

ZONING BYLAW

Chapter 218



TOWN OF GROTON

Recodification of the Groton Zoning Bylaw

Adopted by vote of Spring Town Meeting

June 13, 2020

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Chapter 218

Zoning

[HISTORY: Adopted by the Town of Groton and amended through May xx, 2020 Annual Town Meeting, Art. xx. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. **52**.

Earth removal — See Chs. **134** and **239**.

Flood damage prevention — See Ch. **141**.

Historic districts — See Ch. **153**.

Signs — See Ch. **196**.

Wetlands — See Ch. **215**.

Swimming pools — See Ch. **319**.

Board of Appeals — See Ch. **338**.

Subdivision of land — See Ch. **381**, Part **1**.

Site plan review regulations — See Ch. **381**, Part **5**.

Town Center Overlay District parking and design guidelines — See Ch. **381**, Part **8**.

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§ 218-1 General Provisions.

§ 218-1.1 Authority and Title.

This chapter is adopted in accordance with and pursuant to the provisions of MGL C. 40A, as amended. This chapter shall be known and may be cited as the "Zoning Bylaw of the Town of Groton, Massachusetts."

§ 218-1.2 Purposes.

- A. The purposes of this chapter include but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of the land throughout the Town, including consideration of the recommendations of the Comprehensive Plan, if any, adopted by the Planning Board and the Comprehensive Plan, if any, of the Montachusett Regional Planning Commission; and to preserve and increase amenities by the promulgation of regulations to fulfill these purposes under the provisions of MGL C. 40A.
- B. In accordance with these purposes, the use, erection, establishment, movement, repair, alteration, enlargement, height, appearance, location and occupancy of buildings and structures and the uses and occupancy of premises in the Town of Groton are hereby regulated and restricted as hereinafter provided.

§ 218-1.3 Basic Requirements.

- A. Any building or structure hereinafter erected, reconstructed, altered, enlarged or moved or any use of premises hereinafter established, altered or expanded in the Town of Groton shall be in conformity with the provisions of this chapter.
- B. In accordance with MGL C. 40A, and notwithstanding any provisions to the contrary, this chapter shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, open space, parking and building coverage requirements, in accordance with the provisions of this chapter; and this chapter shall not prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture or floriculture, except that all such activities may be limited to parcels of more than five acres which are not zoned for agriculture, horticulture or floriculture, nor shall provisions of this chapter exempt land or structures from floodplain or wetlands regulations established pursuant to general law.

§218-2 Administration.

§ 218-2.1 Enforcement.

The provisions of this chapter shall be administered and enforced by the Building Inspector in the manner and with the powers provided in MGL C. 40A and this chapter. On any question of interpretation, the Inspector shall consult with the Planning Board.

§ 218-2.2 Building Permits.

- A. Permits required. It shall be unlawful to erect, alter, reconstruct or relocate any structure or to institute a new or altered use of land or structure without obtaining a building permit from the Building Inspector.
- B. Application for permit. Any application for a new or altered use of land or structure shall be submitted to the Building Inspector and shall be accompanied by a specific reference to the subject lot or group of lots in the same ownership as the proposed lot, drawn to scale, showing the entire recorded ownership, all existing structures, all abutting streets and the exact area and boundaries of the parcel to be assigned to the subject use.
- C. Approval of application. The Building Inspector shall examine such application and, if it conforms in all respects to the requirements of the Building Code and this Zoning Chapter or with a decision rendered by the Board of Appeals, shall issue a building permit.
- D. Time limit on permit as related to chapter amendment. Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction authorized by this permit is commenced within a period of six months after the issuance of a permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 218-2.3 Special Permits.

[Added 10-15-1990 STM, Art. 11]

- A. Special permit granting authority. Unless specifically designated otherwise the Zoning Board of Appeals or the Planning Board shall act as special permit granting authority to hear and decide an application for a special permit, as provided in this section, only for uses in specified districts which are in harmony with the general purpose and intent of this chapter. **[Amended 4-27-1991 ATM, Art. 37]**
- B. Procedures. **[Amended 4-27-1991 ATM, Art. 37]**
 - (1) Each application for a special permit for uses designated in § 218-5.2, Schedule of Use Regulations, and for various reasons in other sections of this chapter shall be filed with the Town Clerk who shall forthwith transmit it to the special permit granting authority. The special permit granting authority shall hold a public hearing within 65 days of the filing date and shall render a decision within 90 days from the date of the public hearing. Failure to take action within said ninety-day period shall be deemed to be a grant of the permit applied for.

- (2) A special permit shall be recorded at the Registry of Deeds in accordance with MGL C. 40A, § 11. No subsequent necessary permits shall be issued by any board or official until evidence of such recording is submitted by the applicant.
- C. Criteria. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects on either the Town or the neighborhood, in view of the particular characteristic of the site and of the proposal in relation to that site. The special permit granting authority shall consider each of the following criteria in addition to any specific criteria set forth in the chapter in making its decision. The special permit granting authority shall prepare a written finding on each criterion set forth below and for any specific criteria within the chapter:
- (1) Social, economic or community needs which are served by the proposal.
 - (2) Traffic flow and safety.
 - (3) Adequacy of utilities and other public services.
 - (4) Neighborhood character.
 - (5) Impacts on the environment.
 - (6) Potential fiscal impact on the Town.
- D. Conditions. Special permits shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards and limitations as the special permit granting authority may deem necessary to serve the purposes of this chapter.
- E. Expiration. A special permit shall lapse 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in MGL C. 40A, § 17, from the grant thereof (the date of filing the special permit approval with the Town Clerk), if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

§ 218-2.4 Board of Appeals.

- A. Membership. There shall be a Board of Appeals of five members and four associate members appointed by the Select Board as provided in MGL C. 40A, § 12, which shall act on all matters within its jurisdiction under this chapter in the manner prescribed in said chapter of the General Laws. No member or associate member shall act on any appeal in which he/she has a personal or financial interest. In case of the absence of or inability to act by a regular member or in the event of a vacancy, an associate member shall be assigned to act in place thereof. **[Amended 10-1-2018ATM by Art. 15]**
- B. Power and duties. The Board of Appeals shall have all the power and perform all the duties conferred or imposed upon it under MGL C. 40A as a permit granting authority assigned to it by the provisions of

this chapter as follows:

- (1) Appeals: to hear and decide an appeal taken by any person aggrieved by reason of his (her) inability to obtain a certification or enforcement action from the Building Inspector under the provisions of MGL C. 40A and/or this chapter, by the Montachusett Regional Planning Commission or by any person, including an officer or board of the Town of Groton or of an abutting town, aggrieved by an order or decision of the Building Inspector in violation of any provision of MGL C. 40A or of this chapter.
- (2) Variances: to hear and decide a petition with respect to particular land or structures for a variance from the terms of this chapter where the Board specifically finds that, owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. However, the Board of Appeals is not authorized to grant variances from the use regulations of this chapter (Section 218-5)The Board of Appeals may impose conditions, safeguards and limitations, both of time and use, including the continued existence of any particular structures, by excluding any condition, safeguard or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the authorization, they shall lapse and may be reestablished only after a new notice and hearing.

C. Rules.

- (1) The Board of Appeals shall adopt rules and procedures not inconsistent with this chapter and the provisions of MGL c. 40A for conduct of its business in deciding on appeals, granting variances and issuing special permits and shall file a copy thereof with the Town Clerk. Such rules shall prescribe the size, form, contents, style and number of copies of plans and other documents and shall include provisions for submission of petition, in writing, for advertising and holding hearings, for keeping of records of proceedings, for recording the vote of each member upon each question, for setting forth the reason or reason for each decision and for notifying the parties at interest, including the Building Inspector and the Planning Board, as to each decision.
- (2) Wherever proceedings under this chapter require the giving of notice by publication in a newspaper, mailing or service by a civil officer, the costs thereof shall be borne by the applicant. The Board of Appeals shall require estimated costs to be advanced by the applicant in accordance with provisions in the rules.

D. Procedures.

- (1) An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his (her) inability to obtain a permit or enforcement action from the Building Inspector, by the Montachusett Regional Planning Commission and by any person, including an officer or board of the Town or

any abutting town aggrieved by an order or decision of the Building Inspector in violation of any provision of this chapter.

- (2) In the case of every appeal made to the Board of Appeals, every application for a special permit and every petition for a variance to said Board under the provisions of this chapter, the Board shall hold a public hearing thereon. Notice of the hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. Notice shall be sent by mail, postage prepaid, to the parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within 300 feet of the property line of the petitioner, including land in another municipality, as they appear on the most recent applicable tax lists, the Planning Board and the Planning Board of every abutting municipality.
- (3) In the case of an appeal from a decision of the Building Inspector and of a variance, a petition shall be filed with the Town Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the petition from the Town Clerk and shall render a decision within 100 days from the date of filing. Failure by the Board to take final action upon a petition within said one-hundred-day period shall be deemed to be a grant of the appeal or the variance applied for. **[Amended 4-26-1999 ATM, Art. 32]**
- (4) Each application for a special permit for uses designated in § 218-5.2, Schedule of Use Regulations, and for various reasons in other sections of this chapter shall be filed with the Town Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the filing date and shall render a decision within 90 days from the date of the public hearing. Failure to take action within the said ninety-day period shall be deemed to be a grant of the permit applied for.

§ 218-2.5 Site Plan Review.

[Amended 4-27-1991 ATM, Art. 39; 4-25-1992 ATM, Art. 26; 4-29-1996 ATM, Art. 26; 4-30-2001 ATM, Art. 46; 4-24-2006 ATM, Art. 22; 4-27-2009 ATM, Art. 8; 4-26-2010 ATM, Art. 14; 4-25-2011 ATM, Art. 22; 5-11-2015 ATM, Art. 31]

- A. Purpose. The purpose of this section is to promote sound development in Groton and to protect the health, safety, convenience and general welfare of the community by ensuring that impacts from development are minimized in accordance with this section. Under this section, a comprehensive site plan review procedure is to be undertaken for uses and structures that may have impacts relating to traffic, services and utilities, environmental quality, water resources, wetlands, stormwater runoff, and community character.
- B. Applicability.
 - (1) Any application for a building permit, special permit or certificate of occupancy (for a change of use) involving a commercial, office, industrial, institutional, or multifamily use, or structure for such use shall be subject to site plan review.

- (2) In addition, any site changes to an existing commercial, office, industrial, or institutional use, or structure for such use involving the following alterations shall be subject to site plan review in accordance with the minor or major site plan review thresholds established in Subsection C below:
 - (a) Any required increase or proposed change to the number of parking spaces either for customers, employees or visitors. (Refer to § **218-8.1**, Off-street parking and loading, for parking requirements.)
 - (b) Any alteration to traffic flow patterns, including access, egress, deliveries and pedestrian access.
 - (c) Any alterations to the drainage system, topography or stormwater runoff patterns.
 - (d) Any changes to loading areas, dumpsters, lighting or accessory structures.
 - (e) Off-site off-street parking. [**Added 4-29-2019 ATM by Art. 18**]

C. Threshold of review.

- (1) Minor. Minor site plan review by the Land Use Director and Building Commissioner is intended as a simplified submittal which does not necessitate professional preparation. Minor site plan review project submittals apply to any application for a construction project or change of use meeting the following thresholds:
 - (a) Construction, enlargement or alteration of a parking area resulting in five or fewer new parking spaces.
 - (b) Construction of an addition or any other alteration of up to 1,000 square feet gross floor area to an existing commercial, office, industrial, or institutional use, or structure for such use.
 - (c) Any minor change to the property upon which the structure is located, including, but not limited to, traffic flow patterns and traffic generation, drainage and stormwater runoff, loading areas, outdoor seating, landscaping, dumpsters, lighting, or accessory structures, provided that the proposed project has limited impact on Town services.
 - (d) Construction of a temporary building or trailer limited to one year at a time for use incidental to construction or building operations.
- (2) Major. Major site plan review by the Planning Board is intended as the standard site plan review submission and requires preparation of plans by a registered professional engineer. A major site plan review approval is required for the following: [**Amended 4-24-2017 ATM, Art. 23**]
 - (a) Construction, enlargement or alteration of a parking area resulting in six or more new parking spaces.
 - (b) Construction of a new building or an addition or any other alteration that exceeds 1,000 square

feet of aggregate gross floor area which includes all floors of all buildings on the premises, to an existing commercial, office, industrial, or institutional use or structure.

- (c) Construction, erection, installation, use, or modification of a large-scale wind energy conversion device.
- (d) Construction, erection, installation, use, or modification of a large-scale ground-mounted solar photovoltaic installation.

D. Procedures.

- (1) Minor site plan review applications. Where the application for a building permit mentioned in Subsection **B** or **C(1)** above is submitted, the application shall be accompanied by an approved site plan in accordance with the criteria specified below. Such approval shall be obtained from the Land Use Director and Building Commissioner, after consultation with the Land Use Departments' staff (NOTE: The Land Use Departments include the Building Department, Board of Health, Conservation Commission, Historic Districts Commission, Housing Coordinator, Planning Board, and Zoning Board of Appeals.) and public safety officials, prior to application for a building permit. The Land Use Director and Building Commissioner shall review and approve, approve with such conditions as they may deem appropriate, or not approve the site plan as described in Subsection **H** below, within 30 days of receipt of a plan submitted under Subsection **C(1)**. No building permit shall be issued by the Building Commissioner without written approval of the site plan by the Land Use Director and Building Commissioner unless 30 days lapse from the date of the submittal of the site plan under Subsection **C(1)**, Minor site plan review projects, without action by the Land Use Director and Building Commissioner or without a request from the applicant for an extension of time for the consideration of the site plan.

Any dispute arising from the minor site plan review process or any plan not receiving unanimous approval from the Land Use Director and Building Commissioner shall be referred to the Planning Board for action. The Land Use Director and Building Commissioner may also refer any site plan that, due to unusual circumstance or a unique situation, they believe should be approved by the Planning Board. All site plans sent to the Planning Board by the Land Use Director and Building Commissioner for action will be handled through the minor site plan review process.

An applicant may request that the minor site plan be reviewed by the Planning Board rather than the Land Use Director and Building Commissioner.

Where applicable, all other criteria and conditions of this section will govern minor site plan review.

- (2) Major site plan review applications. If a project requiring site plan approval also requires a special permit, the same procedure for the review of a special permit application shall apply (see § **218-2.3**), with the addition of the procedures delineated herein. If a project requiring site plan approval does not require a special permit, the procedure for the review of a major site plan review application shall be as follows: [**Amended 4-24-2017 ATM, Art. 23**]

- (a) Upon receipt of a site plan review application, the Planning Board or its agent shall review the application for completeness. No application shall be accepted as a submittal unless and until all information necessary for such review, as described herein, is fully provided unless waivers are requested in writing. At the time of submission, the Board or its agent shall make a determination that the application is either complete or incomplete. If the Planning Board or its agent determines that the submission is incomplete, the application shall be returned to the applicant either in person or by certified mail with a letter indicating that insufficient information was provided making it impossible for the Planning Board to adequately review or approve the application. Incomplete applications shall not be considered submittals and shall not be considered the start of any time limits within which the Board is required to act under various provisions of Massachusetts General Law, Chapter 40A. If the submission is determined to be complete, the applicant shall file the application with the Town Clerk by delivery or by certified mail, postage prepaid. The Town Clerk shall time and date stamp said application to fix the date of submission.
- (b) The Planning Board shall hold a public hearing on any complete application within 65 days after filing, shall properly serve notice of such hearing and then render its decision within 90 days of the close of the hearing.
- (c) The applicable decision-making criteria shall be those delineated in Subsection **H** below.

E. Coordination with other boards.

- (1) Coordination with other departments. The Planning Board shall transmit a copy of the application and site plan to the Select Board, Board of Health, Building Commissioner, Commission on Accessibility, Conservation Commission, Electric Light Department, Fire Chief, Director of Public Works, Historic Districts Commission, Police Chief, Water Commission and Sewer Commission for their written recommendations. Failure to respond to the Planning Board within 14 days shall indicate approval by said agencies. **[Amended 10-1-2018ATM by Art. 15]**
- (2) Where applicable, applicants shall submit necessary documents to the Historic Districts Commission so that the Planning Board and said Commission may coordinate, to the extent feasible, a joint review of the site plan. Where an applicant has requested an extension of time for the consideration of a site plan and where said site plan accompanies a special permit application to the Zoning Board of Appeals, the request for extension of time shall be submitted to both the Planning Board and the Zoning Board of Appeals.

F. Pre-submission review. Prior to investing in extensive professional design efforts for site plans, it will often prove useful to review the proposed use of land with the Planning Board, in order that general approaches and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information to be shown on a site plan. At this review, the Board may vote to waive certain submission requirements. Regardless of whether waivers are to be sought by the applicant, the pre-submission review is strongly encouraged since it will provide the applicant with important guidance prior to the commencement of

the site plan review process.

