

March 13, 2019

PROPOSED CHANGES TO THE TOWN OF PLAINFIELD ZONING BY-LAW
Recommended by vote of the Planning Board February 6, 2019

Notes from the Planning Board:

- a) The proposed changes to the bylaw include reorganization of existing bylaw sections and standardization of the format. Changes have not been noted in this document where the actual text has remains unchanged other than changes to bold font, all caps or upper and lower case fonts that provide format consistency since these changes do not change the existing bylaw except by appearance.
- b) Where entire sections have been relocated and reformatted, but, text remains unaltered, the entire text is not included in this document since the change does not change the existing bylaw except for renumbering of the paragraphs. The change will be noted by an instruction to renumber the range of paragraphs affected.
- c) For clarity in tracking changes, sections that are modified and also relocated will track the changes in their current location followed by an instruction to relocate and renumber the entire section.
- d) Since the changes are extensive, this document is organized in the same order as the public announcement for the public hearing that will appear in the Hampshire Gazette on March 14 and 21, 2019.
- e) This document consists of 30 pages and three attachments.

PROPOSED CHANGES

1.0 REORGANIZATION OF SECTIONS

A) Delete current **SECTION II – DEFINITIONS** in its entirety. Change the word '**DEFINITIONS**' to read '**ADMINISTRATION.**'

B) **SECTION IX – ADMINISTRATION**; make the following changes:

B.1: Paragraph 9.0.1, 9.0.2 and 9.0.3 change the words 'Inspector of Buildings' to read 'Building Commissioner'.

B.2: Sub-Section 9.2: Change heading to read; '**ZONING BOARD OF APPEALS & PLANNING BOARD**'.

B.3: Delete the existing text and replace the text in paragraph **9.2.1 Establishment** as follows:

The 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.

The Planning Board of five (5) members is appointed by the Board of Selectmen as provided in Chapter 41, Section 81A of the Massachusetts General Laws, as amended.

The Board of Selectmen shall appoint one (1) associate member to the planning board to serve when directed by the chair of the planning board acting as the Special Permit Granting Authority in the case of an absence, inability to act or conflict of interest on the part of any member of the board or in the event of a vacancy as provided in Chapter 40A, Section 9 of the Massachusetts General Laws, as amended.

B.4: Paragraph **9.2.2 Powers**: Delete existing text and insert the following:

a. 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, as amended, and shall have the power to perform site plan review for extensions of non-conforming uses or for changes of use for non-conforming structures unless the proposed use is allowed by right and does not require site plan review.

b. The Planning Board shall have the administrative power to hear and decide petitions for special permits and perform site plan reviews as provided for in this Bylaw.

B.5: Paragraph **9.2.3 Appeals of Decision by the Board of Appeals**: insert the words “whether or not a party to the initial proceeding” after the word ‘person’ in the first sub-paragraph.

B.6: Sub-paragraph **9.3.1 (b)**: Change the words ‘Inspector of Buildings’ to read ‘Building Commissioner’.

B.7: Delete Sub-Section **9.4 SPECIAL PERMITS** in its entirety.

B.8: Sub-paragraph **9.5.1**: Add the following after the word ‘Bylaw’; “in accordance with Chapter 40A, Section 10 of the Massachusetts General Laws, as amended. No variance may authorize a use or activity not otherwise permitted in the district that the land or structure is located.”

B.9: Sub-paragraph **9.5.5**: Delete the last sentence ‘See Zoning Board of Appeals regulations for additional procedural information.’ In its entirety.

B.10: Relocate **SECTION IX** as amended above to **SECTION II** and renumber sub-sections and paragraphs by replacing the prefix **9** with the numeral **2** starting with **2.0** through **2.3**; delete sub-sections **9.4**; renumber sub-sections and paragraphs **9.5** to **2.6**, **9.6** to **2.7** and **9.7** to **2.8**.

C) Sub-section **8.3 – LARGE SCALE GROUND MOUNTED PHOTOVOLTAIC SOLAR SYSTEMS**; make the following changes:

C.1 Paragraph **8.3.0 – Purpose**: Delete the words ‘The purpose of this Section 8.3 is’ from the first sentence.

C.2 Paragraph **8.3.1**: In paragraph (a) change reference ‘4.1.6’ to read ‘4.2.4’ and in paragraph (b) change reference ‘4.2.7’ to read ‘4.4.5’.

C.3 Paragraph **8.3.2** Change heading to read '**GENERAL REQUIREMENTS**'.

C.4 Sub-paragraph **8.3.2.1**: Delete existing text and replace with the following:

Ground-mounted large scale solar photovoltaic installations shall undergo site plan review by the Special Permit Granting Authority prior to construction, installation or modification as provided in Section II and Section IV and as follows:

C.5 Sub-paragraph **8.3.2.1.2** delete first paragraph and item **a)** including sub-items **i. through viii.** and replace with the following:

Pursuant to the site plan review process, the Project Proponent shall provide, in addition to the site plan requirements in Section 4.7, the following documents:

a. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing any potential shading from nearby structures and the proposed layout of the system including:

- i.** 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;
- ii.** Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- iii.** Name, address, and contact information for proposed system installer;
- iv.** Name, address, phone number and signature of the Project Proponent;
- v.** The name, contact information and signature of any agents representing the Project Proponent; and

C.6 Sub-section **8.3.2.1.2**, first paragraph after **(e)**: Change the words "Site Plan Review Authority" to read "Special Permit Granting Authority."

