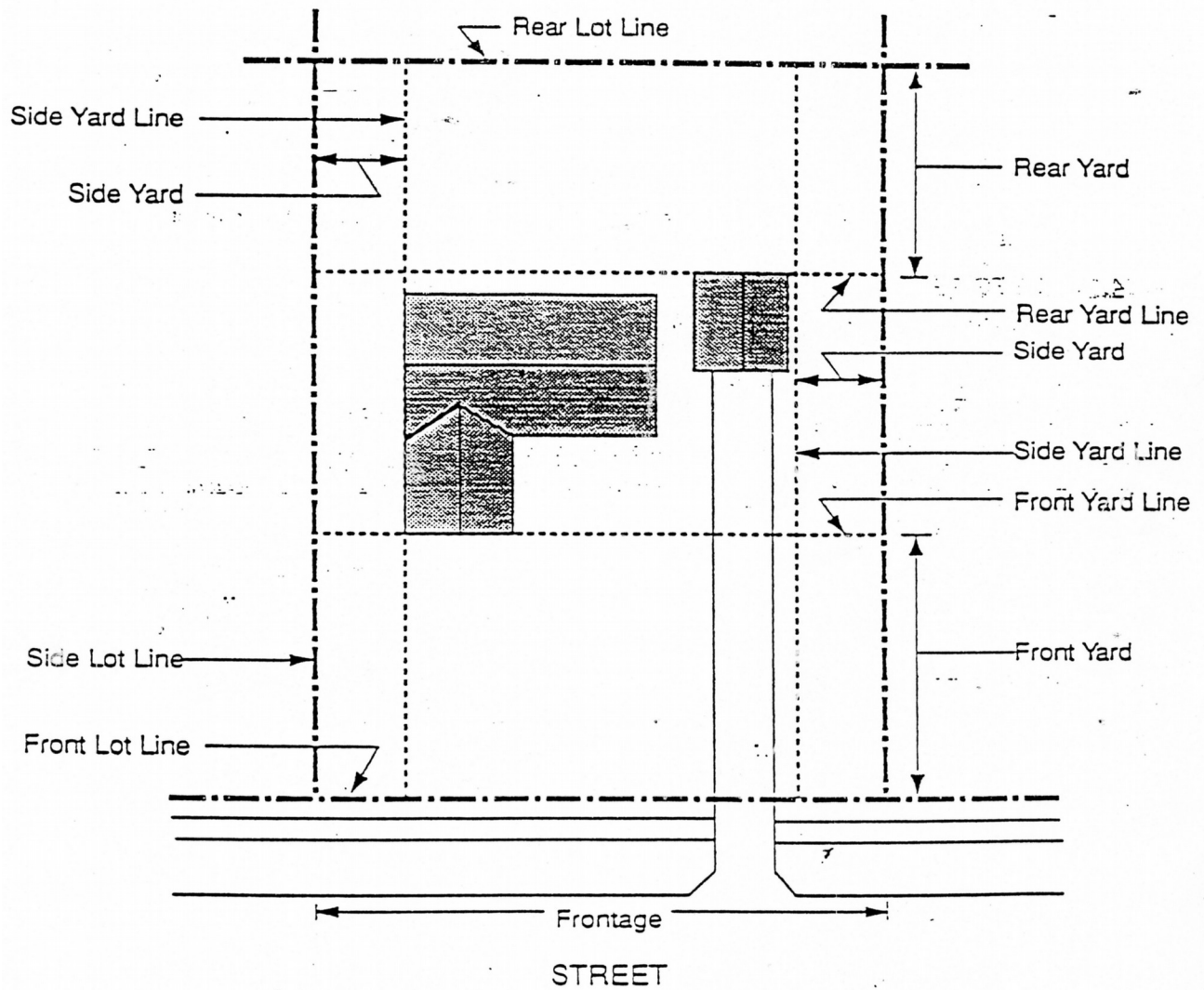


Exhibit B. Table of Intensity Regulations




DISTRICT	USE	MINIMUM DIMENSIONS		MINIMUM YARD REQUIREMENTS IN FT.			MAXIMUM HEIGHT IN FT.	NOTES
		AREA IN ACRES	LOT FRONTAGE IN FT.	FRONT	SIDE	REAR		
AR	Single-family dwelling	3 acres per family	300	50	50	50	35	
	Two or more family dwelling	3 acres <u>Per</u> family	300	50	50	50	35	
	Campgrounds	50	<u>1,000</u>	50	50	50	35	<ul style="list-style-type: none"> Camping sites, parking spaces for campers or trailers, and unenclosed recreational facilities shall be located not less than 500 feet from any property line and shall be screened. The number of sites for tents, campers, or travel trailers shall not exceed twelve (12) per acre exclusive of all public open space. No driveway for ingress or egress shall be located within fifty (50) feet of any property lines.
	Business	3	300	50	50	50	35	Any business use allowed only by Special Permit may require more stringent dimensional requirements, if required by conditions attached to the Special Permit
	Riding Academy	min of 5 acres	300	50	50	50	35	
	Institutional	min of 3 acres	300	50	50	50	35	
	All other uses	3	300	50	50	50	35	

Exhibit C. Maps

Town of Plainfield Solar Photovoltaic Overlay District

ONLY the area shown on
Assessor Map 15C as
Parcel 19.

Legend

-  Solar Photovoltaic Overlay District
-  Area outside of Overlay District
-  Assessor Parcels