G. Submission requirements.

- (1) Minor site plan review. A site plan shall be submitted that accurately and in detail acceptable to the Land Use Director and the Building Commissioner shows all relevant site conditions. Dimensions and scales shall be adequate to determine that all requirements are met. The plan may be prepared by the applicant; however, the Land Use Director and Building Commissioner may require the submission of information prepared by a registered professional engineer if the Land Use Director and Building Commissioner determine that the specific conditions require such information. Plans shall show the following, unless waived by the Land Use Director and Building Commissioner:
 - (a) Boundary line information pertaining to the land sufficient to permit location of same on ground.
 - (b) Dimensions and locations of all existing and proposed structures.
 - (c) General description of the existing topography, including any proposed grading changes.
 - (d) Parking, loading areas, access and egress provisions.
 - (e) Storm drainage, including direction of flow and means of ultimate disposal.
 - (f) Provisions for and locations of private or public sewer and water supply, including fire-protection measures.
 - (g) Location of all utilities, signage, lighting, outdoor storage and trash disposal areas.
 - (h) Existing and proposed planting, landscaping and screening.
 - (i) All areas subject to protection under the Wetlands Protection Act, MGL C. 131, § 40, within 100 feet of any proposed construction.
 - (j) All easements, restrictions and covenants.
 - (k) Compliance with all applicable provisions of this chapter, including copies of any variances or special permits running with the property.
 - (l) Location and dimensions of any temporary structure, including but not limited to temporary trailers and sheds, or outdoor material storage and staging areas.
- (2) Major site plan review. Major site plans are subject to all submittal requirements of minor site plan review projects and are also subject to the following requirements:
 - (a) Plans shall be prepared by a registered professional engineer unless the Planning Board determines that this requirement may be waived because of unusually simple circumstances.

- (b) All plans shall be submitted on twenty-four-inch-by-thirty-six-inch sheets and shall have a minimum scale of one inch equals 40 feet. A locus plan shall be provided at a scale of one inch equals 200 feet and shall show all structures, streets, bodies of water, floodplain elevations, landscape features, historic sites, and environmental resources within the parcel and within 300 feet of the parcel. All applicable zoning or overlay districts shall be depicted on the locus plan.

A zoning requirements chart shall be shown on the title sheet listing the minimum or maximum intensity requirements, parking requirements, and any applicable special permit requirements including proposed open space and impervious area. The chart shall specify how the proposed project complies with the requirements.

- (c) Existing and proposed topography contour lines shall be delineated at two-foot intervals.
- (d) Calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines, including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended.
- (e) An assessment of traffic impacts and safety conditions shall be prepared by a traffic engineer. An applicant may request a determination by the Planning Board during a pre-submission review (Subsection F) of the necessity for a traffic study and the required scope of such a study.
- (f) A landscaping plan shall be prepared by a registered landscape architect that shows the location of plantings around the perimeter of the building, any buffer landscaping between parcels, and landscaping of the parking area.
- (g) Information on the location, size, and type of parking, loading, storage, and service areas, hours of operation, delivery/export hours, public address systems, snow removal and snow storage areas.
- (h) A photometric lighting plan shall be submitted that indicates the illuminations throughout the site and onto abutting ways and properties. The plan shall indicate the lighting hours of operation, especially shutoff times.
- (i) The Planning Board may, at its discretion, require the preparation and submission of a development impact report that may include, but not be limited to, analysis of the impacts of the proposed project on the environment (i.e., wetlands, water resources, open space), and infrastructure and services (i.e., roadways, wastewater, schools).
- (j) An existing conditions plan showing all land within 500 feet of the subject property depicting:
 - [1] All dwellings and principal buildings.
 - [2] The current land use of each abutting lot.
 - [3] Lot and right-of-way lines.

- [4] Existing contours at two-foot intervals.
 - [5] Principal natural features in general.
 - [6] Zoning district boundaries, including Floodplain and Water Resource Protection Districts.
 - [7] Recorded easements abutting the subject property.
 - [8] Public facilities such as parks, recreation areas, conservation land, bike paths, and streets.
 - [9] Private driveways and access roads.
 - [10] Parking areas.
 - [11] The location and size of existing water mains, fire hydrants, sanitary sewers and storm drains.
- (k) Floor plans and architectural elevations of all planned structures and any existing structures.
 - (l) Analysis of the consequence of the proposed development, evaluating the following impacts at a level of detail appropriate to the scale of the development proposed:
 - [1] Natural environment: groundwater and surface water quality, groundwater level, stream flow, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
 - [2] Public services: need for water or sewer system improvements, need for additional public recreational facilities.
 - [3] Economics: municipal costs and revenues, local business activity and local jobs.
 - [4] Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.
 - (m) A physical or digital three-dimensional site model, unless waived by the Planning Board.

H. Decisions. Site plan approval shall be granted upon a determination by the Planning Board that the following requirements have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure compliance with these requirements. The Planning Board may deny approval of a site plan only on the grounds that the documents required under this § **218-2.5** have not been submitted or were not submitted at the appropriate time, that the applicable provisions of Chapter **381**, Part **2**, Fees, or Subsection **K** below have not been complied with, or that the project proposed pursuant to the site plan may be so intrusive on the needs of the public that no reasonable conditions can be required that would mitigate the impacts. The following criteria shall be met in order for the Planning Board to approve the site plan or approve the site plan with conditions.

- (1) Site plans shall be designed so that new building construction and other site alteration, after

considering the qualities of the specific location, the environmental resources, the proposed land use, the design of building form, grading, access and egress points and other aspects of the development, shall:

- a) Preserve trees twelve-inch caliper or larger unless it can be demonstrated that such removal is necessary for the location of structures, roads, driveways, and utilities, and it can be further demonstrated that there were no alternatives to said removal.
- (b) Provide for landscaping around the perimeter of all structures and the parcel as a whole, including parking areas, to the satisfaction of the Planning Board.
- (c) Meet the requirements of Chapter **198** of the Code of the Town of Groton relating to stormwater management, soil erosion and sedimentation control, including any land disturbance activities.
- (d) Integrate the development into the existing terrain and surrounding landscape and protect abutting properties and community amenities. Project sites shall be buffered from adjacent uses if required by the Board, preferably with a natural landscaped buffer. Obstruction of scenic views from publicly accessible locations shall be minimized. Unique historic and cultural amenities, and stone walls shall be preserved to the greatest extent possible.
- (e) Allow no net increase in the rate or volume of stormwater runoff from the two-, ten-, twenty-five- or one-hundred-year storm event across the boundaries of the site unless provisions have been made to tie into public storm drains with the approval of the appropriate authority and the Planning Board has determined that all reasonable provisions have been made to minimize any changes to runoff from the site. Compliance with all applicable federal, state and local regulations and guidelines, including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, shall be demonstrated.

[1] Storm drains, culverts, swales, detention basins and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage at all low points along streets, to control erosion and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area being drained. The peak rate of runoff at the boundaries of the development shall not be increased from the predevelopment rate during the two-, ten-, twenty-five or one-hundred-year storm event, unless an increase is authorized by the Planning Board, following consultation with the Conservation Commission and consideration of the ability of receiving wetlands or water bodies to absorb the increase and the consequences of providing detention capacity.

[2] The United States Soil Conservation Service (USSCS) TR20 or TR55 Methodology, where applicable, shall be used to determine the off-site rate of runoff for detention and infiltration systems. Adequate physical access for maintenance purposes shall be provided to detention and infiltration facilities. Water velocities in pipes and paved gutters shall be between two and 10 feet per second and not more than five feet per second on unpaved surfaces.

[3] Soil logs must be submitted with the application for site plan approval. The testing should be

done in accordance with Title Five, 310 CMR 15.000, for seasonal high groundwater soil mottling and infiltration rates. The testing must be witnessed by a Town representative.

- (f) Maximize pedestrian and vehicular convenience and safety, both within the site and in relation to adjacent ways. Internal and external traffic circulation, and pedestrian and bicycle access shall be provided to the satisfaction of the Board. Potential traffic impacts shall be mitigated as prescribed by the Board, including, but not limited to, measures designed to reduce automobile trip generation, especially on roadways with demonstrated deficiencies in capacity.
 - (g) Minimize the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned.
 - (h) Minimize glare from headlights through plantings or other screening. Minimize lighting intrusion onto other properties and public ways with proper arrangement and shielding, while providing for security and public safety.
 - (i) Minimize lighting intrusion onto other properties and public ways with proper arrangement and shielding, while providing for security and public safety.
 - (j) Minimize departure from the character and scale of buildings in the vicinity, as viewed from public ways. Architectural style shall be in harmony with the prevailing character of the neighborhood to the maximum extent feasible as required in § **218-8.3.B**, Promotion of harmonious development.
 - (k) Prevent contamination of groundwater from on-site wastewater disposal systems (must meet requirements of Title 5 of the State Environmental Code [310 CMR 15.000 et seq.] and applicable Board of Health regulations, as they may be amended). Contamination also shall be prevented from operations on the premises involving the use, storage, handling, transport or containment of toxic or hazardous substances as defined in § **218-7.2.B** and regulations of the Department of Environmental Protection and the U.S. Environmental Protection Agency, as they may be amended.
 - (l) Demonstrate that an adequate water supply is available and that there shall be no significant impact to groundwater levels. Groundwater recharge shall be provided for throughout the development, and impervious surfaces shall be kept to a minimum.
 - (m) Demonstrate that there shall be no excessive demands on local infrastructure and the ability of the Town to provide services to the development.
- (2) Any new building construction or other site alteration shall be designed so as to provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the requirements of the site plan review regulations.
 - (3) Three copies of the site plan approved by the Planning Board shall be submitted to the Board for endorsement. No building permit shall be issued and construction shall not commence prior to

endorsement of the approved site plan. One copy of the endorsed plan shall be transmitted to the Building Commissioner by the Planning Board.

- I. Performance bond. The Planning Board shall be authorized to require that an applicant post a performance bond, or any other form of surety acceptable to the Board, as part of the site plan review application process. The bond shall also include such sum as may be required to ensure that any temporary structures are removed prior to issuance of a temporary or final occupancy permit. The Planning Board may specify this requirement in regulations written pursuant to Subsection **K** below.
- J. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
- K. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these site plan requirements.
- L. Consultant review fees.
 - (1) Minor site plan review. Every application for site plan approval shall be accompanied by the fee specified in Chapter **381** of the Code of the Town of Groton, Part 3, Fees.
 - (2) Major site plan review. The Planning Board shall be authorized to impose reasonable fees for the employment of outside consultants in accordance with the requirements and provisions of MGL C. 44, § 53G, and as specified in Chapter **381**, Part 3, Fees.

§ 218-2.6 Repetitive Petitions.

- A. Chapter amendment. No proposed change in this chapter which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two years after the date of such unfavorable action unless adoption of the proposed change has been recommended in the final report of the Planning Board to the Town Meeting.
- B. Board of Appeals decision. No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals shall be favorably and finally acted upon within two years after the date of such unfavorable action unless all but one of the members of the Planning Board consent to a repetition after notice is given to parties in interest of the time and place of the proceedings to consider consent and the Board of Appeals finds specific and material changes in the conditions upon which the previous unfavorable action was based, describes such changes in its records and similarly consents.

§ 218-2.7 Violations and Penalties.

Any person, firm or corporation violating any section or provision of this chapter shall be fined not more than \$100 for each offense. Each day or portion thereof that any violation continues shall constitute a separate offense.

§ 218-2.8 Amendment.

[Amended 10-1-2018ATM by Art. 15]

This chapter may be amended from time to time at an Annual or Special Town Meeting. An amendment may be initiated by the submission to the Select Board of a proposed change by the Select Board, the Board of Appeals, an individual owning land in the Town to be affected by the amendment, registered voters of the Town pursuant to MGL C. 39, § 10, the Planning Board and the Montachusett Regional Planning Commission. Within 14 days of the receipt of a proposed change, the Select Board shall submit it to the Planning Board. A public hearing shall be held by the Planning Board within 65 days after the proposed change is submitted to the Board.

§ 218-2.9 Effective Date.

The effective date of an amendment to this chapter shall be the date on which such amendment was adopted by a favorably two-thirds vote of Town Meeting subject to approval by the Attorney General and publication in a Town bulletin or pamphlet and posting or its publication in a newspaper, all pursuant to MGL C. 40, § 32.

§ 218-2.10 Conflict of Laws and Validity.

[Amended 4-27-1991 ATM, Art. 38]

- A. Where this chapter imposes a greater restriction upon the use, height and the area of structures or the use of premises than is imposed by other bylaws, the provisions of this chapter shall control. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision hereof.
- B. Departments responsible for administering this chapter (including the Planning Board, the Zoning Board of Appeals, the Select Board and the Building Inspector/Zoning Enforcement Officer) have the right to disallow any feature of a plan or any design or construction technique if, in the opinion of that administering authority, the sole or primary reason for its use is to circumvent the intent of the chapter.

[Amended 10-1-2018ATM by Art. 15]

§ 218-2.11 Fees.

[Added 10-15-1990 STM, Art. 12]

Fees for applications under this chapter shall be those set by the appropriate approval or permit-granting authority

§ 218-3 Definitions.

[Amended 1-13-1988 STM, Art. 29; 5-3-1988 ATM, Arts. 33, 34; 10-15-1990 STM, Arts. 5, 7; 10-6-1994 STM, Arts. 14, 15; 4-29-1996 ATM, Art. 18; 10-27-1997 ATM, Art. 19; 4-27-1998 ATM, Art. 27; 4-28-2003 ATM, Arts. 22, 23; 4-25-2005 ATM, Art. 20, approved 6-1-2005; 4-27-2009 ATM, Art. 8; 4-25-2011 ATM, Art. 22; 4-30-2012 ATM, Art. 23; 4-22-2013 ATM, Art. 25; 10-20-2014 ATM, Art. 19]

In this chapter the following terms shall have the following meanings unless a contrary meaning is required

by the context or is specifically prescribed. Words used in the singular include the plural, and words used in the plural include the singular. The abbreviation "sq. ft." shall include square foot or square feet. The word "shall" is mandatory and "may" is permissive or discretionary. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual.

Terms and words not defined herein but defined in the Massachusetts State Building Code or the Zoning Act, MGL C. 40A, shall have the meaning given therein unless a contrary intention is clearly evident in this bylaw.

ACCESSORY APARTMENT

A separate dwelling unit, complete with its own cooking and sanitary facilities, having not more than one bedroom and functioning as a separate unit. Additions, renovations, and all construction shall meet the requirements of the current edition of the State Building Code.

ACCESSORY USE OR BUILDING

A use or building which is subordinate and customarily incidental to and located on the same lot with the principal use or building to which it is accessory.

ADULT DAY CARE

A day services program designed to provide assistance with activities of daily living and meet the cognitive, social, physical, and medical needs of elderly clients, and provide temporary relief for their caregivers; certified, licensed, or operated under a contract administered by the Executive Office of Elder Affairs or other state agency authorized under the laws of the commonwealth.

AGE-RESTRICTED HOUSING

Housing in which 50% of the dwelling units are subsidized under any program or plan that will result in the development of low- or moderate-income housing, such housing which the Groton Housing Authority certifies carries restrictions to limit the eligibility of the occupants and sale price, if applicable to within guidelines as defined in applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization with occupancy reserved to persons 55 years of age or older.

[Amended 4-29-2019 ATM by Art. 19]

AIRFIELD, NONCOMMERCIAL

A private airfield restricted to use by the owner of the facility or the owner's invited guests.

ASSISTED LIVING FACILITY

A residence certified by the Executive Office of Elder Affairs, or its successor, under MGL C. 19D to provide room and board and assistance with activities of daily living for three or more adult residents not related by consanguinity or affinity to their care provider, and to collect payments or third-party reimbursements to provide such services. An assisted living facility may include a licensed adult day care center as an accessory use.

AUTOMOTIVE REPAIR SHOP

A shop or garage for the repair of motor vehicles, other than a private garage or a gasoline service station.

BED AND BREAKFAST

A building or group of buildings intended to be used or used for transient overnight lodging with not less than two nor more than four rooms for paying guests, with guest meals typically included in the room charge and limited to breakfast prepared in a central kitchen, and with no cooking facilities located in individual guest rooms or suites.

BEDROOM

As defined in Title V of the Massachusetts Environmental Code (310 CMR 15.002) or successor regulation.

BOATHOUSE

A permanent, fixed roofed structure constructed for the purpose of permanent, temporary, or seasonal storage of watercraft and located on, over, or proximate to navigable water. A boathouse may be constructed in combination with docks, piers, seawalls, or landings, which are used for the purpose of maneuvering watercraft from and to, into and out of said boathouse.