C.7 Sub-section **8.3**: Change heading to read **SECTION IX – LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC SYSTEMS**; renumber sub-sections and paragraphs for the entire section by replacing prefix **8.3** with **9.0**; replacing **8.3.0** with **9.1**; replacing **8.3.1** with **9.2**; replacing **8.3.2** with **9.3**; replacing **8.3.2.5** with **9.4** ; replacing **8.3.2.6** with **9.5**; replacing **8.3.2.7** with **9.5**; replacing **8.3.2.8** with **9.7**; and, replacing **8.3.2.9** with **9.8**.

D. **SECTION VI – GENERAL PROVISIONS**; make the following changes:

D.1 Delete Sub-section **6.3 MINIMUM CONDITIONS FOR CONSTRUCTION** in its entirety.

D.2 Renumber sub-section and paragraphs in sub-section from **6.2** to **6.3** and paragraph **6.2.1** to **6.3.1**.

D.3 Renumber sub-section and paragraphs **6.1** through **6.1.3** to **6.2** through **6.2.3** and add new paragraph **6.2.4** as follows:

6.2.4 A travel trailer may be used as a temporary dwelling unit for up to six (6) months when located on a lot with a building permit issued for the construction of a new dwelling and evidence of a potable water supply and temporary sanitary facilities acceptable to the board of health.

D.4 Renumber sub-section **6.0** to **6.1**; paragraph **6.0.1** to **6.1.1**; delete paragraph **6.0.2**; renumber paragraph **6.0.3** to **6.1.4**; renumber paragraph **6.0.4** to **6.1.5**.

D.5 Insert new paragraphs **6.1.2**, **6.1.3** and **6.1.3a** as follows:

6.1.2 Non-conforming Uses:

Pre-existing non-conforming 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.

6.1.3 Non-conforming Structures:

Pre-existing non-conforming structures may be extended or altered by right provided that any proposed extension or alteration does not further reduce the non-conforming front, side or rear yard setbacks established by the existing non-conforming structure and the extension does not exceed the maximum height allowed for conforming structures.

Exception: Where structures are located less than 10 feet from any side or rear boundary, any new construction shall maintain a minimum ten (10) foot yard from said boundary including exempted structures allowed to encroach in yards as defined in Section 5.0.2.

6.1.3a Established yards:

Where obvious monuments defining property boundaries such as stone walls, travelled ways or boundary pins can be located on site, any proposed extension or alteration that maintains a line parallel to such obvious boundary shall be deemed to conform to the requirements 6.1.3 unless the minimum (10) ten foot yard needs to be established. When the minimum yard needs to be established, the boundary shall be verified by a registered land surveyor licensed to practice in the Commonwealth of Massachusetts.

2.0 ADDITIONS to SECTION I – TITLE, AUTHORITY AND PURPOSE

2.1 Insert new sub-sections and paragraphs **1.3**, **1.4** and **1.5** as follows”

1.3 TERMS and DEFINITIONS

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

1.4 WORD DEFINITIONS

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

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

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

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

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

1.5 TERM DEFINITIONS

1.5.0 **General:** Definitions appropriate to separate sections of the by-law are included in beginning of that section.

1.5.1 **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.

1.5.2 **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.

1.5.3 **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**.

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

1.5.5 **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.

1.5.6 **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.

1.5.7 **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.

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

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

1.5.10 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.

1.5.11 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 2.4 of this Bylaw.

1.5.12 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.

1.5.13 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.

1.5.14 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 over four feet in height, sign, gasoline pumps, recreational courts, or the like.

1.5.15 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.

1.5.16 Zoning Determination: The determination by the Zoning Enforcement Officer whether a proposed use or structure is allowed by right, requires site plan review or a special permit prior to issuance of a building permit; or that the proposed use or structure requires the applicant to seek a variance from the Zoning Board of Appeals; or that the proposed use or structure is not permitted under the current provisions of the Zoning Bylaw.

1.5.17 Zoning Enforcement Officer: The lead person in a municipal building department responsible for assuring compliance with the Zoning Bylaw (see Building Commissioner).

3.0 ADDITIONS to **SECTION 2 – ADMINISTRATION** (as amended in item 1.B above)

3.1 Insert new sub-sections **2.4** and **2.5** as follows:

2.4 SITE PLAN REVIEW (SPR)

No change of use shall be allowed or building permit shall be granted for any use or structure requiring site plan review in Section IV – Use Regulations or Special Permit granted unless a site plan is reviewed by the Planning Board and found to constitute a suitable development.

Exception: Site plan review required for extension or changes of use for non-conforming uses and structures or for variance requests shall be reviewed by the Board of Appeals.

2.4.1 Purpose

Site plan reviews are intended to provide detailed review of certain uses and structures to ensure a harmonious relationship between proposed development and its surroundings and to ensure the proposals are designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, assures safe vehicular access, safe pedestrian access, adequate drainage of surface water and are consistent with the purpose and intent of the Bylaw.

2.4.2 Application

- a) Each application for Site Plan Review shall be submitted to the Planning Board by the current owner of record accompanied with a narrative of the proposed use and scope of project, three (3) copies of the site plan and one electronic copy of the entire submission.
- b) The Planning Board shall by regulation establish a fee schedule for each such application.
- c) The criteria for required site plan content is established in Section IV – Use Regulations.

2.4.3 Procedures for Site Plan Review

- a) The period of review for Site Plan Review shall conform to the requirements of Chapter 40A, Section 2, ‘Special Permits.’ Specifically, a public hearing shall be held by the Planning Board within sixty-five (65) days of the filing of the application and within ninety (90) days of the close of the public hearing take final action on the application for Site Plan Review.
- b) The planning board shall post the date of the Public Hearing in the Town Office building, Town Hall and public notice shall appear in a local newspaper at least fourteen (14) days prior to the date of the hearing.
- c) Before a finding on a Site Plan, the Planning Board may request the applicant to make modifications in the proposed design to ensure the criteria presented is consistent with the purpose and intent of this By-Law.
- d) The Planning Board may request additional information if the scope of the project or criteria presented needs clarification or is insufficiently indicated.

2.4.4 Finding

The Planning Board’s finding shall consist of:

- a) A written denial of the application stating the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies the decisional criteria set forth in this Bylaw, *or*
- b) A written finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate, *or*
- c) A written finding that the proposed project does not constitute a suitable development in that the proposed project does not meet the criteria set forth in this Bylaw.
- d) Findings shall be filed with the town clerk and copies forwarded to the Zoning Enforcement Officer and the applicant.

2.5 SPECIAL PERMITS (SP)

Special Permits are required for certain uses or conditions as specified by this Bylaw and for any non-residential / non-agricultural use structure that creates an aggregate building area that exceeds two thousand (2000) gross square feet.

2.5.1 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.

2.5.2 Special Permit Granting Authorities (SPGA)

The Special Permit Granting Authority as defined herein shall be the permit granting authority for all uses requiring a special permit and is authorized to act under this Bylaw in accordance with the provisions of Chapter 40A, Section 9 of The Massachusetts General Laws, as amended.

- a. The Planning Board shall have those special permit granting authorities specified in this Bylaw.

Exception: The Zoning Board of Appeals shall have those special permit granting authorities specified in Section 6.1 – Non-Conforming Uses and Structures.

2.5.3 Application Procedures

- a. Application shall be made on the form for special permits available at the office of Building Commissioner or Town Clerk office.

b. Application forms shall be submitted to the Special Permit Granting Authority and accompanied by a narrative describing the use and scope of the project, three (3) paper copies of a site plan drawn to scale, and including the information indicated for site plan review in Section IV-Use Regulations and one (1) electronic copy of the entire submission.

c. In addition, a list including the names of all abutters and 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 shall be provided with the application.

d. The applicant is responsible for filing one (1) copy of the Special Permit Application and attachments with the Town Clerk. The effective date of filing is the date the application is filed with the Town Clerk.

e. A filing fee to cover the expense of legal notices and administrative costs shall be set by the Special Permit Granting Authority and delivered with the application.

2.5.4 Review Fees

The Special Permit Granting Authority (SPGA) shall obtain with each submission a deposit sufficient to cover any expenses connected with a public hearing and review of the Special Permit application including the costs for any engineering, planning, legal and/or other consultant services necessary for the review purposes.

A review fee may be imposed only if:

- a. The work of the consultant consists of review of studies or application materials prepared on behalf of the applicant and not independent studies on behalf of the SPGA or others.
- b. The work is in connection with the applicant's specific proposal, and
- c. All written results and reports are made part of the record of the public hearing regarding the submission.

2.5.5 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) The structure and use will be reasonably compatible with the character and scale of other uses permitted as of right.
- (2) The use will not constitute a nuisance by an unacceptable level of air or water pollution or excessive noise.
- (3) The use shall comply with any and all additional Special Permit criteria or special use criteria imposed by this Bylaw.

- (4) The project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction and provision shall be made for maximizing groundwater recharge.
- (5) The design of the project shall provide for adequate methods of disposing of sewage, refuse and other waste generated by the proposed use.
- (6) The design of the project shall minimize the visibility of visually degrading elements and protect neighboring properties from potentially detrimental or offensive uses by providing screening or vegetated buffer zones.

2.5.6 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.

2.5.7 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.

2.5.8 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 (4) members of a five (5) member board of the SPGA.

2.5.9 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.

2.5.10 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.

2.5.11 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.

2.5.12 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.

2.5.13 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.

2.5.14 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.

2.5.15 Appeals on Special Permit Activity Refer to Section 2.2.3

4.0 REPLACE SECTION IV – GENERAL USE REGULATIONS

4.1 Delete the entire text of Section IV and replace it with new sub-sections 4.0 through 4.7 as follows:

4.0 GENERAL PERMITTED USE REGULATIONS

4.0.1 General: All buildings and land uses shall be subject to all laws, bylaws and regulations, as well as regulations set forth by this Bylaw or set forth as permissible by right, by right with site plan review or by Special Permit, unless specifically exempted from municipal zoning regulations as set forth in M.G.L. Chapter 40A (The Zoning Act).

4.0.2 Restrictions: No building or structure or parcel, tract or lot of land shall be used for any purposes harmful to public health, safety or comfort by reason of transmission, emission or discharge of radiation, odor, fumes, gas, dust, chemicals, liquids, poisonous substances, process water, vibration, noise, glare, fire, explosion or other hazards including pollution of soils or deleterious impact on water and/or air quality.