BUILDING

A structure having a roof or cover and forming a shelter for persons, animals or property.

BUILDING HEIGHT

Measured at the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof and to the ridge in the case of a pitched roof.

CAMP, DAY OR YOUTH

A camp providing facilities for groups of young people such as YMCA camps, Boy Scout or Girl Scout camps, or a similar recreation establishment operated by a public or private organization, with indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

CHILD CARE CENTER

A facility, other than a private residence, operated on a regular basis and licensed by the Commonwealth of Massachusetts under MGL C. 15D to receive children not of common parentage under seven years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. As used in this chapter, "child care center" includes a facility known as "child nursery," "nursery school," "kindergarten," "child play school," "progressive school," "child development center," or "preschool."

COMMERCIAL RECREATION FACILITY, INDOOR

A facility operated as a business, open to the public for a per-visit or membership fee, for indoor

recreation purposes such as tennis, racquetball, swimming, ice skating, roller skating or similar activities, including a health club or athletic club, but not including indoor recreation programs operated by the Town of Groton or its various departments, or the Groton-Dunstable Regional School District.

COMMERCIAL RECREATION FACILITY, OUTDOOR

A facility operated as a business, open to the public for a per-visit or membership fee, for outdoor recreation purposes such as skiing, swimming, ball games, golf, or similar sports or recreation activities.

CONTIGUOUS

Sharing a common lot line or touching at any point.

CONTRACTOR'S SHOP

An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

CONTRACTOR'S STORAGE YARD

Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), paints, pipe, electrical components or other building materials used by the owner or occupant of the premises in the conduct of any building trades or building craft.

CRAFT MARIJUANA CULTIVATOR COOPERATIVE

A marijuana cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth, which is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to marijuana establishments, but not to consumers. Marijuana research facility, an entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.

[Added 10-1-2018 STM, Art. 3]

CRAFT SHOP

A business establishment that produces, on the premises, articles for sale of artistic quality or effect or handmade workmanship, e.g., candle making, glass blowing, weaving, pottery making, custom woodworking, sculpting, painting, and other associated activities.

DRIVEWAY

An improved access, other than a street, connecting between a street and one or more parking or loading spaces.

DWELLING

A building or part thereof designed, erected and used for continuous and permanent habitation for one or more families or individuals.

DWELLING UNIT

A building or portion of a building intended as living quarters for a single family, having a single set of

kitchen facilities (a stove plus either or both a refrigerator and a sink) not shared with any other unit.

EXISTING STREET

A way in existence on May 1, 1980, if qualifying to provide frontage for subdivision of land, as provided at the definition of "frontage."

FAMILY

Any number of persons living together as a single economic unit and ordinarily using a single cooking facility.

FLOOR AREA, AGGREGATE

Total floor area including all floors of all buildings on the premises.

FLOOR AREA, GROSS

Total gross floor area including exterior building walls of all floor areas of a building or structure.

FLOOR AREA, HABITABLE

The temperature-controlled, finished floor area within a dwelling unit exclusive of unfinished garages, attics and cellars.

FRONTAGE

The length of common boundary between a lot and a way legally qualifying to provide frontage for the division of land, pursuant to § 218-6.3.A and MGL C. 41, § 81L, to be measured continuously along the street line between side lot lines and their intersection with the street line, which provides safe and adequate vehicular access from said way to the principal use of the lot.

GASOLINE SERVICE STATION

A structure or lot used for the sale of gasoline and oil for servicing motor vehicles, other than a private garage.

HAMMERHEAD LOT

A lot having at least forty-foot frontage and five acres' area and meeting the requirements of § 218-6.4

HELIPORT

A facility designed to be used for the landing or takeoff of a helicopter. As used in this chapter, "heliport" is restricted in use to the owner or operator of the facility.

HOTEL, MOTEL or INN

A building or part thereof or a group of buildings on a single lot providing public accommodations, where space is used for sleeping and appurtenant services by more than four persons as paying guests. For a hotel or motel with units equipped with independent cooking facilities, such units shall not be occupied by any guest for more than two continuous months, nor may guests reoccupy any unit within 30 days of a continuous two-month stay or stay more than a combined total of four months in any calendar year, unless such requirements are specifically waived by special permit from the Board of

Appeals.

HOME OCCUPATION

An occupation, business, trade, service or profession which is conducted on the premises used as the residence of the operator of the business and which is not allowed as a principal use, including, in the R-A District, a business office, professional office, craft shop for articles produced on the premises or repair shop for small items.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

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

LARGE-SCALE WIND ENERGY CONVERSION DEVICE

A wind energy conversion device that exceeds 65 feet in height.

LODGING HOUSE

A single-family dwelling where more than two but fewer than eight furnished rooms are provided as lodging for paying guests, regular or transient, for definite periods of times, with facilities for common services such as meals and laundry with no meals provided to outside guests.

LOT, BUILDING

A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan and having the minimum area and frontage as required by this chapter.

LOT, CORNER

A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135°. A lot which has legal frontage on both a public way and a proposed subdivision way and one which shall be shown on a subdivision shall be considered part of that plan.

LOT or PARCEL

A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.

LOT WIDTH

The distance between the side lot lines measured along the setback line as established by this chapter. The setback line shall be parallel to a straight line connecting the two front lot corners of the lot. (See lot width detail.).

MANUFACTURING

The indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. Manufacturing includes but is not limited to the processing, fabrication, assembly, treatment,

or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

MARIJUANA CULTIVATOR

An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA ESTABLISHMENT

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, any other type of licensed marijuana-related business, or any combination thereof at a single location.

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA MICROBUSINESS

A co-located marijuana establishment that can be either a Tier 1 marijuana cultivator or product manufacturer or both, in compliance with the operating procedures for each license (as defined and classified by the Massachusetts Cannabis Control Commission).

[Added 10-1-2018 STM, Art. 3]

MARIJUANA PRODUCT MANUFACTURER

An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA PRODUCTS

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

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA RESEARCH FACILITY

An entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.

[Added 10-1-2018 STM, Art. 3]

MARIJUANA RETAILER

An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA TESTING FACILITY

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

[Added 4-30-2018 ATM, Art. 21]

MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY

An entity with a fixed location that delivers marijuana and marijuana products to marijuana establishments and transfers marijuana and marijuana products to other marijuana establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with transportation and distribution.

[Added 4-30-2018 ATM, Art. 21]

MOBILE HOME

A structure designed as a dwelling unit for living purposes, capable of being moved on its own wheels by a motor vehicle, whether retained on wheels or fixed to a permanent foundation.

MOBILE HOME PARK

Land on which two or more mobile homes are stationed for the purpose of human habitation and land which is used in conjunction with land on which mobile homes are stationed.

MULTIFAMILY USE

A building containing three or more dwelling units.

MUSEUM

An institution devoted to the procurement, care, study, and display of objects of public or scientific interest, value, or historical significance.

NACELLE

The frame and housing at the top of the wind energy conversion facility tower that encloses the gearbox and generator and protects them from the weather.

OFF-SITE OFF-STREET PARKING

Parking area on a lot for the benefit of and serving the parking needs of a use on a separate noncontiguous lot, subject to the provisions of §§ 218-2.5, 218-8.1, and 218-2.3.

[Added 4-29-2019 ATM by Art. 18]

OFF-SITE REGISTERED MEDICAL MARIJUANA DISPENSARY (ORMMD)

A registered medical marijuana dispensary that is located off site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the

provisions of 105 CMR 725.00.

[Added 4-24-2017 ATM, Art. 22]

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

PERSONAL SERVICE ESTABLISHMENT

An establishment whose primary business relies on customers coming and going on a regular basis and which provides a nonmedical service directly to the consumer, such as a barber, hairdresser, manicurist, caterer, decorator, dressmaker or tailor, dry cleaner or laundry service, optician, photographer, shoemaker or upholsterer, and similar uses.

PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICES FACILITY

A facility for the provision of personal wireless services as defined under the Federal Telecommunications Act.

PERSONAL WIRELESS SERVICES TOWER

Any guyed structure, monopole tower or self-supporting structure that is constructed as a freestanding structure to contain one or more antennas or other equipment intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone or similar or related forms of communications.

PRIVATE GARAGE

Covered space for the housing of motor vehicles, no more than two of which belong to other than the occupants of the lot on which such space is located.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

REGISTERED MEDICAL MARIJUANA DISPENSARY (RMMD)

A not-for-profit entity registered and approved by the Massachusetts Department of Public Health in accordance with 105 CMR 725.100, and pursuant to all other applicable state laws and regulations, also to be known as a "medical marijuana treatment center," that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

ROTOR

The blades and hub of the wind energy conversion device that rotates during energy conversion device operation.

SEASONAL RESIDENCE

A residence that is used for fewer than 180 days per year. Evidence to document whether a residence is seasonal or year-round may include utility bills, United States Post Office records, principal place of garaging, or sworn affidavits by three abutting year-round residents.

SIGN

Includes any lettering, word, numeral, pictorial representation, emblem, trademark, device, flag or other figure of similar character located outdoors and being a structure or any part thereof or attached to, painted on or in any other manner represented on a building or other structure and used to announce, direct, attract, advertise or promote, including signs located inside a window only when illuminated or moving, and shall not include the display of merchandise visible through such window. Marquees, canopies, awnings, clocks, thermometers and calendars shall be subject to the provisions of this chapter only when used to display or support signs as defined above.

SMALL-SCALE WIND ENERGY CONVERSION DEVICE

A wind energy conversion device that may be freestanding or mounted on a structure not exceeding 65 feet in height.

SOLAR PHOTOVOLTAIC ARRAY

An arrangement of solar photovoltaic panels.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

The Planning Board or the Board of Appeals as designated in this chapter as having the authority to issue special permits.

STORY

The portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than 1/2 of its height above the average elevation of the finished grade adjoining the building. Any part of a building between the topmost floor and the roof shall be deemed a half-story.

STREET

A public way or private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Groton, having, in the opinion of the Planning Board, suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STREET LINE

The side line of a street or way, as determined by deeds and plans recorded at the Registry of Deeds, or a building line laid out under MGL C. 82, § 37; where no line is thus legally established, then a line parallel with and 20 feet distant from the center line of a traveled way.

STRUCTURE

Any construction, erection, assemblage, or other combination of materials upon the land made in such a manner as to indicate a purpose that it remains in position indefinitely.

TRANSFER LOT

A parcel of land with not less than 80,000 square feet used to establish a density bonus in a Flexible Development, as set forth in § **218-9.1** Such transfer lot shall be:

- A. Determined by the Planning Board to be of special importance because of its visual prominence or potential vista blockage, ecological significance or fragility, value as agricultural or recreational land, critical relation or proximity to the Town's drinking water supply, or because it is identified in the Town's open space plan;
- B. Not wetlands, as defined in MGL C. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
- C. Subject to a permanent conservation restriction pursuant to MGL C. 184, §§ 31 through 33, or conveyed to the Town, or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or other appropriate purpose consistent with the open space uses designated in § **218-9.1**.

WIND ENERGY CONVERSION DEVICE

A device that converts kinetic energy of the wind into electrical power. A wind energy conversion device typically consists of a rotor, nacelle and supporting tower.

WIND ENERGY CONVERSION DEVICE HEIGHT

The distance measured from the natural grade to the highest point on the device during operation.

WIND ENERGY CONVERSION FACILITY

All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind energy conversion devices.

WINDMILL

A device, usually associated with agriculture, that converts kinetic energy of the wind into mechanical power, not electrical power. A windmill is not a wind energy conversion device per these definitions.

WIND MONITORING OR METEOROLOGICAL ("TEST" OR "MET") TOWER

A tower, whose period in existence shall not be greater than 18 months, used for supporting

anemometer, wind vane, and other equipment to assess the wind resource at a predetermined height above the ground, erected as part of a wind-energy conversion feasibility process.

§ 218-4 Zoning Districts.

§ 218-4.1 Classes of Districts.

[Amended 4-27-1991 ATM, Art. 32; 4-30-2001 ATM, Art. 47; 4-28-2003 ATM, Art. 25; 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12; 10-20-2014 ATM, Art. 19

The Town of Groton is hereby divided into the following classes or districts to be known as:

A. Residence districts.

- (1) R-A Residential-Agricultural District.
- (2) R-B Residential-Business District.

B. Business districts.

- (1) VCB Village Center Business.
- (2) NB Neighborhood Business.
- (3) GB General Business.

C. Industrial districts.

- (1) I Industrial District.

D. Special districts.

- (1) O Official Open-Space District.
- (2) P Public Use District.

E. Overlay districts.

- (1) Floodplain.
- (2) Primary Water Resource.
- (3) Secondary Water Resource.
- (4) Recreation District.
- (5) Town Center Overlay District.

§ 218-4.2 Intention of Districts.

[Amended 1-13-1988 STM, Art. 28; 4-28-2003 ATM, Art. 25; 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12; 10-20-2014 ATM, Art. 19]

- A. R-A Residential-Agricultural District is intended as a district of single-family homes and for continuance of forestry and agricultural activities. Land shown as institutional properties on the Zoning Map is so shown for descriptive purposes only and is a part of the R-A District.
- B. R-B Residential-Business District is intended as a residential district with limited business uses frequently associated with residential uses and subject to the issuance of a special permit.
- C. VCB Village Center Business District is intended to provide areas within Village Centers of Groton that allow for a mix of uses including retail, commercial, office, services, and residential of appropriate and walkable scale which contribute to the village's sense of place.
- D. NB Neighborhood Business is intended to provide for areas of mixed uses to serve as small centers providing goods and services within or near residential neighborhoods or as a transitional zone between business areas and residential neighborhoods.
- E. GB General Business District is intended to provide for a range of retail uses and services and commercial activities in appropriate locations along arterial or primary roads.
- F. I Industrial District is intended as a district for manufacturing, research and development, and similar large scale uses.
- G. O Official Open-Space District is intended to include areas which have already been dedicated or used for public or semipublic uses.
- H. P Public Use District is intended to regulate land in public use or land with public facilities.
- I. TCOD - The Town Center Overlay District is intended to promote a socially and economically vibrant town center by enabling development, by special permit, of a mixture of civic, residential and commercial uses consistent with the Town's Comprehensive Plan and the Design Guidelines for the district.

§ 218-4.3 Location of Districts.

[Amended 4-27-1998 ATM, Art. 26; 4-28-2003 ATM, Art. 26; 4-28-2008 ATM, Art. 21; 4-25-2011 ATM, Art. 12; 4-22-2013 ATM, Art. 24; 10-20-2014 ATM, Art. 19; 10-19-2015 ATM, Art. 11]

Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," as most recently amended by Town Meeting, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this chapter.

§ 218-4.4 Boundaries of Districts.

- A. Where the boundary lines on the Zoning Map or the Water Resource Districts Map are within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.
- B. Where the boundary lines are shown approximately on the location of property or lot lines and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- C. Where the boundary lines are located outside of such street lines and shown approximately parallel thereto, they shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street side lines are the distances in feet of such boundary lines from such street side lines, such distances being measured at right angles to such street lines unless otherwise indicated.
- D. Where the location of boundary lines is uncertain, it shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map or by the scale of the map.
- E. Where a district boundary line between a residential, business and/or industrial district divides any lot existing at the time such line is adopted, the regulations for the less-restricted portions of such lot shall extend no more than 30 feet into the more-restricted portion, provided that the lot has frontage in the less-restricted district. **[Amended 10-20-2014 ATM, Art. 20]**
- F. Where boundary lines are contour lines, they are at an indicated elevation above the datum which is mean sea level of the United States Geological Survey.

§ 218-5 Use Regulations.

§ 218-5.1 Basic Requirements.

- A. No building or structure shall be erected, altered or used and no premises or land shall be used for any purpose or in any manner other than as regulated by § 218-5.8 and as permitted and set forth in § 218-5.2, Schedule of Use Regulations, and in accordance with the following notation:
 - (1) Y (yes), use permitted.
 - (2) SP (special permit), use allowed under a special permit to be acted upon by the Board of Appeals.
 - (3) PB (special permit), use allowed under a special permit to be acted upon by the Planning Board.
 - (4) N (no), use prohibited.

- B. Uses permitted and uses allowed under a special permit shall be in conformity with all the density and dimensional regulations and any other pertinent requirements of this chapter.
- C. Where an activity might be classified under more than one of the following categories, the more restrictive shall govern.

§ 218-5.2 Schedule of Use Regulations.