4.0.3 General Principles: Any proposed use or activity shall not negatively impact municipal or adjacent facilities or infrastructure.

a. Proposed uses or activities shall not increase storm water discharge or run-off onto public ways or adjacent properties.

Exception: Connections to existing drainage structures shall be allowed if the capacity to handle the increase for a 300 year storm event is certified by the independent review of a civil engineer.

b. Proposed uses or activities shall not burden the load bearing or traffic capacity of existing roads, bridges or structures.

c. Proposed access to any parcel with improvements shall be designed to allow safe ingress and egress onto public ways.

d. Proposed exterior lighting shall be installed to direct light downward and be shielded to avoid directing light in the direction of oncoming traffic, onto the public way or onto adjacent properties.

e) Proposed uses that produce sound from machinery, vehicles and/or operations shall provide controls to mitigate noise pollution. Where sound from exterior activities cannot be controlled, reasonable limits on the hours of operation may be imposed.

4.0.4 Use Table: Refer to Exhibit D to determine if a proposed use is allowed by right, allowed by right with site plan review or requires a special permit; or, if the proposed use is not permitted.

4.1 DEFINITIONS

4.1.0 Terms and definitions that follow are not intended to be exclusionary of commonly used terms with commonly accepted definitions. Uses listed in Exhibit D – Use Table that are not defined in this section shall have the commonly accepted definition for that listed activity and are separated into five general categories: Residential Uses; Accessory Uses; Commercial Uses including agricultural; Industrial Uses; and, Institutional Uses.

4.1.1 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.

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

4.1.3 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.

4.1.4 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.

4.1.5 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.

4.1.6 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.

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

4.1.8 Camper. See Travel Trailer.

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

4.1.10 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.

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

4.1.12 Commercial Trucking. Any business with more than one vehicle used in the transportation of materials, products and/or packages on a fee basis.

4.1.13 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.

4.1.14 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.

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

4.1.16 Dwelling, Multi-Family Conversion. An existing residential structure including any existing attached accessory structure proposed to be sub-divided into individual dwelling units of any configuration with an aggregate bedroom count for the entire structure of not more than seven.

4.1.17 Education (private). Any school not operated by the Town of Plainfield, Regional School District or Commonwealth of Massachusetts 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

4.1.18 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.

4.1.19 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.

4.1.20 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.

4.1.21 Farm Stand. A business as an accessory use of not more than seven hundred (700) square feet in area 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.

4.1.22 Food Service. A business engaged in the preparation of food products for consumption on or off premises incidental and accessory to another use.

4.1.23 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.

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

4.1.25 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.

4.1.26 Home Business. 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, does not occupy more than 750 square feet or exceed 40 % of assigned first floor gross area 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.

4.1.27 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

4.1.28 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.

4.1.29 Light Industry. A business engaged in the production of goods and wares of consumer products.

4.1.30 Manufacturing. A business engaged in the fabrication, machining and production of components or products to be incorporated into other assemblies or used in the construction industry.

4.1.31 Mercantile. Any business offering for sale consumer goods and wares including but not limited to groceries, fresh produce, general merchandise, new or used furniture, clothing and household items or similar products.

4.1.32 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.

4.1.33 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 or similar non-motorized recreational activity which is functionally compatible with the natural resources of Plainfield.

4.1.34 Repair Garage. (See Vehicle Repair)

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

4.1.36 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.

4.1.37 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.

4.1.38 Service Business. Any business engaged in providing services such as real estate office, insurance agencies, marketing services, electronics repair, tech support or similar activities.

4.1.39 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; including as accessory use the sale of lubricants, tires, batteries and similar accessories.

4.1.40 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.

4.1.41 Transient Lodging Facility (see Lodging in use table). A business which is conducted to provide lodging to the public with or without the service of food and beverage.

4.1.42 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.

4.1.43 Use: The activity or activities conducted within any structure or on a parcel of land and as follows:

a) Accessory Use: Any activity that is incidental to and does not occupy more than 20% of the gross assigned area on the main floor of a structure or structures.

b) Mixed Use: A structure or parcel with two or more activities unless the activity is an accessory use. In mixed uses where zoning requirements differ, the more restrictive requirements shall apply.

c) Principle Use: The principle activity of a structure determined by the activity with the greatest gross area assigned on the main floor.

4.1.44 Vehicle Service. 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 including the sale of up to four vehicles.

4.1.45 Vehicle Sales. Any building, premises and land in which or upon which a business involved in the sale of up more than four passenger and/or commercial vehicles, tractors including farm machinery and equipment or other motorized equipment such as excavators, backhoes or similar heavy equipment.

4.1.46 Warehouse. Any building, premises and land in which or upon which a business involved in the storage of materials with hazard indices based upon the types of materials stored and as defined by the current edition of the building code as adopted by the Commonwealth of Massachusetts. Warehouses are classified as either low, moderate or high hazard.

4.1.47 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.

4.2 USES ALLOWED BY RIGHT

4.2.1 Any Use designated ‘P’ (Permissible) in the Use Table (See Exhibit D) shall be allowed by right in the town of Plainfield.

4.2.2 Any new Use or change of Use designated ‘P’ (Permissible) in the Use Table (See Exhibit D) shall submit an application to the zoning enforcement officer for a zoning determination.