[Amended 10-15-1990 STM, Art. 2; 10-15-1990 STM, Art. 10; 4-29-1996 ATM, Art. 20; 10-27-1997 STM, Art. 19; 4-27-1998 ATM, Art. 27; 4-30-2001 ATM, Art. 47; 4-28-2003 ATM, Art. 22; 10-22-2007 STM, Art. 15; 4-27-2009 ATM, Art. 8; 4-27-2009 ATM, Art. 10; 4-25-2011 ATM, Arts. 12, 22; 4-22-2013 ATM, Art. 25; 10-21-2013 ATM, Art. 18; 10-20-2014 ATM, Art. 19; 4-24-2017 ATM, Art. 22; 4-30-2018 ATM, Art. 21; 10-1-2018ATM by Art. 15; 4-29-2019 ATM by Art. 18]

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
1	Public, Semipublic and Institutional:								
2	Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
3	Use of land or structures for public or private non-profit educational purposes	Y	Y	Y	Y	Y	Y	Y	Y
4	Museum, library, park or playground, conservation area, water supply area, or land owned and operated for public use and enjoyment by a public agency or non-profit organization	Y	Y	Y	Y	Y	Y	Y	Y
5	Child care facility	Y	Y	Y	Y	Y	Y	Y	N
6	Adult day care	SP	SP	SP	SP	SP	N	SP	N
7	Private golf course, not including miniature golf	SP	N	N	N	N	N	N	N
8	Private non-profit charitable organization or membership club, e.g., social, fraternal, or professional organization	SP	SP	SP	SP	SP	N	N	N
9	Day or overnight camps in accordance with a site plan as provided in § 218-2.5	SP	SP	SP	N	SP	N	SP	Y
10	Outdoor recreation, such as nature study, walking trail, or non-motorized boating, fishing, and hunting where otherwise legally permitted; but not including outdoor recreation facilities owned or	Y	Y	Y	Y	Y	N	Y	Y

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
	operated for commercial purposes								
11	Public Playground, non-commercial	Y	Y	Y	Y	Y	N	Y	Y
12	Athletic field, skating rink, or similar facility intended for sports, games, or physical fitness	PB	Y	Y	N	Y	N	Y	PB
13	Use of land or structures for municipal purposes	SP	SP	Y	Y	Y	N	Y	SP
14	Facilities for servicing and fueling municipal vehicles and equipment	N	N	N	N	N	N	Y	N
15	Telephone, telegraph, power and gas transmission and radio-television broadcasting facilities	SP	SP	Y	Y	Y	Y	N	Y
16	Underground gas and utility transmission	Y	Y	Y	Y	Y	Y	Y	Y
17	Use of land for a public utility	SP	SP	SP	SP	SP	SP	Y	N
18	Hospital, sanitarium, assisted living facility, or nursing home, subject to § 218-2.5	SP	SP	SP	N	SP	N	SP	N
19	Cemetery	SP	SP	N	N	N	N	Y	Y
20	Agricultural, Floricultural and Horticultural:								
21	Gardens; growing and storing of fruits; vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; and greenhouse nursery and similar activities in the field of agriculture	Y	Y	Y	Y	Y	Y	Y	Y
22	Agricultural labor housing	Y	Y	Y	Y	Y	Y	N	N
23	The raising or keeping of horses, goats, sheep, cattle, pigs, poultry or other domesticated animals for food and other agricultural purposes	Y	Y	Y	Y	Y	Y	Y	Y
24	Riding stables	Y	Y	Y	Y	Y	Y	Y	Y
25	Grazing and farming, including truck gardening and harvesting of crops	Y	Y	Y	Y	Y	Y	Y	Y

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
26	Forestry	Y	Y	Y	Y	Y	Y	Y	Y
27	Nonresidential buildings and structures ³ such as:								
28	Barns or stables for breeding, boarding, hiring or sale of animals	Y	Y	Y	Y	Y	Y	Y	Y
29	Barns, stables, or other farm buildings for the shelter of animals and for the storage of crops raised on the premises	Y	Y	Y	Y	Y	N	Y	Y
30	Conservation of water, plants and wildlife	Y	Y	Y	Y	Y	Y	Y	Y
31	Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto a public or traveled way	Y	Y	Y	Y	Y	Y	Y	Y
32	Commercial Greenhouse	Y	Y	Y	Y	Y	Y	Y	Y
33	Residential:								
34	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N
35	Conversion of a seasonal residence to a year-round residence	SP	SP	SP	SP	SP	N	N	N
36	Two-family attached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	Y	Y	N	N	N
37	Dwelling unit above the street level floor of a commercial building	N	Y	Y	Y	PB	N	N	N
38	Multifamily use, as allowed by the provisions of § 218-9.3. A through C	PB	PB	PB	PB	PB	N	N	N
39	The taking of not more than 4 lodgers in an owner-occupied single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
40	The taking of more than 4 lodgers in an owner-occupied, single-family detached dwelling	SP	SP	SP	SP	SP	N	N	N
41	Flexible development pursuant to § 218-9.1	PB	N	N	N	N	N	N	N
42	Business:								
43	For restrictions on the following uses, see § 218-5.5, performance standards for the R-B, VCB, NB, GB, and I Districts								
44	Retail store								
45	Store with up to 2,500 square feet gross floor area	N	Y	Y	Y	Y	N	N	N
46	Store with more than 2,500 square feet gross floor area or more but less than 5,000 square feet gross floor area	N	PB	PB	PB	Y	N	N	N
47	Store with 5,000 square feet gross floor area or more but less than 10,000 square feet gross floor area	N	N	PB	PB	Y	N	N	N
48	Store with 10,000 square feet gross floor area or more	N	N	N	N	PB	N	N	N
49	Craft shop	N	Y	Y	Y	Y	N	N	N
50	Personal service establishment	N	SP	Y	Y	Y	N	N	N
51	Repair shop for bicycles, small household appliances, or other light equipment, not including vehicles	N	SP	Y	Y	Y	SP	N	N
52	Restaurant serving food for consumption indoors on the premises, but may include accessory outdoor service on a patio or seating area	N	SP	Y	Y	PB	N	N	N
53	Take-out food service establishment, e.g., an ice cream shop or deli, bakery or coffee shop, but no drive-through service, up to 2,500	N	N	Y	Y	Y	N	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
	square feet gross floor area								
54	Take-out food service establishment, e.g., an ice cream shop or deli, bakery or coffee shop, but no drive-through service, of more than 2,500 square feet gross floor area	N	N	PB	PB	PB	N	N	N
55	Business or professional office, not including medical office	N	SP	Y	Y	Y	Y	N	N
56	Bank, credit union	N	N	Y	Y	Y	SP	N	N
57	Automatic teller machines as free-standing structure or with exterior access	N	N	PB	PB	PB	PB	N	N
58	Medical, dental, or mental health care office, excluding a clinic	N	N	Y	PB	Y	Y	N	N
59	Health care clinic for outpatient services, or ambulatory care center, with or without laboratory	N	N	PB	PB	PB	N	N	N
60	Veterinarian	N	N	SP	SP	SP	Y	N	N
61	Kennel or overnight boarding facility for household pets, pet grooming facility and daytime pet care establishment	N	N	SP	N	SP	SP	N	N
62	Funeral home	N	N	SP	SP	SP	N	N	N
63	Hotel, motel, or inn	N	N	PB	PB	PB	N	N	N
64	Bed and breakfast	SP	SP	SP	SP	SP	N	N	N
65	Theatre or cinema	N	N	PB	PB	PB	N	N	N
66	Commercial recreation up to 2,500 square feet gross floor area.; indoor	N	N	Y	Y	Y	N	N	N
67	Commercial recreation of more than 2,500 square feet gross floor area; indoor	N	N	SP	SP	PB	N	N	N
68	Commercial recreation; outdoor	SP	N	SP	N	PB	N	N	N
69	Auto sales	N	N	SP	N	SP	N	N	N
70	Service station, including sale of fuel, motor oil, and related automotive products (no repair services)	N	N	SP	SP	SP	SP	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
71	Retail sale of auto parts and accessories, not for installation on the premises	N	N	SP	SP	SP	Y	N	N
72	Retail sale and installation of auto parts, e.g., tires, mufflers, or brakes	N	N	SP	N	SP	Y	N	N
73	Auto repair, auto body shop and marine repair	N	N	SP	N	SP	Y	N	N
74	Car wash and auto detailing	N	N	SP	N	SP	SP	N	N
75	Small-scale wind energy conversion device	Y	Y	Y	Y	Y	Y	Y	N
76	Large-scale wind energy conversion device	PB	PB	PB	PB	PB	PB	PB	N
77	Wind monitoring or meteorological ("test" or "met") tower	Y	Y	Y	Y	Y	Y	Y	N
78	Windmills	Y	Y	Y	Y	Y	Y	Y	N
79	Large-scale ground-mounted solar photovoltaic installation	PB	PB	PB	PB	PB	PB	PB	N
80	On-site solar photovoltaic installation	Y	Y	Y	Y	Y	Y	Y	N
81	Industrial:								
82	For restrictions on the following uses, see § 218-5.5, performance standards for the R-B, VCB, NB, GB, and I Districts								
83	Research and development	N	N	SP	SP	SP	Y	N	N
84	Manufacturing	N	N	N	N	N	Y	N	N
85	Contractor's shop	N	N	SP	SP	SP	Y	N	N
86	Contractor's storage yard, including office, yard, and storage facilities for construction or landscape contractor, or similar establishment as a principal use	N	N	SP	N	SP	Y	N	N
87	Sale of building materials and supplies, which may include outdoor storage of lumber products as a principal use	N	N	N	N	N	Y	N	N
88	Outdoor storage of fuel supplies and fuel products	N	N	N	N	N	SP	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
89	Wholesale establishment, including preparation, storage, transfer, or distribution of goods, with incidental display space	N	N	N	N	SP	Y	N	N
90	Rail or bus station, or bus terminal	N	N	SP	SP	SP	Y	N	N
91	Commuter parking facility as a principal use	N	N	N	N	SP	Y	SP	N
92	Parking or maintenance facility for commercial vehicles	N	N	N	N	N	SP	N	N
93	Personal wireless service facility	PB	PB	PB	PB	PB	PB	PB	N
94	Commercial radio, television studio, with or without transmitting or receiving tower	N	N	N	N	N	SP	N	N
95	Noncommercial airfield or noncommercial heliport	SP	N	N	N	N	SP	N	N
96	Registered medical marijuana dispensary, up to 25,000 square feet gross floor area, see § 218-10.4	N	N	N	N	N	PB	N	N
97	Off-site registered medical marijuana dispensary, up to 2,500 square feet gross floor area, see § 218-10.4	N	N	N	N	PB	PB	N	N
98	Accessory (see § 218-5.3):								
99	Uses customarily incidental to any principal use on the same premises, and including but not limited to private garages, boathouses, and to activities associated with agriculture, such as barns, stables, and other farm buildings, provided that no building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line	Y	Y	Y	Y	Y	Y	Y	N
100	Uses customarily incidental to any principal use on the same premises, including	Y	Y	Y	Y	Y	Y	Y	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
	off-street parking in accordance with § 218-8.1								
101	Home occupation, see § 218-5.3.B								
102	Family dependent care, see § 218-5.3.C								
103	Accessory apartment, as regulated under § 218-9.4								
104	Family day care home for up to 6 children	Y	Y	SP	SP	SP	N	N	N
105	Dwelling unit, whether detached or attached, accessory to business or industrial use, solely for use as living quarters by security, maintenance, or administrative employee	N	N	SP	SP	SP	Y	N	N
106	Cafeteria, dining hall, conference or function facilities for exclusive use by employees and clientele of a principal nonresidential use	N	N	SP	N	Y	Y	N	N
107	Temporary outdoor storage of materials or equipment accessory to a nonresidential use	N	N	SP	SP	SP	Y	N	N
108	Temporary outdoor display and sale of merchandise accessory to a retail use	N	N	Y	Y	Y	N	N	N
109	Miscellaneous:								
110	Removal of soil, loam, sand and other earth material	9	9	9	9	9	9	9	9
111	Driveway or road, provided that there will be adequate drainage and that such driveway or road will not interfere adversely with the natural flow of water in the area (Driveway curb cuts are subject to permits issued by Director of Public Works in accordance with the provisions of § 180-3 of the Groton Code.)	Y	Y	Y	Y	Y	Y	Y	PB
112	Marijuana establishments; any other type of licensed								

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
	marijuana-related business:								
	Marijuana cultivator, but not including craft marijuana cultivator cooperative	N	N	N	N	PB	PB	N	N
	Marijuana product manufacturer	N	N	N	N	N	N	N	N
	Marijuana retailer	N	N	N	N	N	N	N	N
	Marijuana testing facility	N	N	N	N	PB	PB	N	N
	Marijuana transportation or distribution facility	N	N	N	N	N	N	N	N
	Marijuana research facility	N	N	N	N	PB	PB	N	N
	Any other type of licensed marijuana-related business including marijuana micro business	N	N	N	N	N	N	N	N
	On-site consumption of marijuana at licensed marijuana establishment	N	N	N	N	N	N	N	N
113	Off-site off-street parking	PB	PB	PB	PB	PB	PB	N	N

NOTES
:

³No building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line.

⁹The removal of soil, loam, sand or other earth material is subject to permits issued by the Select Board in accordance with the provisions of Ch. **134**, Earth Removal.

¹⁰For additional uses which may be permitted in those portions of the R-A, R-B, VCB and P Districts which underlie the Town Center Overlay District, see § **218-7.3**.

§ 218-5.3 Accessory Uses.

A. General.

- (1) Accessory uses shall be on the same lot with the building of the owner or occupant, except as otherwise permitted herein, and shall not alter the character of the premises on which they are located nor impair the neighborhood.
- (2) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific

research or scientific development or related production, may be permitted upon the issuance of a special permit, provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

B. Home occupation.

- (1) Allowed occupations. Home occupations shall be allowed without need for a special permit only if meeting all of the following:
 - (a) The occupation shall be operated by a person residing on the premises and shall employ not more than one person not resident thereon.
 - (b) There shall be no evidence of the occupation through persistent or excessive sound or through vibration, smell or sight discernable at the boundaries of the premises, except for a sign as permitted at Section 5.2 or for display of produce raised on the premises.
 - (c) Any exterior storage of materials or equipment or business-related parking shall be so located and so screened (through location, grade or vegetative screening) as to be in compliance with Subsection **B(1)(b)** above.
 - (d) Not more than two vehicles requiring registration as taxis, buses or commercial vehicles shall be regularly parked outdoors on the premises.
 - (e) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.
 - (f) The occupation shall be conducted within a dwelling with no use of accessory structures except for parking or incidental storage in an existing accessory structure.
- (2) Occupations on special permit.
 - (a) A special permit from the Board of Appeals may authorize any or all of the following for a home occupation:
 - [1] Employment on the premises of two or more persons not resident thereon. Not more than three such persons shall be authorized except when, because of the circumstances of the location or the occupation, such additional employment will not adversely affect the neighborhood.
 - [2] Reasonable modification of the limitations in Subsection **B(1)(b)** above.
 - [3] Parking or outside storage not capable of being located and screened as required at Subsection **B(1)(c)** above.
 - [4] Parking of vehicles other than as allowed under Subsection **B(1)(d)** above.
 - [5] Activity likely to result in more traffic than allowed under Subsection **B(1)(e)** above.

[6] Use of an existing accessory structure for other than parking or incidental storage.

[7] Storage of equipment or materials on premises other than the residence of the operator.

(b) Such special permit shall be granted only if the Board of Appeals determines that the activities will not create hazard, disturbance to any abutter or injury to the neighborhood and will not create unsightliness visible from any public way or neighboring property.

(c) Such special permit shall impose conditions and limitations as necessary to protect abutting properties and the public, including the limitation that the home occupation authorized by the special permit may not be transferred to a different operator without a new special permit, that the occupation shall be subject to compliance review by the Building Inspector at periods specified in the special permit and that such special permit may be revoked by a majority vote of the Board of Appeals at any time after notice and hearing, upon the Board's determination that the terms of the special permit are being violated.

(3) Enforcement.

(a) A certificate of use and occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of a home occupation.

(b) Any person may request enforcement of these provisions by the Building Inspector where a violation is believed to exist, as provided at MGL C. 40A, § 7, and if dissatisfied with the outcome, such person may bring an appeal to the Board of Appeals for hearing and action as provided at MGL C. 40A, § 8.

C. Family dependent care. Facilities required for the care of an elderly, infirm or otherwise dependent family member may be provided through placement of not more than one mobile home on the same lot as the residence of the caretaker, if authorized as an accessory use on a special permit granted by the Board of Appeals subject to the following:

(1) Authority granted by such special permit shall expire when the dependent family member permanently vacates the facilities, and the mobile home shall forthwith be removed.

(2) The special permit shall provide that occupancy by the dependent family member shall be annually certified to the Board of Appeals as a condition to the continuation of the special permit.

(3) Any mobile home so used within the Floodplain Zone shall meet Federal Emergency Management Agency requirements for stand elevation, access, drainage and pile engineering.