4.2.3 Signs

Any proposed signage for existing uses and uses allowed by right shall conform with Section 8.0 - Signs.

4.2.4 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.

4.3 USES ALLOWED BY RIGHT WITH SITE PLAN REVIEW

4.3.1 Any use with the designation ‘SPR’ (Site Plan Review) in the Exhibit D – Use Table is a use that is allowed by right that requires site plan review before issuance of a building permit. The purpose of site plan review of As-of-Right uses is to ensure that the proposed site improvements for projects of moderate impact meet the intent of the by-law as defined in Sections I and II, and the General Purposes in paragraph 4.0.2 of Section IV.

Exception: Any non-residential / non-agricultural use project that creates an aggregate building area that exceeds two thousand (2000) gross square feet shall require a Special Permit.

4.3.2 Signs

Any proposed signage for uses that require Site Plan Review (SPR) shall be included in the review submission and comply with Section 8.0 - Signs

4.4 USES ALLOWED BY SPECIAL PERMIT

4.4.1 Uses designated ‘SP’ (Special Permit) in the Use Table (See Exhibit D) require a special permit granted by the permit granting authority.

4.4.2 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 in full accord with all applicable criteria, including the conditions, criteria and guidelines in Section II and Site Plan Review criteria of Section 4.7.

4.4.3 Non-Residential and Non-Agricultural Structures exceeding Two (2000) Square Feet

Any proposed structure(s) or change of use to any existing structure(s) with an aggregate gross square footage exceeding two thousand (2000) square feet in total area shall require a Special Permit unless the primary use is residential or agricultural and such use is allowed by right as defined on Section 4.2.

4.4.4 Signs

Any proposed signage for uses that require a Special Permit (SP) shall be included in the review submission and comply with Section 8.0 - Signs

4.4.4 Wireless Communications Facility (See Section VII)

4.4.5 Campgrounds (See Section VIII)

4.4.6 Large-Scale Ground-Mounted Solar Photovoltaic installations (See Section IX)

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 II, Section IX and Section 4.7.

4.5 PROHIBITED USES

4.5.1 Non-permissible uses: Uses designated 'NP' in the Use Table (See Exhibit D) are prohibited.

4.5.2 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.

4.5.3 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.

4.5.4 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.

4.6 USES NOT LISTED IN USE TABLE

4.6.1 Any use not specifically listed in the Use Table (See Exhibit D) is prohibited.

Exception: Uses not listed shall be allowed upon a written favorable finding by the Zoning Enforcement Officer that the proposed use is substantially similar to a use allowed by right, by right with site plan review or by special permit.

4.6.2 Written findings whether favorable or denied shall be filed with the town clerk with a copy sent to the planning board and shall be subject to administrative appeal as defined in Section 2.3.

4.7 SITE PLAN REVIEW

4.7.1 General: All uses requiring a special permit (SP) require site plan review. Uses designated 'SPR' in the Use Table (See Exhibit D) are allowed by right, but, also, require site plan review. See Section II for administrative responsibilities and actions that may be taken following review of site plan submissions. Site plan review criteria do not necessarily include all necessary review requirements of the Board or Health, Conservation Commission or other board or entity having jurisdiction over the intended use or structure(s) prior to issuance of a building permit. Site plan review submission shall as a minimum include a narrative and a site plan with the criteria required under Section 4.7.2.

4.7.1 Project Narrative: Each project requiring site plan review shall include a written narrative describes the nature of the business, hours of operation, anticipated number of employees and any information relevant to the nature of the proposal.

4.7.2 Site Plan Review Criteria

4.7.2a: All projects shall submit a site plan drawn to a minimum scale of 1:240 or 1 inch = 20 feet to include the following:

- A) boundary information and north arrow.
- B) existing and/or proposed building improvements.
- C) signage (if any).
- D) existing and/or proposed paving, parking, loading zones and pedestrian walks.
- E) controls for no net increase in storm run-off.
- F) location of potable water source and septic systems
- G) existing and/or proposed exterior lighting.
- H) existing and/or proposed screening, landscaping, plantings or buffer zones.
- I) proposed methods of refuse disposal.

4.7.2b: In addition, when the proposed project involves adding, removing or relocating soils greater than 100 cubic yards in volume site plans shall also include:

- J) wetland delineations (if any).
- K) existing and proposed contours at 1 foot or 25cm intervals.

- L) existing trees greater than 6” or 300mm caliper to be protected or removed.
- M) construction methods to prevent erosion of soils, control of dust, control of storm run-off.
- N) estimated duration of construction.

4.7.2c: When the proposed project involves creating over 5,000 square feet of new commercial space; or, adds over 2,000 square feet to an existing commercial use; or, requires 10 or more parking spaces, site plan review documents shall include:

- O) environmental impact statement to include:
 - i) impact on town services.
 - ii) impact on neighborhood to minimize intrusion of noise, odors and light pollution.
 - iii) impact on rural qualities of the town.
- P) traffic impact statement to include:
 - i) anticipated vehicle trips per day
 - ii) anticipated peak and off-peak traffic flows.
 - iii) for projects with greater than 100 vehicle trips per day, include any impact on adjacent intersections that reduces the level of service to D or greater as defined by AASHTO.

4.7.2d: See Section VII for Additional Requirements for Wireless Communications Facilities.

4.7.2e: See Section IX for Additional Requirements for Ground Mounted Solar Photovoltaic Installations.