D. Temporary permits. A trailer or mobile home may be used on any lot as provided below: **[Added 5-11-2015 ATM, Art. 32]**

(1) The owner or occupier of a residence which has been destroyed 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 12 months while the residence is being repaired or reconstructed. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

- (2) The tenant of a commercial place of business which has been destroyed by fire or natural disaster may place a trailer on the site of such place of business and may, by right, occupy such trailer for a period not to exceed 12 months while the business premises are being repaired or reconstructed. Any such trailer shall be subject to the provisions of the Board of Health.
- (3) A trailer may be used for a construction site office on a temporary basis and shall be subject to the provisions of § **218-2.5**, Site plan review. Such trailer shall be removed upon completion of the construction project. The applicant shall file with the Town Treasurer a bond in such sum as may be required or other documented assurances to the Town, effective in case such structure is not removed prior to the expiration of the building permit for the temporary structure.
- (4) A trailer may be used for a nonresidential use such as temporary offices, retail store, portable classrooms on a temporary basis. Such trailers shall be limited to one year at a time and not to exceed a total of three years after use has commenced and shall be subject to the provisions of § **218-2.5**, Site plan review. The applicant shall file with the Town Treasurer a bond in such sum as may be required or other documented assurances to the Town, effective in case such structure is not removed prior to the expiration of the building permit for the temporary structure.

§ 218-5.4 Special Use Considerations in Official Open-Space Districts.

[Amended 10-1-2018ATM by Art. 15]

No building permit shall be issued for any new building or structure in the Official Open-Space District until plans showing proposed location, uses and external appearance shall have been submitted to the Select Board for review, comment and suggestions with the advice of the Planning Board and the Select Board shall have made such comment and suggestions or allowed three weeks to elapse after such submission without action.

§ 218-5.5 Special Use Considerations in R-B, VCB, NB, GB and I Districts.

[Amended 5-12-1997 ATM, Arts. 35, 36; 10-20-2014 ATM, Art. 20]

- A. Objectives. The objectives of these special use regulations are to provide entrepreneurial and employment opportunities for area residents; to focus development at locations occasioning relatively small environmental or community cost; to protect the Town's rural character and natural environment; to promote harmonious future development; and to provide convenient services for Groton residents.
- B. Rezoning to VCB, NB, GB or I. The Planning Board shall neither sponsor nor favorably recommend any rezoning of land into a Business or Industrial District unless a concept plan (see Subsection **D**) for the area proposed for rezoning has been submitted to the Planning Board for review at the public hearing on the rezoning and is presented at the Town Meeting. In its report to the Town Meeting, the Planning Board shall report its determinations regarding the consistency of the proposed rezoning with the Business or Industrial District intention stated in § **218-4.2** and regarding the consistency of the concept plan with the objectives stated in Subsection A. **[Amended 4-24-2017 ATM, Art. 24]**

C. Special permits for business or manufacturing use.

(1) Special permits for business or industrial uses, if consistent with this chapter in all other respects, shall be granted only if the special permit granting authority determines that the proposal's benefits to the Town or vicinity will outweigh any adverse effects, after consideration of the following:

(a) Location.

- [1] The proposal will be located near uses which are similar to the proposed use or, if not, the nearby uses will be ones likely to benefit from rather than be damaged by having the proposed activity nearby.
- [2] Public water supply will be available or will be made available without increased cost to the Town, the Water Department or its current rate payers, and serving this use at this location will pose no problems which are unusual.
- [3] The proposal will not cause environmental stress from erosion, siltation, groundwater or surface water contamination or disturbance to wildlife habitat on the site if the wildlife is officially listed by the Massachusetts Division of Fisheries and Wildlife pursuant to 321 CMR 8.00 as endangered, threatened or of special concern.

(b) Activity type and mix.

- [1] The proposed activity will contribute to the diversity of services available to the Town.
- [2] Any retail services will be designed to serve the Town's population rather than a larger region.
- [3] The proposal will add little to traffic congestion, considering the location, the number of trips likely to be attracted and any special access provisions committed (e.g., bike storage facilities or employee ridesharing).
- [4] The proposal will pose no environmental hazard because of use or storage of explosive, flammable, toxic or radioactive materials.
- [5] The proposal will not result in air pollution or excessive noise.

(c) Site design.

- [1] Scenic views from public ways and other developed properties will be considerately treated in the design of the site.
- [2] Topographic change will not result in cuts or fills exceeding seven feet.
- [3] Removal of existing trees or other important natural features will be avoided.
- [4] Pedestrian movement within the site and to other places will be well provided for.

- [5] Vehicular movement within the site will be safe and convenient and arranged so as to not disturb abutting properties.
- [6] Visibility of parking and service areas from public streets will be minimized through facility location and the use of topography and vegetation.
- [7] Potential disturbances such as noise, glare and odors will be effectively confined to the premises through buffering or other means.
- [8] Water quality will be protected through appropriate location and design of disposal facilities in relation to water bodies and site geology.

(d) Facility design.

- [1] Scenic views from public ways and other developed properties will be considerately treated in the design of the buildings.
- [2] Primary exterior materials will match the appearance of materials commonly found on existing buildings within the Town.
- [3] Domestic scale will be maintained in the building's design through massing devices such as breaks in walls and roof planes and through the design of architectural features. **[Amended 4-29-2019 ATM by Art. 19]**

(e) Overall planning. The proposed plan will be consistent with:

- [1] The intentions stated in § **218-4.2**, Intention of districts, and in § **218-1.2**, Purposes.

D. Submittal requirements. A concept plan shall consist of the following:

- (1) A schematic development plan, indicating the location of the boundaries of the lot, buildings, roads, drives, parking, reserved open space, wells, on-site disposal facilities, drainage system, topography and grading, areas of retained vegetation and planting areas.
- (2) Analysis of the consequence of the proposed development, evaluating the following impacts at a level of detail appropriate to the scale of the development proposed:
 - (a) Natural environment: groundwater and surface water quality, groundwater level, stream flow, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
 - (b) Public services: traffic safety and congestion, need for water system improvements, need for additional public recreational facilities and need for additional school facilities.
 - (c) Economics: municipal costs and revenues, local business activity and local jobs.

- (d) Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.

§ 218-5.6 Conversion of Seasonal Residences.

- A. Conversion of a lawfully existing seasonal residence for use as a permitted year-round residence and for which the lot is not conforming to lot size standards of the bylaw in effect is subject to the grant of a special permit by the Board of Appeals. Any application for such permit shall be referred to the Board of Health for a report thereon within 35 days after receipt of the application by the Board of Health.
- B. A special permit shall be granted only if the Board of Appeals is assured by the Board of Health that:
 - (1) The minimum standards of fitness for human habitation (Article II of the State Sanitary Code) and minimum requirements for the disposal of sanitary sewage in unsewered areas (Title 5 of the State Environmental Code) and the rules and regulations of the Board of Health are met or the Board of Appeals conditions the special permit on meeting such minimum standards.
 - (2) The Board of Appeals finds that similar such conversion of all seasonal residences in the general area having lots similar (or less limited) in lot size and land and soil type characteristics would not result in substantial danger of contamination of the groundwater supply or of any pond or stream. In making such finding, the Board shall consider the ability of the soil to absorb expected quantities of sewage disposal effluent, the degree of filtration of effluent before entering bedrock fissures or other groundwater supply and other characteristics of the land and soil types.

§ 218-5.7 Nonconformance.

- A. The lawful existing use or uses of all buildings, improvements and premises not conforming with the requirements for the district in which they were located when this chapter was adopted or when an amendment applicable to the property was adopted or for which a variance has been permitted by the Board of Appeals may be continued as a nonconforming use.
- B. Nonuse. Wherever a nonconforming use or structure has not been used for a period of more than two years, it shall not be reestablished, and any future use or structure shall conform to this chapter.
- C. Restoration. Any reconstruction or repair of a partially destroyed or damaged nonconforming structure or structure which contains a nonconforming use shall be commenced within two years of such destruction or damage and the reconstruction or repair completed and the structure occupied within a reasonable time thereafter. **[Amended 11-18-1991 STM, Art. 15]**
- D. Conversion. Any conversion of any nonconforming use to a conforming use shall be subject to the requirements for such uses in the district in which the use is located and, once changed, shall not thereafter revert to the nonconforming use.

E. Alteration or extension.

- (1) A nonconforming structure or use may be altered or extended, provided that such alteration or extension is in accordance with the applicable intensity regulations or other dimensional requirements of this chapter and does not increase the extent of the nonconformity, and provided further that the Board of Appeals determines by the grant of a special permit that such alteration or extension is not substantially more detrimental to the neighborhood than the existing nonconforming structure or use, except that no special permit is needed if the alteration is to a nonconforming single- or two-family dwelling and said alteration does not increase the nonconforming nature of the dwelling. Notwithstanding § 218-5.7.B, a structure which was used as a single- or two-family residential structure shall be eligible for treatment as a nonconforming structure hereunder regardless of any period of nonuse. **[Amended 4-25-2016 ATM, Art. 21]**
- (2) Alteration, reconstruction, extension or structural change (collectively "alteration") to a nonconforming single- or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted by right under the following circumstances: **[Added 10-6-1994 STM, Art. 12]**
 - (a) Normal repairs or replacement of parts of any nonconforming structure, provided that such repair or replacement does not constitute an extension of a nonconforming use of such structure.
 - (b) Alteration to a conforming structure where the alteration will also comply with all applicable sections of the zoning bylaw in effect at the time of building permit application, including, but not limited to, setback, yard building coverage and height requirements, if the existing structure is located on a lot which is nonconforming as the result of a zoning change. **[Amended 12-4-1996 STM, Art. 14]**
 - (c) Alteration within the existing footprint of a nonconforming structure.
 - (d) Alteration to a nonconforming structure where the alteration will comply with all applicable sections of the zoning bylaw in effect at the time of building permit application, including, but not limited to, setback, yard building coverage and height requirements. **[Amended 12-4-1996 STM, Art. 14]**
- (3) In cases where the applicant seeks to increase the height of any structure that encroaches on a required setback, where any increase in height will occur within such encroachment, there shall be no alteration as of right under this section. **[Added 10-6-1994 STM, Art. 12]**

§ 218-5.8 Prohibited Uses.

- A. Any use not specifically or generically listed herein or otherwise permitted in a district shall be deemed as prohibited. Any legal use of land or building is permitted in accordance with the requirements of this chapter, except those uses which are dangerous or detrimental to a neighborhood because of fire hazard, offensive noise, smoke, vibration, harmful radioactivity, electrical interference, dust, odor, fumes, heat, glare, unsightliness or other objectionable characteristics.

- B. The following uses are expressly prohibited: quarrying, that is the extraction and/or processing of rock material; manufacture, processing, bulk station or storage of explosives and radioactive materials; tourist cabins and mobile home parks; piggeries of more than 15 pigs; junkyards; drive-in theaters; massage parlors; public dance halls; and drive-through food and beverage service windows. [Amended 11-20-1989 STM, Art. 4]

§ 218-6 Intensity Regulations

§ 218-6.1 Basic Requirements.

No building or structure in any district shall be located, constructed, changed, enlarged or permitted and no use of premises or land in any district shall be permitted which does not conform to the density and dimensional regulations as set forth herein and in § 218-6.

§ 218-6.2 Schedule of Intensity Regulations.

[Amended 10-15-1990 STM, Arts. 3, 7; 4-28-2003 ATM, Arts. 22, 23; 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12; 10-15-2012 ATM, Art. 13; 10-20-2014 ATM, Art. 19; 4-29-2019 ATM by Art. 19]

District	Minimum Lot Dimensions		Maximum Height		Maximum Impervious Coverage (percentage)	Minimum Building Setback			
	Area (square feet)	Frontage (feet)	Feet	Stories		3	Max. or Min. Front	Min. Side	Min. Rear
							(feet)	(feet)	(feet)
R-A ⁵	80,000 ¹	225 ⁴	35	3	25	50 min.	15	15	
R-B ⁵	40,000 ^{1,2}	175 ^{2,4}	35	3	25	50 min.	15	15	
VCB ⁵	10,000 ^{1,2}	150 ²	35	3	75	10 ⁶ max.	10 ⁶	10 ⁶	
NB	20,000 ^{1,2}	150 ²	35	3	65	15 ⁶ max.	15 ⁶	15 ⁶	
GB	40,000 ^{1,2}	175 ²	35	3	50	20 ⁶ max.	15 ⁶	15 ⁶	
I	40,000 ²	175 ²	35	3	75	50 min.	15	15	
O	—	—	35	3	25	50 min.	15	15	
P ⁵	40,000 ^{1,2}	175 ²	35	3	50	50 min.	15	15	

NOTES:

- 1 For planned multifamily/residential development, see § 218-9.3.C. For age-restricted housing, see instead § 218-9.3.B. For multifamily use by conversion, see instead § 218-9.3.A. For flexible development, see § 218-9.1.F.(1). For hammerhead lots, see § 218-6.4.
- 2 No minimum for nonresidential uses.
- 3 Includes principal and accessory buildings, parking lots, access roads and other impervious surfaces. See § 218-6.3 for supplementary regulations.
- 4 Lots shown on a residential compound plan (as described in Chapter 381, Part 1, Subdivision of Land) endorsed by the Planning Board pursuant to the Subdivision Control Law may, upon the

grant of a special permit by the Planning Board, reduce lot frontage to 50 feet.

5 For dimensions applicable to Town Center Overlay District developments, see § **218-7.3**

6 Maximum and minimum building setbacks may be waived by special permit from the Planning Board, where it finds such waiver to be harmonious with the intent of the district and the character and scale of the building's location.

§ **218-6.3 General Provisions.**

A. Frontage.

- (1) A building lot in any district shall have frontage on and rights of access to one or more of the following for the distance required under § **218-6.2**, Schedule of Intensity Regulations:
 - (a) A way legally accepted by Town Meeting vote, except for those roads accepted by the Town pursuant to the provisions of § **180-2** of Chapter **180**, Roads and Ways, of the Code of the Town, which such ways shall be considered under Subsection **A(1)(e)** herein. [**Amended 4-29-1989 STM, Art. 1**]
 - (b) A way established by county, state or federal authority.
 - (c) A way established by a subdivision plan approved in accordance with the Subdivision Control Law.
 - (d) Any other way in existence when the Subdivision Control Law became effective in Groton, which has, in those portions that provide a means of reaching the premises in question, the following: right-of-way width generally of 33 feet or more, with no locations of less than 24 feet; horizontal and vertical alignment of the traveled way providing at least 150 feet of stopping sight distance; grades not exceeding 10% except for short intervals; adequate provisions for drainage and snow removal; traveled way construction at least 18 feet wide with at least eight inches of gravel and, in cases where the way potentially provides access to 10 or more dwelling units, bituminous paving of the traveled way as of January 1, 1980; or where provisions satisfactory to the Planning Board and the Director of Public Works have been made to secure compliance with these standards without cost to the Town. [**Amended 4-26-2010 ATM, Art. 14**]
 - (e) Any other way or portion of a way in existence when the Subdivision Control Law became effective in Groton which, because of unusual conditions such as limitations upon the extent or type of land use to be served, the Planning Board, following consultation with the Director of Public Works, Police Chief, Fire Chief and Select Board, has been determined to be sufficient for the needs of access and utilities to serve potential needs of land abutting on or served thereby. The Planning Board may specify that its determination of adequacy applies only to given premises and not generally to all properties served by that way in cases where the limitations or other conditions justifying access adequacy for those premises are not generally true for other properties served by that way. [**Amended 4-26-2010 ATM, Art. 14; 10-1-2018ATM by Art. 15**]
- (2) Any determination made by the Building Inspector or Planning Board under Subsection **A** may be

appealed to the Board of Appeals by any party having standing as provided in MGL C. 40A, § 8.