5.0 ADDITIONS to **Section V – INTENSITY REGULATIONS**

5.1 Add sub- paragraph 5.0.2 as follows:

5.0.2 Definitions

Building Height. Vertical distance measured from the average elevation of the proposed finished grade to the highest point of the parapet or midpoint between the eave and ridge of a sloped roof.

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.

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

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.

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.

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

Yard. A required open space, unoccupied except as herein permitted, between a street or a lot line and principal building, excluding steps, open porches, patios, decks less than two feet above grade or enclosed vestibules less than one hundred (100) square feet in area. (See Exhibit A)

Yard, Exemptions:

1. Any required side or rear yard may be reduced by fifty percent (50%) for accessory structures for any residential or agricultural use.
2. No yard is required for fences less than six feet high. Fences greater than six feet shall provide setbacks equal to the height of the fence exceeding six feet.
3. Open structures used to display agricultural products produced on premises for sale to the public may be placed at the lot line.

Yard, Front. The minimum required distance between the lot line along the right of way of a street and principal building.

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

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

5.2 Add paragraphs 5.1 through 5.3 as follows:

5.1 DRIVEWAYS

General: Every parcel with a permanent structure shall provide a driveway constructed to allow the safe ingress and egress of vehicles onto the travelled way, provide access of emergency vehicles, and be designed with adequate drainage to prevent discharge of storm water, snow, ice, mud, gravel, debris or other foreign material onto the travelled way.

5.1.1 Width and Slope

The minimum width of twelve (12) feet for residential uses and eighteen (18) feet for all other uses shall be provided for all driveways. The maximum slope for any portion of a driveway within twenty (20) feet of the edge of the travelled way shall not exceed 1 in 20 or 5 percent.

5.1.2 Minimum Design Requirements

Every residential driveway exceeding fifty (50) feet in length shall be configured to permit ordinary passenger vehicles to be turned around in and to exit frontward onto the travelled way. Every commercial driveway shall be configured to accommodate the anticipated types of vehicles that will be associated with the proposed activities such as deliveries, shipping, refuse removal, snow removal and other vehicular traffic.

5.2 COMMON DRIVEWAYS

Common driveways serving up to three (3) lots for residential uses shall be allowed by Special Permit only. The applicant shall provide a plan showing layout, grades, sub-surface preparation, drainage and surface materials and evidence of deeded covenants, which will be filed at the Registry of Deeds, that include provisions for shared access and continued maintenance. The minimum width of the common driveway shall be eighteen (18) feet to accommodate two way traffic or may be reduced to a minimum of twelve (12) feet when provided with pull outs spaced not greater than every 300 feet over those portions serving more than one lot.

5.2.1 A special permit shall be granted if one or more of the following conditions are met:

- a. The common driveway will lessen the adverse impact upon wetlands within the lots.
- b. The common driveway will allow reasonable and safer access, mitigate damage to existing steep slopes or preserve mature vegetation, topographic features or similar environmental conditions.
- c. The common driveway will preserve the rural quality of the town by an increase in building setbacks, the preservation of existing vegetative and topographic conditions or creation of designated habitat or agricultural preservation areas.

5.3 PARKING

All uses shall provide adequate off-street parking, which shall be determined at the time of Site Plan Review, Special Permit or building permit approval. The permit granting authority may establish parking requirements for specific uses that are not listed in the parking schedule or elsewhere in this by-law. Waivers may also be granted if the property owner can demonstrate the actual parking demand will be less than required or that where on-site parking is impractical and adequate provisions for parking can be demonstrated either by providing on-street parking along the frontage or evidence of rights to access parking on adjacent parcels.

5.3.1 Parking Schedule:

Specific minimum parking requirements are as follows:

- a. Dwelling Units 3 or more bedrooms: 2 spaces
- b. Dwelling Units 2 or fewer bedrooms: 1 space

c. Guest parking 3 family dwelling	1 space
d. Home Business	2 plus one per on premise employee
e. Bed and Breakfast / Boarding House	2 plus one per rentable room
f. Food and Drink Establishment	1 per every 4 seats
g. Office, retail, clinic or service provider	1 per 250 square feet gross floor area
h. Beautysshop / Salon / Barber	3 plus 2 for each additional chair
i. Other commercial	1 per on site employee plus 2 visitor spaces

5.3.2 Design Standards: All non-residential parking located within any required side or rear yard shall provide screening from adjacent properties in the form of a landscaped buffer or solid fencing. Parking areas exceeding twenty vehicles shall include landscape islands with a minimum width of six (6) feet and including at least one shade tree of a minimum (3) inch caliper at a spacing not to exceed ten contiguous spaces. Parking in any front yard shall not be closer than twenty feet to the travelled way except where on street parking is approved by the Special Permit Granting Authority.

5.3.3 Residential Garages: Parking located within enclosed accessory structures, covered shelters or structures attached to a residence may be included when meeting the minimum parking requirements for residential uses.