- (3) The Town Clerk shall maintain a list of ways and portions thereto which have been determined to qualify to provide frontage under the provisions of this section.
- B. Appurtenant open space. No building setback area or other open space required for a building by this chapter shall, during the life of such building, be occupied by or counted as open space for another building.
- C. Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 1/2 feet and a height of eight feet above the plane through their curb grades.
- D. Height limitations. Limitations of height shall not apply to such structures as belfries, flagpoles, chimneys, radio and television antennas, windmills, silos, water tanks and similar non-habitable structures.
- E. Density. No more than one dwelling with accessory buildings customarily incidental thereto shall be located upon any single lot in any district, except as provided in § **218-9.1F(2)**, Flexible development, § **218-9.3**, Multifamily use, or § **218-7.3**, Town Center Overlay District. [**Amended 5-12-1997 ATM, Art. 37; 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12**]
- F. Nonconforming lots.
 - (1) Application of amended intensity regulations to previously created lots is limited by MGL C. 40, § 6. The following shall apply where less restrictive than the requirements applicable under MGL C. 40A, § 6.
 - (2) Such nonconforming lots may be changed in size or shape or their land area combined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.
- G. Computation of lot area. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. At least 80,000 contiguous square feet or 100% of the required lot area, whichever is less, of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40. Each lot shall be capable of containing a one-hundred-fifty-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40, and within which any principal building shall be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the one-hundred-fifty-foot-diameter circle. [**Amended 10-6-1994 STM, Art. 13; 4-30-2001 ATM, Art. 44**]
- H. Modification of front building setback. Except as may be permitted pursuant to § **218-7.3**, Town Center Overlay District, a building shall be set back at least 50 feet from the street lot line. Where existing

buildings on adjacent lots are set back less than 50 feet from the street lot line, a new building may be located at the average setback of the adjacent existing buildings. A vacant lot is counted as though occupied by a building set back 50 feet. **[Amended 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12]**

I. Corner lots. **[Amended 10-6-1994 STM, Art. 14]**

- (1) For a corner lot, the minimum front yard setback shall be required for each street frontage; one of the remaining yards shall be a rear yard. No side line shall be located so as to meet an intersection of side lines of intersecting streets or the midpoint of an arc connecting side lines of intersecting streets.
- (2) A corner lot with frontage on an existing public way and a new subdivision road must have a combined frontage of twice the required frontage. Small parcels used to circumvent this provision shall not be allowed. Corner lots with frontage on two existing public ways or two new subdivision roads shall be required to have the minimum frontage on each street.

J. Lot shape. **[Added 10-15-1990 STM, Art. 6; amended 4-27-1991 ATM, Art. 35]**

- (1) The shape of all lots shall conform to the following requirement:

$16A \text{ divided by } P \text{ is greater than or equal to } 0.4$

Where

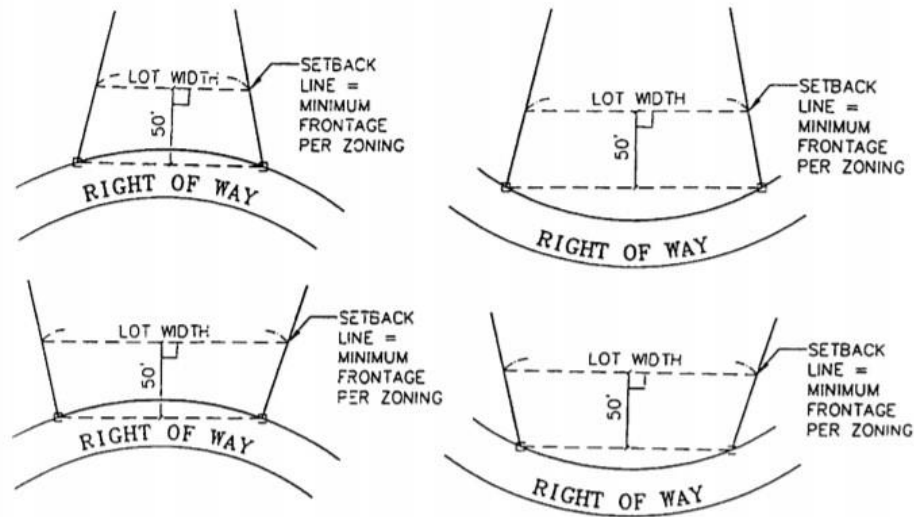
A = The lot area in square feet.

P = The lot perimeter in feet.

- (2) This formula may be applied to only that portion of the lot which conforms to all requirements of this chapter. The Planning Board may waive this requirement if it determines that a less stringent requirement will result in a better potential house siting, less environmental damage or better land use. This requirement shall not apply to lots created in accordance with § **218-6.4**, Hammerhead lots.

K. Minimum lot width. Not less than the frontage requirement shall be maintained for 50 feet measured perpendicular to a straight line connecting the two front lot corners, and at no point within the area from the front yard depth to the principal dwelling shall the distance between the side lot lines be less than 75% of the minimum required frontage in that district unless specifically exempted by another portion of the chapter. For corner lots with frontage as defined in the last paragraph of § **218-6.3.I**, the minimum lot width shall not be less than 75% of the actual frontage along each road. **[Added 10-6-1994 STM, Art. 15]**

**Town of Groton
Lot Width Detail**



LOT WIDTH DETAIL
NOT TO SCALE

§ 218-6.4 Hammerhead Lots.

[Added 10-15-1990 STM, Art. 7; amended 4-27-1991 ATM, Art. 36]

Hammerhead lots may be created and excluded from the existing street limitations, provided that the Planning Board authorizes the creation of the lot by special permit. Hammerhead lots shall have at least forty-foot frontage, five acres' area, a two-hundred-foot building setback from the street line and twenty-five-foot setbacks from all side and rear lot lines and shall comply with § 218-6.3.G, Computation of lot area. Reduction in frontage shall not be allowed where likely to result in a hazardous concentration of egress points. Hammerhead lots may be built upon for single-family and permitted nonresidential use.

§ 218-7 Overlay Districts

§ 218-7.1 Floodplain District Regulations.

[Amended 4-26-2010 ATM, Art. 15]

- A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Groton designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Groton are panel numbers 25017C0068E, 25017C0069E, 25017C0087E, 25017C0088E, 25017C0089E, 25017C0091E, 25017C0093E, 25017C0094E, 25017C0113E, 25017C0182E, 25017C0184E, 25017C0201E, 25017C0202E, 25017C0203E, 25017C0204E, 25017C0206E, 25017C0207E, 25017C0208E, 25017C0209E,

25017C0226E and 25017C0228E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Commissioner. These maps, as well as the accompanying Flood Insurance Study, are incorporated herein by reference.

B. Development regulations. The following requirements apply in the Floodplain District:

- (1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code, for alterations and improvements to existing structures.
- (2) No building or structure shall be erected in the one-hundred-year floodplain designated as Zones A and Zone A and AE on the Flood Insurance Rate Map.

§ 218-7.2 Water Resource Protection Overlay District.

[Amended 4-29-1989 ATM, Art. 31; 10-15-1990 STM, Art. 8; 10-19-1998 ATM, Art. 22; 4-29-2002 ATM, Art. 37; 4-28-2003 ATM, Art. 21; 4-24-2006 ATM, Art. 20; 4-28-2008 ATM, Art. 23]

A. Purpose and authority.

- (1) Purpose. The purpose of the Water Resource Protection Districts is:
 - (a) To promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses;
 - (b) To preserve and protect existing and potential sources of drinking water supplies;
 - (c) To conserve the natural resources of the Town; and
 - (d) To prevent temporary and permanent contamination of the environment.
- (2) Authority. The Water Resource Protection Districts are created pursuant to authority provided by MGL C. 40A and the Home Rule Amendment, Article 89 of the Amendments to the Constitution of the commonwealth.

B. Definitions. For the purposes of this section, the following words and phrases shall be defined as follows. References to statutes and regulations shall be deemed a reference to such laws and regulations as of the effective date of this section.

AQUIFER

Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially

recoverable water.

AUTOMOBILE GRAVEYARD and JUNKYARD

An establishment or place of business which is used, maintained, or operated for storing, keeping, buying, or selling wrecked, scrapped, mined, or dismantled motor vehicles or motor vehicle parts, as defined in MGL C. 140B, § 1.

COMMERCIAL FERTILIZERS

Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value, in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, as defined in MGL C. 128, § 64.

DE-ICING CHEMICALS

Sodium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.

EARTH REMOVAL

The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

HAZARDOUS MATERIAL

Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under MGL C. 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

IMPERVIOUS SURFACE

Material or structure on, above, or below the ground that does not allow precipitation to penetrate directly into the soil.

LANDFILL and OPEN DUMP

A facility or part of a facility for solid waste disposal (excluding transfer facilities) established in accordance with the provisions of 310 CMR 19.006.

RECHARGE AREAS

Areas that collect precipitation or surface water and carry it to aquifers.

SANITARY WASTEWATER

Any water-carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers, or any other source.

SOIL CONDITIONER

Any manipulated substance or mixture of substances whose primary function is to modify the physical

structure of soils so as to favorably influence plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, as defined in MGL C. 128, § 64.

STORAGE OR LANDFILLING OF SLUDGE AND SEPTAGE

Use of land to store sludge or septage as those terms are defined in 310 CMR 32.00.

WASTEWATER TREATMENT WORKS

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, all as defined and regulated by 314 CMR 5.00.

WATER RESOURCE PROTECTION DISTRICT I (WRPD I)

The protective radius required around a public water supply well or wellfield, as set forth in 310 CMR 22.02's definition of "Zone I."

WATER RESOURCE PROTECTION DISTRICT II (WRPD II)

WRPD II is bounded by the most extensive of the following parameters: (a) that area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions that can realistically be anticipated, as set forth in 310 CMR 22.02's definition of "Zone II"; (b) interim wellhead protection areas, as established in the Town and defined by 310 CMR 22.02; and (c) the surrounding high- and medium-yield aquifers within the Town, having a transmissivity of 1,350-4,000 ft.²/day (potential well yield 100 to 300 gallons/minute).

WATER RESOURCE PROTECTION DISTRICT III (WRPD III)

That area of land beyond the area of WRPD II from which surface water and groundwater drain into Zone II, as that term is defined in 310 CMR 22.02.

- C. Establishment of districts. The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc., entitled "Water Resource Protection Districts, Town of Groton," dated January 21, 2013. All maps are hereby made a part of this Zoning Bylaw and are on file in the office of the Town Clerk. [**Amended 4-25-2011 ATM, Art. 11; 4-22-2013 ATM, Art. 23**]
- D. Boundary disputes.
- (1) Where the bounds of the Water Resource Protection Districts are in dispute, as delineated on the Water Resource Protection Districts Map, the burden of proof shall be upon the owners of the land in question to show where they should properly be located.
 - (2) Resolution of boundary disputes shall be through a special permit application to the Planning Board. Any application for a special permit under this subsection shall be accompanied by documentation prepared by a person who meets the following two requirements:
 - (a) Is experienced in delineating hydrogeologic zones in Massachusetts; and

- (b) Has one of the following credentials:

Title	Conferring Entity
Registered Professional Hydrogeologist	American Institute of Hydrology
Certified Professional Geologic Scientist	American Institute of Professional Geological Scientists
Registered Professional Engineer, Sanitary Certified Groundwater	Commonwealth of Massachusetts Association of Groundwater Professional
Certified Professional Soil Scientist	American Registry of Certified Professionals in Agronomy, Crops, and Soils, Ltd.

- (3) WRPD II boundary disputes. Where the WRPD II boundary is determined by:

- (a) That area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions that can realistically be anticipated, as set forth in 310 CMR 22.02's definition of "Zone II," the applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00, as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located;
 - (b) An interim wellhead protection area, the applicant shall provide the results of a survey by a registered surveyor;
 - (c) A medium-yield aquifer having a transmissivity of 1,350 to 4,000 ft.²/day (potential well yield 100 to 300 gal/mm), the applicant shall provide geologic and hydrologic information to show transmissivity rates at the subject property.
- (4) WRPD III boundary disputes. The applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00 for the delineation of Zone III, as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located.
- (5) The Planning Board shall not grant a special permit under this subsection unless the applicant demonstrates that the provisions governing the Water Resource Protection Overlay District(s), under this § **218-7.2**, may be waived without detrimental effect to water quality as specified herein.

E. Use regulations. The Water Resource Protection Districts are overlay districts superimposed over the underlying districts set forth in this Zoning Bylaw. Within a Water Resource Protection District, the requirements of the underlying district continue to apply, except where the requirements of the Water Resource Protection District are more stringent.

- (1) Uses within WRPD I. Uses within WRPD I shall be governed by the standards set forth in 310 CMR 22.00 with regard to "Zone I" therein.
- (2) Uses within WRPD II and WRPD III. Uses are prohibited where indicated by "N" in the following schedule, and require a special permit where indicated by "SP," even where the underlying district

requirements are more permissive. Uses permitted in a Water Resource Protection District are indicated by "Y." Where a portion of the lot is located partially within WRPD III and partially outside the Water Resource Protection Districts, site design shall, to the extent feasible, locate potential pollution sources outside the district boundaries.

Principal Uses	WRPD II	WRPD III
(a) Manufacture, use, storage, transport, or disposal of hazardous materials as a principal activity	N	N
(b) Landfills and open dumps	N	N
(c) Automobile graveyards, junk and salvage yards	N	N
(d) Automobile storage facilities	N	N
(e) Commercial car washes	N	N
(f) Commercial boat washes	N	N
(g) Dry-cleaning operations	N	N
(h) Dry-cleaning retail establishments	N	SP
(i) Metal plating or etching	N	N
(j) Chemical or bacteriological laboratories	N	N
(k) Wastewater treatment works for nonsanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities, except replacement or repair of existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s)	N	SP
(l) Wastewater treatment works for sanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities	SP	SP
(m) Landfilling of sludge and septage	N	N
(n) Storage of sludge and septage	SP	SP
(o) Road salt stockpile or storage of other de-icing chemicals in the following manner:		
Outside a structure	N	N
Within a structure designed to prevent the generation and escape of contaminated runoff or leachate	SP	SP
(p) Gasoline station, motor vehicle repair or body shop, marine repair shop, car wash	N	N
(q) Earth removal, in accordance with the Groton Earth Removal Bylaw; provided, however, that no earth removal shall take place within 6 feet of historical high groundwater as determined from monitoring wells and historical table fluctuation data compiled by the USGS, except for excavations for building foundations, roads or utility works, unless the substances removed are redeposited within 45 days of removal to achieve a final grading greater than 6 feet above the historical high groundwater mark	N	SP

	Principal Uses	WRPD II	WRPD III
(r)	Any building, structure or use, except single-family dwelling, to be served by on-site wastewater disposal system with a design capacity of greater than 10,000 gallons per day or design capacity of 110 gallons per day of wastewater per 10,000 square feet of lot area as required by 310 CMR 15.00	SP	SP
(s)	Single-family dwelling, provided that 10,000 square feet of lot area shall be provided for each 110 gallons per day of sewage disposal design as required by 310 CMR 15.00	Y	Y
(t)	Single-family dwelling with less than 10,000 square feet of lot area provided for each 110 gallons per day of sewage disposal design as required by CMR 15.00	SP	SP
Accessory Uses			
(a)	Underground storage of hazardous materials, including fuel oil and gasoline	N	SP
(b)	Aboveground storage of hazardous materials in quantities greater than associated with normal household use, other than fuel oil for residential heating purposes	SP	SP
(c)	Any use generating hazardous wastes in quantities greater than associated with normal household use, except very small quantity generators, as defined by 310 CMR 30.00; household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390; waste oil retention facilities required by MGL C. 21, § 52A; or treatment works approved by the DEP for treatment of contaminated ground or surface waters	N	SP
(d)	Storage of animal manure (Within WRPD II, such storage must be within an enclosed building or contained in accordance with the specifications of the U.S. Soil Conservation Service.)	SP	Y
(e)	Storage of commercial fertilizers and soil conditioners. (Within WRPD II, such storage must be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.)	SP	SP
(f)	Commercial production, processing and storage of animal manure	SP	SP
Other Uses			
(a)	Rendering impervious more than 15% of the lot, or 2,500 square feet, whichever is greater, excluding operations associated with the construction or occupancy of a single-family dwelling	SP	Y
(b)	Stockpiling and disposal of snow and ice containing de-icing chemicals, if brought in from outside the district	N	SP
(c)	Industrial and commercial uses which discharge process wastewater on site	SP	SP

F. Special permit procedures.

- (1) Special permit granting authority. The special permit granting authority (SPGA) shall be the Planning Board. Such special permit may be granted if the SPGA determines that the intent of this § 218-7.2 as well as the specific criteria herein are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.
- (2) Review by other boards and officials. Whenever an application for a special permit is filed with the Planning Board under this section, said Board shall transmit, within six working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Fire Chief, Water Department and/or West Groton Water Supply District for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board. The Planning Board shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Reports from other boards and officials shall be submitted to the Planning Board by the date of the public hearing, but in any case within 35 days of receipt by the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period. The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.
- (3) Applicability. Any special permit required under this section shall be in addition to, and separate from, any other special permit required under this bylaw.
- (4) Submittals. All applications for special permits shall contain the information listed below, unless waived or modified by the SPGA, with reasons therefor.
 - (a) A site plan, submitted on twenty-four-inch-by-thirty-six-inch sheets, on a minimum scale of one inch equals 40 feet, and prepared by a registered professional engineer and a registered land surveyor. Site plans submitted under this section shall also include the following:
 - [1] All property lines;
 - [2] All adjacent public streets;
 - [3] All existing and proposed buildings, structures, parking areas, and service areas;
 - [4] All facilities for sewage, refuse, and other waste disposal;

[5] Facilities for surface water drainage, both temporary and permanent;

[6] Future expansion areas.

(b) A narrative statement detailing all of the information set forth below, if applicable:

[1] A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials, including but not limited to road salt or de-icing chemicals, manure, and fertilizers or soil conditioners, to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

[2] A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

[3] For underground or aboveground storage of hazardous materials, certification by a registered professional engineer that such storage facilities or containers are in compliance with all applicable federal or state regulations, in compliance with design specifications, as prepared by a registered professional engineer, and are designed with secondary containment adequate to contain a spill the size of the container's total storage capacity.

[4] For any proposed activity on a lot which will render more than 15% of the total lot area or more than 2,500 square feet impervious, a description of a system for groundwater recharge, by stormwater infiltration basins or similar system covered with natural vegetation, that will be provided that does not degrade groundwater quality. Dry wells shall be used only where other methods are infeasible. Such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.

[5] For stockpiling or disposal of snow from outside the district, earth removal, storage of sludge or septage, manure storage, treatment works, and/or discharge or process wastewater, a narrative statement, prepared by a registered professional engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises, and on any wellfield(s) downgradient from the proposed activity or use, accompanied by a description of the measures proposed to protect such wellfields, premises and adjacent areas.

G. Special permit criteria. Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated herein, that surface and ground water quality resulting from on site wastewater disposal or other operations on site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing surface or groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

- H. Regulations. After public notice and public hearing, the Planning Board may adopt and from time to time amend reasonable regulations for the administration of this section.
- I. Decision. The Planning Board may approve, approve with conditions, or deny an application for a special permit that is governed, in any manner, by the provisions of this section.

§ 218-7.3 Town Center Overlay District.

[Added 10-22-2007 STM, Art. 15; amended 4-28-2008 ATM, Art. 22; 4-25-2011 ATM, Art. 12]

- A. Definition. The Town Center Overlay District ("TCOD") is an overlay zoning district superimposed on an area of land in the Residential-Agricultural (R-A), Residential Business (R-B), Village Center Business, and P (Public Use) Districts. The boundaries of the TCOD are delineated on a map entitled "Town Center Overlay District, Town of Groton, Massachusetts" dated August 22, 2014, a copy of said map being on file in the Office of the Town Clerk. **[Amended 10-20-2014 ATM, Arts. 12, 20]**
- B. Purpose. The purpose of the TCOD is to promote a socially and economically vibrant town center by enabling civic, commercial and residential development that is consistent with the design guidelines for the district and with the Town's Comprehensive Master Plan, and by providing landowners with the opportunity to elect on alternative form of development which provides greater flexibility and density in exchange for advancing the TCOD design and land use goals contained in those documents.
- C. Applicability and permitted uses. Within the boundaries of the TCOD, all of the uses permitted in the underlying R-A, R-B, VCB and P District(s) in which the subject land is located are permitted, subject to the same use and development regulations as may otherwise apply thereto. Alternatively, said uses and one or more of the following additional uses may be permitted as part of a TCOD development authorized by special permit under this section, subject to site plan review under § 218-2.5 and in conformance with the development standards set forth below in Subsection D: **[Amended 10-20-2014 ATM, Art. 20]**
 - (1) Small-scale retail store or service establishment.
 - (2) Business or professional offices.
 - (3) Restaurant or other place for serving food, but not including drive-through service windows.
 - (4) Mixed-use development consisting of two or more of the above-listed uses.
 - (5) Mixed-use/residential development consisting of one or more of the above-listed uses together with duplex dwellings and/or multifamily dwellings.
- D. Development standards.
 - (1) A TCOD development shall consist of one or more buildings and uses developed on a single tract of land, to be held in one ownership, with definite boundaries ascertainable from a deed or a recorded plan. A TCOD development tract may be comprised of one or more parcels of contiguous

land. The tract, however, may be divided by a public or private way.

- (2) There shall be no minimum lot width, lot area or frontage for a TCOD development tract. Where a TCOD development tract consists of more than one lot or parcel, there shall be no minimum lot width, lot area or lot frontage requirements for individual lots within such development tract.
- (3) The height of buildings and structures in a TCOD development shall not exceed 35 feet, except where the special permit granting authority authorizes a greater height based on recommendations from the Design Review Committee.
- (4) No building or structure within a TCOD development shall be constructed closer to the exterior boundary of the TCOD District than 15 feet. Otherwise, setbacks of buildings and structures within a TCOD development shall be consistent with the design guidelines and the recommendations of the Design Review Committee. Once the TCOD development is approved, all buildings and structures shall be located as shown on the site plan approved under § **218-2.5**, which site plan shall be incorporated by reference in the TCOD special permit.
- (5) Ground coverage of a TCOD development tract by buildings and other impervious surfaces shall not exceed 75%, except where the special permit granting authority authorizes a greater coverage based on recommendations from the Design Review Committee.
- (6) Low-impact development (LID) techniques shall be used for stormwater management in accordance with the TCOD LID design guidelines, except where the special permit authority authorizes a waiver of this requirement based upon the recommendations of the Design Review Committee.
- (7) Notwithstanding the density provisions of § **218-6.3.E**, maximum residential density in TCOD developments shall not exceed 10 dwelling units per acre; provided, however, that the special permit granting authority may allow a density of up to 14 dwelling units per acre through use of TDRs under § **218-9.1** of this chapter. Where the computation of the allowable number of dwelling units results in a fractional number, the fractional number shall be rounded up to the nearest whole number. New dwelling units constructed in a TCOD development shall not exceed 2,000 square feet in habitable floor area, and shall not have more than three bedrooms, except where the special permit granting authority authorizes an increase in habitable floor area and/or the number of bedrooms upon a determination that such waiver(s) will not derogate from the intent of this chapter nor be detrimental or injurious to the public health and welfare. [**Amended 4-30-2012 ATM, Art. 23**]
- (8) Affordable housing requirements.
 - (a) In any TCOD development with more than six dwelling units, at least 15% of the dwelling units shall be restricted as affordable units as defined in § **218-9.1.B** of this chapter.
 - (b) Computation of the required number of affordable units shall be based on the total number of dwelling units in the TCOD development, including any density bonus units and any already

existing dwelling units. Where the computation results in a fractional number, the fractional number shall be rounded up or down to the nearest whole number.

(9) Parking and access requirements.

(a) Off-street parking shall be regulated under § **218-8.1** of this chapter.

(b) Parking location. All parking areas shall be located at the rear of the TCOD development tract, and no closer to any street line of the tract than 50 feet, unless the special permit granting authority allows a reduction of the 50 feet based on the recommendations of the Design Review Committee.

(c) Access. Each building in a TCOD development shall be served by adequate and legally enforceable rights of access to a public street via a private street or driveway.

(10) Design guidelines. The special permit granting authority shall adopt and publish design guidelines which shall be applicable to all buildings, structures, landscaping, parking, and private streets and other accessways within TCOD developments.

E. Special permit granting authority. The Planning Board shall be the special permit granting authority for TCOD developments. If any individual use to be included in a proposed TCOD development would otherwise be subject to a special permit from the Board of Appeals pursuant to § **218-5.2**, Schedule of Uses for the underlying district, the Planning Board shall serve as sole special permit granting authority for purposes of including such use as part of the proposed TCOD development.

F. Design Review Committee. The Planning Board shall appoint three members and two alternates to the Design Review Committee. The initial three members of the Committee shall be appointed so that one member shall serve for one year, one member shall serve for two years, and one member shall serve for three years, and, thereafter, when the term of any member expires, successors shall be appointed for three-year terms. Alternate members, who may act when a member is unavailable or unable to participate in a matter on account of a conflict of interest, shall be appointed to serve for one year.

G. Application procedure.

(1) An application for a special permit to develop and use land in the TCOD in accordance with the provisions of this section shall be submitted in writing in such form as the Planning Board may require.

(2) Upon receipt of an application for a TCOD development special permit, the Planning Board shall forthwith forward a copy of said application to the Design Review Committee with a request for the Committee's recommendations.

(3) The Design Review Committee shall evaluate the proposed site and building construction or alterations based upon the published design guidelines, and shall submit its written findings and recommendations to the Planning Board and to the applicant concerning factors including, but not

limited to:

- (a) Facade and openings.
 - (b) Massing and spacing of buildings.
 - (c) Placement and orientation of buildings within the development.
 - (d) Exterior architectural details, materials, colors.
 - (e) Roof slopes and shapes.
 - (f) Exterior signage and lighting.
 - (g) Landscaping.
- (4) The Design Review Committee's findings and recommendations shall include: (1) an evaluation and opinion as to whether the proposed building and site design and the proposed development layout constitute a suitable development for the TCOD; (2) a statement as to whether the proposed development plans are consistent with the purposes of the TCOD and the published design guidelines for the TCOD or, wherever the plans are not consistent, a statement of the respects in which they are not consistent; and (3) recommendations for modifications, restrictions or requirements to be imposed on the site development as a condition of granting the requested special permit, as well as any recommendations with respect to waiver(s) of the design guidelines, or of the height, ground coverage, or off-street parking location requirements of this section.
- (5) Issuance of special permit. A special permit may be granted for a TCOD development only if the special permit granting authority shall find:
- (a) That the proposed development is in harmony with the purposes of the TCOD;
 - (b) That the proposed development contains a use or a mix of uses that enhances the village center character of the district;
 - (c) That the proposed architectural and site design elements are consistent with the published design guidelines or, in the event of inconsistency, that the inconsistency is necessitated by changed conditions or earlier error and that the departure does not result in a less beneficial development for the TCOD;
 - (d) That the proposed development is consistent with, and maximizes realization of, the applicable goals and objectives for Groton Center, Housing, Business Development, Town Services and Facilities, Historic Preservation, Traffic and Transportation, Recreation, and the Natural Environment, as set forth in the Comprehensive Master Plan.

A special permit granted under this section shall incorporate by reference the approved site plan for

the development and all other plans and materials upon which the special permit granting authority relied in making its findings.

§ 218-7.4 Recreational Overlay District.

[Added 4-27-1991 ATM, Art. 32]

- A. There is hereby established a Recreational Overlay District. The uses permitted in this Overlay District are those allowed in the underlying district as well as those enumerated herein. The purposes of this Overlay District are to allow for recreational uses and establishments available to the general public by membership or otherwise.

- B. Establishment of districts. Land may be placed in the Recreational Overlay District by a two-thirds vote of Town Meeting, following a public hearing held by the Planning Board as required by MGL C. 40A, § 5. Applicants seeking approval of uses authorized in the Recreational Overlay District shall present the type of facility contemplated in general form. Specific plans showing the building(s) anticipated and site alterations necessary for these uses can be shown to Town Meeting at the discretion of the applicant, but are not required. Approval by the Town Meeting may incorporate conditions stipulating limitations on use or site improvements.

- C. Permitted uses. Uses permitted in the Recreational Overlay District shall be recreational uses and the structures necessary for those uses including:
 - (1) Golf courses.
 - (2) Tennis courts.
 - (3) Ski trails or cross country ski trails.
 - (4) Swimming pools.
 - (5) Restaurant and/or function facility for the serving of food and/or beverages, including alcohol, if properly licensed as required by MGL C. 138 and C. 140, with a special permit granted by the Zoning Board of Appeals.
 - (6) Shop(s) for the sale of items associated with the recreational uses carried on at the facility with a special permit granted by the Zoning Board of Appeals.
 - (7) Playgrounds.
 - (8) Picnic areas.

- D. Applicability; expansions.
 - (1) Uses authorized in the recreational overlay district shall not be exempt from other sections of this

chapter and Town bylaws, where applicable, and shall be subject to the provisions of § 218-2.5, Site plan review.

- (2) Expansions or alteration of uses authorized by Town Meeting under this section shall not require Town Meeting approval, but shall require a special permit granted by the Zoning Board of Appeals. Criteria for such special permit shall be those set forth in § 218-2.3 of this chapter.

§ 218-8 General Regulations

§ 218-8.1 Off-Street Parking and Loading.

[Amended 4-27-1991 ATM, Art. 40; 4-29-1996 ATM, Art. 24; 4-29-1996 ATM, Art. 25; 10-19-1998 ATM, Art. 21; 4-28-2003 ATM, Art. 23; 4-25-2005 ATM, Art. 19; 4-24-2006 ATM, Art. 21; 10-20-2014 ATM, Art. 20; 10-19-2015 ATM, Art. 12]

- A. Performance requirements. Adequate parking must be available to service the net increase in parking demand created by new construction, additions or change of use.
- B. Number of spaces. The standards below must be met for the additional parking demand created by new buildings, additions or changes of use. No loading area shall be counted as parking space. The Planning Board may waive the parking requirements when requested to do so by the site plan review applicant, who shall provide specific circumstances and the justification and public purpose of the waivers requested.

Land Use	Parking Schedule	
	Minimum ¹ (number of spaces)	Maximum ² (number of spaces)
Single-family or two-family dwellings with more than 1 bedroom	2 per unit	Not applicable
Multifamily dwellings	1.5 per unit	3 per unit
Places of public assembly	1 per 5 seats	1 per 3 seats
Public and private schools	1.5 per classroom, plus 1 per 5 seats in an auditorium	1 per 3 seats per classroom, plus 1 per 3 seats in an auditorium
Day-care center and preschools	1 per 8 children capacity	1 per 4 children capacity
Libraries and museums	1 per 1,000 GFA	2 per 1,000 GFA
Hotels, motels and lodger accommodations without function rooms and/or eating establishments	1.25 per each sleeping room accommodation	1.5 per each sleeping room accommodation
Hotels, motels and lodger accommodations with function rooms and/or eating establishments	1 per each sleeping room accommodation; plus 1 per every 5 seats in the function hall; plus 1 per every 3 seats in an eating establishment	1.25 per each sleeping room accommodation plus 1 per every 3 seats in the function hall; plus 1 per every 2 seats in an eating establishment

Parking Schedule

	Minimum¹	Maximum²
Land Use	(number of spaces)	(number of spaces)
Bed-and-breakfast	1 per guestroom in addition to the number of spaces required for the on-site residence of the owner	1.25 per guestroom in addition to the number of spaces required for the on-site residence of the owner
Hospitals, residential rehabilitation facilities, nursing homes and elder care facilities	1 for every 2 beds, plus 4 per 1,000 GFA of in-patient treatment area, and 5 for every 1,000 GFA of out-patient treatment area	1 for every 1.5 beds, plus 3 per 1,000 GFA of in-patient treatment area, and 4 for every 1,000 GFA of out-patient treatment area
Assisted living facilities	1 per unit	1.5 per unit
Out-patient clinics	3 per treatment area	5 per treatment area
Medical, dental or other health care offices	5 per 1,000 GFA	10 per 1,000 GFA
Business or professional office	3 per 1,000 GFA	5 per 1,000 GFA
Freestanding retail	3 per 1,000 GFA	5 per 1,000 GFA
Supermarket	3 per 1,000 GFA	5 per 1,000 GFA
Shopping center	3 per 1,000 GFA	5 per 1,000 GFA
Bank	2 per 1,000 GFA	4 per 1,000 GFA
Restaurant, sit down	5 plus 1 for every 3 seats	5 plus 1 for every 2 seats
Restaurant, take-out	5 per 1,000 GFA	10 per 1,000 GFA
Personal service establishment	3 per 1,000 GFA	5 per 1,000 GFA
Industrial establishments	1 per 1,000 GFA	2.5 per 1,000 GFA
Mixed and other uses	To be determined by the Planning Board during major site plan review or by the Building Commissioner and Land Use Director during minor site plan review	To be determined by the Planning Board during major site plan review or by the Building Commissioner and Land Use Director during minor site plan review

NOTES:

1 Computations shall be rounded to the highest number.

2 Computations shall be rounded to the highest number.

C. Parking area design location.

(1) Location. Required parking shall be on the same premises as the activity it serves in the R-B, VCB, NB, GB or I Districts. Each parcel in the VCB District shall be credited with five on-street parking spaces if the parcel is located where on-street parking or a municipal parking lot is available. Such on-street parking spaces shall not qualify as meeting parking requirements for the purposes of § 218-2.5.B, Applicability.

(2) Configuration. Dimensions of space and aisles shall adequately provide for clearance and

movement. The Planning Board shall adopt and from time to time amend standards for such dimensions, reflecting current vehicle size. Parking spaces shall not block access to dumpsters. Specially designated parking spaces for the physically handicapped shall be provided in conformance with the Rules and Regulations of the Architectural Access Board, 521 CMR and the Americans with Disabilities Act and current regulations of the American National Standards Institute (ANSI).