6.0 ADDITION to SECTION VI – GENERAL PROVISIONS

6.1 Insert new heading **6.0 MINIMUM CONDITIONS PRIOR TO CONSTRUCTION** and paragraphs **6.0.1** through **6.0.11** as follows:

6.0 MINIMUM CONDITIONS FOR PRIOR TO CONSTRUCTION

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

- 6.0.1** All persons shall obtain a zoning determination from the zoning enforcement officer and complete the **pre-construction checklist** to be included with any **building permit application**.
- 6.0.2** All permits for construction of new structures shall be granted only upon provision of **acceptable water and sanitary systems** as certified by the Board of Health, determination of applicability and any order of conditions issued by the Conservation Commission, and approval of any required special permits and/or required site plan review.
- 6.0.3** No person shall construct, alter or move any building or structure without having first obtained a permit for the same.

- 6.0.4** The Building Commissioner, 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
- 6.0.5** The application for a building permit shall be submitted to the Building Commissioner and shall be accompanied by three (3) 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, and location of sewerage system and water supply.
 - Exception:** For additions to existing structures or accessory structures, the Building Commissioner shall waive this requirement if there is satisfactory evidence that the structure will comply with required yards and setbacks and does not entail any changes to the site access.
- 6.0.6** One copy of the site plan shall be forwarded, by the applicant, to the Superintendent of Highways for review. Said Superintendent shall make recommendations deemed appropriate and shall send a copy thereof to the Building Commissioner within ten (10) business days.
- 6.0.7** In addition, the application shall include three (3) copies of scaled floor plans, exterior elevations and a building section and other information that adequately detail the scope of the proposed project scope.
- 6.0.8** Simultaneously, one copy of the floor plans of the building, showing location any smoke detectors, carbon monoxide detectors, fire alarms and/or fire suppression systems 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 Building Commissioner within ten (10) business days.
- 6.0.9** The Building Commissioner 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.
- 6.0.10** When a building permit is issued for a building eligible to be numbered, the Building Commissioner shall notify the Master Street Address Guide Committee, in accordance with Article XV, Section 3 of the bylaws of the Town of Plainfield, as amended.
- 6.0.11** The Building Commissioner shall stamp all three copies of the submitted plans and retain one copy, forward one copy to the Board of Assessors and return one copy to the applicant upon issuance of every building permit.

7.0 REVISIONS to SECTION VII – WIRELESS COMMUNICATION FACILITIES

7.1 Second paragraph in Sub-section **7.0**: change the words “Zoning Board of Appeals” to read “Special Permit Granting Authority”.

7.2 Change the second word in paragraph **7.1.2** from “monopolies” to read “monopoles”.

7.3 Delete the first paragraph in Sub-section **7.2** and insert new paragraph as follows:

For an application to be complete the following information must be submitted and must be in compliance with applicable provisions of Section II, Section IV and sub-sections 7.0. and 7.1 of this section. The Special Permit Granting Authority may request any other reasonable information, technical or otherwise, to assist them in making judgment on the application.

8.0 REVISIONS to **SECTION VIII – SPECIAL USE REGULATIONS**

8.1 Delete existing sub-section **8.0 – SIGNS** and replace with new sub-section **8.0 – SIGNS** as follows:

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-internally illuminated sign up to a maximum size of eight (8) square feet is allowed for any business either by right or special permit and where appropriate included as part of any site plan review submission. Any lighting shall be directed downward, shielded from direct view of the luminaire and situated to avoid glare for oncoming traffic.

8.0.2 A permanent sign which is greater than eight (8) square feet for multiple permitted uses may be allowed only by Special Permit.

8.0.3 Temporary signs advertising the sale of a property, construction companies performing work on the property or 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 twelve (12) feet or less above ground at the highest point.

8.0.5 All signs shall be free of any mechanical or moving devices or noise making features.

8.0.6 No sign shall be installed that obstructs sight lines for vehicle ingress or egress from the site or obstructs site lines at street intersections or along the travelled way.

8.0.7 Non-illuminated directional and traffic control signs not exceeding three (3) square feet that do not include graphics or text that may construed as advertising are exempted.

8.2 Sub-Section **8.1 – CAMPGROUNDS**; Paragraph **8.1.1**; replace the word and numeral ‘fifty (50)’ with the words and numeral ‘twenty five (25).’

8.3 Delete paragraph **8.1.2** and replace it with new paragraph **8.1.2** as follows:

8.1.2 Minimum Front, Side and Rear Yard Requirements

Any building or structure shall be located no less than two hundred fifty (250) feet of any property line.

Exceptions:

- a) Buildings or structures used for guest registration may be located no less than fifty (50) feet of the front property line.
- b) A dwelling unit for the campground manager and as an accessory use to the campground may comply with yard requirements for single family dwellings.

8.4 Paragraph **8.1.4**; replace the words and numeral 'five hundred (500)' with the words and numeral 'two hundred fifty (250).'

8.5 Sub-section **8.2 ACCESSORY APARTMENTS**; add the words '**AND MULTI-FAMILY CONVERSIONS.**'

8.6 Paragraph **8.2.1**; change the word '**Definition**' to read '**Definitions.**'

8.7 Paragraph **8.2.1**; delete existing definition 'a' and insert new definitions 'a' and 'b' as follows:

- a. **Accessory Apartment:** A self-contained housing unit incorporated within or accessory to a single or two family dwelling complete with its own sleeping, cooking, and sanitary facilities and a separate means of egress. An accessory apartment may be an addition or renovation to an existing dwelling, a separate attached or detached building or included as a component of new residential construction.
- b. **Multi-family Conversion:** The renovation within an existing residential structure including the conversion of any attached accessory structure to habitable space that creates two or more apartments of any configuration not to exceed seven (7) total bedrooms for the entire structure. Each unit shall be a completely self-contained dwelling unit with separate means of egress.

8.8 Paragraph **8.2.2 (2)**, delete the word 'and' after the semi-colon; paragraph **8.2.3 (3)**, change the punctuation from a period to a semi-colon and insert the word 'and' after the semi-colon. Insert new sub-paragraph 8.2.2 (4) as follows:

- (4) Provide for the adaptive reuse of larger residential structures while preserving the rural heritage of our existing housing stock.

8.9 Delete entire sub-section **8.2.3** and insert revised section **8.2.3** and new section **8.2.4** as follows:

8.2.3 Accessory Apartment Conditions:

- a. An attached Accessory Apartment to any single or two-family dwelling, or located in a detached structure accessory to the 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 residential lot;
- (3) The lot size and frontage of the dwelling to which an Accessory Apartment is added shall meet the requirements of size and frontage for a residential lot 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 or structure;
- (5) The Accessory Apartment shall be designed so that the appearance of the building(s) remains consistent with the residential and rural character of the neighborhood. Exterior changes made must conform to the existing architectural elements of the residence and detached structure. To the greatest extent possible, any new entrances shall be located facing the side or front yard of the lot;
- (6) An addition to an original dwelling is permitted, provided that the Accessory Apartment shall be clearly a subordinate part of the 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 dwelling unit. 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 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) Off-street parking spaces conforming to the schedule in Section 5.3 shall be provided;
- (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; and
- (10) The construction of the Accessory Apartment shall conform to all applicable standards in the State Sanitary, Building and other applicable codes.

8.2.4 Multi-family conversion conditions

a. A multi-family conversion of a single family dwelling may be allowed by right with site plan review if the following conditions are met:

- (1) The proposed conversion creates dwelling units with separate means of egress and the entire conversion does not contain more than seven (7) bedrooms;

- (2) The proposed conversion does not increase the gross area of the first floor of the existing structure except for additions of porches, decks, patios or structures required for means of egress or conversion of existing attached accessory structures into habitable space;
- (3) Increases in height to the existing structure by adding a story or dormers to increase the gross area are allowed subject to the provisions of Section V and Exhibit B;
- (4) The proposed additions (if any) do not substantially alter the appearance of the existing dwelling from the street;
- (5) The proposed conversion shall provide minimum parking as required by Section 5.3 with no parking located within the twenty five (25) feet of the front yard or closer than ten feet to any other boundary;
- (6) Adequate drainage and structures shall be provided such that no net increase in storm run-off from parking, paving, additions or accessory uses is created;
- (7) Any proposed accessory structure used for meet parking requirements shall comply with all provisions of the by law for accessory uses and be a character consistent with the neighborhood and of an architectural character consistent with the existing structure;
- (8) The proposed conversion shall protect abutters by providing adequate screening for parking, shielding of any proposed exterior lighting, adequate screening and/or enclosures for the storage of refuse and recyclables and the property owner is responsible for the regular maintenance and upkeep of the exterior grounds and structures;
- (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 shall conform to all applicable standards in the State Sanitary, Building and other applicable codes; and
- (11) The lot size, frontage and structure conform the lot size and dimensional requirements as specified in this Zoning By-Law.
- (12) Multi-family conversions proposed for non-conforming lots/structures shall require a Special Permit to expand or alter a non-conforming use or structure.

8.10 Insert new section **8.3 - TRANSIENT LODGING FACILITIES** as follows:

8.3 TRANSIENT LODGING FACILITIES

8.3.0 Definition:

Transient lodging facilities include bed and breakfasts, inns, motels, hostels and boarding houses that rent rooms to tourists or boarders and may or may not provide food and drink as part of their lodging.

8.3.1 Accessory Use: Renting rooms to boarders or tourists is considered an accessory use to a single family residence 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) Adequate off-street parking is provided on site.

8.3.2 Lodging Facilities: All non-owner/agent occupied lodging facilities with three (3) or fewer rooms shall require site plan review. Lodging facilities with more than three (3) rooms shall require a special permit.

8.3.3 Minimum Requirements: In addition to site plan review requirements of Section IV, all proposed lodging facilities shall meet the following conditions:

- (1) Each room shall have reasonable access to adequate private or shared bathroom facilities located on the same floor as the room.
- (2) Rooms shall not include separate cooking facilities, however, common facilities may include access to shared kitchen and dining facilities.
- (3) Lodging facilities that provide food and beverage shall conform to all applicable standards for commercial kitchens and obtain proper licenses for food preparation and beverage services.
- (4) Lodging facilities shall have access to adequate laundry facilities to accommodate the cleaning of towels and bed linens.
- (5) The lodging facility shall conform to all applicable standards in the state including sanitary, building and other codes.
- (6) Adequate off-street parking will be provided on site.

9.0 Insert revised **EXHIBIT A – YARD SETBACKS** (attached).

10.0 Insert revised **EXHIBIT B – TABLE OF INTENSITY REGULATIONS** (attached).

11.0 Insert new **EXHIBIT D – USE TABLE** (attached).

12.0 Update Table of Contents to reflect adopted changes and insert non-text pages to facilitate double-sided printing.

End of Proposed Changes

SEE ATTACHMENTS: revised **Exhibit A**, revised **Exhibit B** and new **Exhibit D**.