- (3) Access. Required off-street parking and loading spaces shall have adequate vehicular access to a street as determined by the Building Commissioner, or if site plan review is involved, the Planning Board. A parking area with more than 50 parking spaces shall have a minimum of two access points on a public way unless waived by the Planning Board.
- (4) Surface. Off-street parking, loading areas and access drives, if involving six or more parking spaces, shall be treated with bituminous or other paving material unless the Planning Board authorizes an alternative surface which, because of only seasonal or periodic use, will adequately prevent dust, erosion, water accumulation and unsightly conditions, and shall be provided where necessary with appropriate bumper and wheel guards. Illumination shall be so arranged and screened if necessary as to deflect light away from adjoining lots and abutting streets.
- (5) Backing. Parking areas shall be so designed that no vehicle will be required to back into a public way to exit from a parking space.
- (6) Maintenance. Parking spaces shall be cleaned, plowed and maintained in good condition at all times and shall not be used for any use that interferes with their availability for the need which they are required to serve.
- (7) Parking lot plantings. At least 5% of the interior of any parking lot having up to five spaces shall be maintained with landscaping, including trees, in plots of at least four feet in width unless waived by the Planning Board. At least 10% of the interior of any parking lot having from six to 50 spaces shall be maintained with landscaping, including trees, in plots of at least four feet in width. At least 15% of the interior of any parking lot having more than 50 spaces shall be maintained with landscaping, including trees, in plots of at least four feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption with the parking area and to assure safe patterns of internal circulations. The Planning Board shall adopt and may from time to time amend standards for such landscaping specifying types of plantings and other materials. Landscaping plantings (trees, shrubs, etc.) shall not consist of plantings that are identified as an invasive species by the Commonwealth of Massachusetts Department of Agricultural Resources.

D. Shared parking. When parking spaces are shared among different structures or uses, or among mixed uses, the site plan review applicant may propose properties with different owners. To implement shared on-site parking, the applicant shall provide analyses as part of site plan review to demonstrate that proposed uses are either competing or noncompeting.

- (1) Noncompeting uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 75% of the

requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Transportation Engineers (ITE) or other source acceptable to the Planning Board.

- (2) Competing uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

E. Parking lot layout.

- (1) Parking lots shall be designed to include median strips and landscape islands to improve internal circulation and provide shade and visual screening throughout the parking area. Additionally, landscaped or naturally vegetated islands should interrupt rows of parking. Parking spaces shall be located a minimum of 20 feet from the edge of the rights-of-way.
- (2) Parking lots and access drives shall be designed to prevent vehicles from stacking onto the public way. Parking areas shall be interconnected with abutting lots wherever feasible. Driveway entrances, exits, and typical lanes shall be a minimum of 24 feet in width.
- (3) Parking spaces shall be the following minimum dimensions:

	Width of Space	Depth of Space	Width of Maneuvering Aisle
Angle of Parking	(feet)	(feet)	(feet)
90°	9.0	18	24 (2-way traffic)
60°	10.5	22	18 (1-way traffic)
45°	13.0	25	14 (1-way traffic)
Parallel	9.0	22	14 (1-way traffic)
Parallel	9.0	22	18 (2-way traffic)

- F. Shared driveways. A shared driveway shall not be adequate access except that, by special permit from the Planning Board, a shared driveway may be authorized to provide access to parking spaces on no more than three lots, provided that vehicular access to the buildable portion of each lot is possible from the street providing legal frontage to the lot without reliance on the shared driveway.

§ 218-8.2 Off-Site Off-Street Parking.

[Added 4-29-2019 ATM by Art. 18]

- A. Purpose. To provide relief and standards for properties that cannot provide or satisfy the off-street parking requirements on site due to unique circumstances including but not limited to topography, lot size, lot shape, existing building placement, or an authorized change of use where off-street parking can be secured off site on property under the same ownership or control in a manner that is compatible with the surrounding uses.

- B. Applicability. A property owner or lessee, consistent with the applicable provisions herein, may petition for off-site off-street parking on a noncontiguous property under their control and demonstrate the unique circumstances associated with their property for which parking cannot be provided on site. The petitioner must demonstrate the proposed parking will address the unique circumstance associated with satisfying off-street parking on their property in a manner consistent with the character of its surroundings.
- C. Standards/conditions.
- (1) A locus plan showing the location of the proposed off-site off-street parking in relation to the property being served with sufficient detail for the Planning Board to determine adequate proximity exists.
 - (2) Lighting overspill, glare, headlights.
 - (3) Visual impact mitigation measures, such as setbacks, landscaping, visual screening.
 - (4) Noise.
 - (5) Applications shall be subject to § **218-2.5**, Site plan review.
 - (6) Applications shall be subject to § **218-2.3**, Special permits.
 - (7) Parking layout and construction.
 - (8) Circulation and traffic consideration.
 - (9) Applicant must have controlling interest in both properties (ownership or leasehold).
 - (10) Special permit will run with the applicant unless the applicant owns both properties and records a deed restriction binding both lots to common ownership for the special permit to remain in force.
 - (11) The use requiring the parking must be a permissible use (Y/SP) on the off-site lot.
 - (12) Use limited to parking of registered motor vehicles. Commercial vehicles over 7,500 pounds (curb weight) shall not be permitted. Storage of equipment, pods, trailers, shall not be permitted.
 - (13) Third-party paid parking is not permitted.
 - (14) Specify/limit number of spaces.
 - (15) The provisions of this section may be used in conjunction with § **218-8.1.D**, Shared parking.

§ 218-8.3 Appearance.

[Amended 4-28-2008 ATM, Art. 24]

- A. Avoidance of uniformity. In the exterior design and appearance of buildings erected in the same residential neighborhood, avoidance of uniformity is intended to prevent the harmful effects of such uniformity in the desirability of immediate and neighboring areas, in the impairment of the benefits, stability and value of both improved and unimproved real properties in such areas and in the loss of taxable revenue to the Town, to preserve rural character and to prevent deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants.
- (1) No building permit shall be issued for erection of any single- or two-family dwelling if it is like or substantially like any building on any abutting lot or across a street, as hereinafter defined, then in existence or for which a building permit has been issued, in more than three of the following respects:
- (a) Height of the main roof ridge, or the highest point of the roof beams of a flat roof, above the first floor.
 - (b) Length of the main roof or roof ridge.
 - (c) Width between the outside walls at the end of the building measured under the main roof at right angles to the length thereof.
 - (d) Relative location of the windows in the front or any side elevation.
 - (e) Relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the building in the front elevation.
- (2) Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is less than two feet.
- B. Promotion of harmonious development. In order to promote harmony in architectural treatment and avoidance of incongruous or inappropriate character of architectural appearance and arrangement of buildings detrimental to the property values of adjoining owners of the community, no building permit shall be issued for any new building or structure in an R-B, VCB, NB, GB or I District, until plans showing proposed location and external appearance shall have been submitted to the Planning Board for its review and approval. **[Amended 10-20-2014 ATM, Art. 20]**
- (1) The Planning Board shall review and approve, approve with such conditions as the Board may deem appropriate, or not approve the plan as described above within 30 days of its receipt of a plan. A decision of the Planning Board shall require a motion carried by a majority of Board members holding office at the time of the vote, and shall be in writing. No building permit shall be issued by the Building Inspector without written approval of plan by the Planning Board or unless 30 days lapse from the date of the submittal of the plan without action by the Planning Board or without a request from the applicant for an extension of time for the consideration of the plan and

approval of said request by the Planning Board.

- (2) The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these requirements.

§ 218- 9 Special Residential Regulations

§ 218-9.1 Flexible Development.

[Amended 4-30-1988 STM, Art. 6; 4-29-1989 ATM, Art. 36; 10-15-1990 STM, Art. 1; 10-6-1994 STM, Art. 16; 4-29-1996 ATM, Art. 31; 10-27-1997 ATM, Art. 19; 4-24-2000 ATM, Art. 36; 4-28-2003 ATM, Art. 22]

A. Purpose. The purposes of this section, Flexible development, are:

- (1) To encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
- (2) To preserve historical and archeological resources; to protect the natural environment, including varied landscapes and water resources;
- (3) To protect the value of real property;
- (4) To promote more sensitive siting of buildings and better overall site planning;
- (5) To perpetuate the appearance of the Town's traditional New England landscape;
- (6) To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- (7) To offer an alternative to standard subdivision development;
- (8) To promote the development of housing affordable to low-, moderate- and median-income families; and
- (9) To promote the development of housing for persons over the age of 55.

B. Definitions. The following terms shall have the following definitions for the purposes of this section:

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS LOW INCOME

Affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME

Affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.

AFFORDABLE UNITS

Any combination of dwelling units restricted in perpetuity as affordable to persons or families qualifying as low or moderate income. The affordable restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.

CONTIGUOUS OPEN SPACE

Open space suitable, in the opinion of the Planning Board, for the purposes set forth herein. Such open space may be separated by the road(s) constructed within the flexible development. Contiguous open space shall not include required yards, if any.

HOUSING FOR PERSONS WITH DISABILITIES

A dwelling unit in compliance with the standards of the Americans with Disabilities Act and pertinent Massachusetts standards.

- C. Applicability. In accordance with the following provisions, a flexible development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town.
- D. Procedures. Flexible development may be authorized upon the issuance of a special permit by the Planning Board. An application for flexible development shall be filed in accordance with the rules and regulations of the Planning Board.
 - (1) Where the flexible development is a subdivision of land, a development plan consistent with the requirements set forth in the Subdivision Rules and Regulations shall be submitted to the Planning Board. Final engineering details regarding flexible development shall be provided as specified by the Planning Board during the course of plan review. In the event that the flexible development does not involve the subdivision of land, the development plan shall conform to the requirements for the applicable plan as set forth in such rules and regulations. [**Amended 10-19-2015 ATM, Art. 14**]
 - (2) Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation, including an Order of Resource Area Delineation.
 - (3) Data on proposed wastewater disposal shall be submitted with the application and shall be referred to a consulting engineer for review and recommendation.
 - (4) The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.
- E. Design process. Each development plan shall follow the design process outlined below. When the

development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

- (1) Understanding the site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
 - (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
 - (3) Designating the contiguous open space. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
 - (4) Location of development areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.
 - (5) Lot lines. The final step is simply to draw in the lot lines (if applicable).
- F. Modification of lot requirements. Consistent with the purpose of this section, flexible development may vary from the dimensional requirements of § **218-6.2** in order to promote more sensitive siting of buildings and better overall site planning. The Planning Board may waive the requirements of § **218-6.2** where it finds such a waiver is consistent with the purpose of this section and is not detrimental or injurious to public health, safety and welfare as follows: [**Amended 4-30-2007 ATM, Art. 26; 10-18-2010ATM, Art. 14**]
- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the flexible development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lots are consistent with existing development patterns in the neighborhood.
 - (2) The Planning Board may waive the dimensional requirements when requested to do so by the applicant, who shall provide specific alternative dimensional requirements and the justification and public purpose of the waivers requested.
 - (3) Such waivers may be incorporated as part of the special permit granted in connection with an application filed under this section or as an amendment to a special permit previously granted under this section.
 - (4) Lot frontage. The minimum frontage of any lot shall not be less than 40 feet. [**Added 10-19-2015**]

ATM, Art. 14]

(5) Individual lot area. The minimum area of any individual lot shall not be less than 10,000 square feet. **[Added 10-19-2015 ATM, Art. 14]**

G. Basic maximum number of dwelling units. The basic maximum number of dwelling units allowed in a flexible development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning requirements, subdivision regulations, health regulations, wetlands regulations and other applicable federal, state and local requirements (hereinafter, the yield plan). The yield plan shall be prepared in conformance with the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board; provided, however, that in simple cases, such requirements may be waived by the Planning Board. In any event, the proponent shall have the burden of proof with regard to the design and engineering specifications shown on such yield plan.

(1) The required affordable units for developments with more than 10 units shall not count toward the basic maximum number.

H. Density bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the basic maximum number. All dwelling units awarded as a density bonus shall be two-bedroom units. The density bonus for the flexible development shall not, in the aggregate, exceed 40% of the basic maximum number. The required affordable units shall be considered as dwelling units awarded as a density bonus and shall be counted in this computation. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

(1) For each additional 10% of the site set aside as contiguous open space, over and above the required 35%, a bonus of 5% of the basic maximum number may be awarded; provided, however, that this density bonus shall not exceed 30% of the basic maximum number. For the purpose of this section, the contiguous open space shall not include any wetlands as defined in MGL C. 131, § 40.

(2) For every two dwelling units restricted to occupancy by persons over the age of 55, one dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the basic maximum number.

(3) For each transfer lot, as defined in § **218-3**, two dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the basic maximum number.

I. Affordable component.

(1) As a condition of the grant of any special permit for a flexible development for any development creating more than 10 dwelling units, affordable units shall be required as follows: **[Amended 4-24-2006 ATM, Art. 23]**

(a) Fifteen percent of the units shall be affordable to persons or families qualifying as low or moderate income.

- (2) In computing this requirement, the total number of dwelling units (i.e., the total of the basic maximum number and the density bonus units) shall be used. Numbers shall be rounded up in the computation of this requirement.
- J. Types of buildings. The flexible development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than five dwelling units. The architecture of all multifamily buildings shall be residential in character. Residential structures shall be oriented toward the street serving the premises and/or the required parking area. The Planning Board may require housing for persons with disabilities in appropriate circumstances.
 - K. Roads. The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use, and vehicular traffic and shall be maintained by an association of unit owners or by the applicant.
 - L. Parking. Each dwelling unit shall be served by two off-street parking spaces. Parking spaces in front of garages may count in this computation.
 - M. Contiguous open space. A minimum of 35% of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction pursuant to MGL C. 184, §§ 31 through 33 and enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
 - (1) For the purpose of this section, the contiguous open space shall not include any wetlands as defined in MGL C. 131, § 40.
 - (2) The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
 - (3) The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to 10% of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.
 - (4) Underground utilities and drainage easements to serve the flexible development site may be located within the contiguous open space.
 - N. Ownership of the contiguous open space. The contiguous open space shall, at the Planning Board's election, be conveyed to:
 - (1) The Town or its Conservation Commission;

- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for which such open space may be used as set forth above; or
 - (3) A corporation or trust owned jointly or in common by the owners of lots within the flexible development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities if the trust or corporation fails to provide adequate maintenance and shall grant the Town an easement for this purpose. In such event, the Town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the Town may perform it. In the event that such maintenance is not properly conducted, the Town or its agent may enter upon the land and perform such maintenance, and the applicant shall convey such temporary easement(s) as may be necessary for such purpose. The Town shall be reimbursed for any expenses associated with such maintenance. In the event that reimbursement is not forthcoming, the Town may lien the properties within the flexible development to ensure such payment. Each individual deed, and the declaration of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
 - (4) In the alternative, a conservation restriction pursuant to MGL. C. 184, §§ 31 through 33, shall be placed on the land.
- O. Buffer areas. A buffer area of 50 feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement where:
- (1) The land abutting the site is the subject of a permanent restriction for conservation or recreation; or
 - (2) The land abutting the site is held by the Town for conservation or recreation purposes; or
 - (3) The Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.
- P. Stormwater management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the rules and regulations of the Planning Board.
- Q. Decision. The Planning Board may approve, approve with conditions, or deny an application for a flexible development after determining whether the flexible development better promotes the purposes of this flexible development bylaw than would a conventional subdivision development of the same locus.

- R. Relation to other requirements. The submittals and permits required by this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.

§ 218-9.2 Major Residential Development.

[Added 10-27-1997 ATM, Art. 19; amended 4-28-2003 ATM, Art. 23]

- A. Purpose. The purpose of this section is to assure a public voice and public authority in consideration of alternative approaches to residential developments which, because of their impacts, are of importance to the Town, as stated in "Groton 2020: Planning Directions," Groton's Comprehensive Plan.
- B. Definition. "Major residential development" shall mean the division or subdivision for residential purposes of any tract of land or adjacent tracts of land in common ownership as of October 1, 1997, which would result in any of the following:
- (1) An increase by six or more lots above the number there two years earlier;
 - (2) More than two lots with driveway access onto a street existing at the time of lot creation, unless no such lot has a driveway location within 600 feet of the driveway location of another lot being created in the same division or subdivision of land;
 - (3) More than one lot with no potential site for construction of a dwelling any part of which would be less than 200 feet from a street existing at the time of the creation of such lot.
- C. Special permit required. Except for a Town Center Overlay District development under § 218-7.3, a major residential development shall require the grant of a special permit by the Planning Board in accordance with the provisions set forth herein. **[Amended 10-22-2007 STM, Art. 15; 4-25-2011 ATM, Art. 12]**
- D. Procedures. Applicants for major residential development shall submit both of the following plans:
- (1) A conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable federal, state and local requirements. This conventional plan shall be prepared in conformance with the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board; provided, however, that in simple cases, such requirements may be waived by the Planning Board. In any event, the proponent shall have the burden of proof with regard to the design and engineering specifications shown on such conventional plan. Where the applicant intends to proceed pursuant to § 218-9.1, Flexible development, the conventional plan may be the yield plan, as defined therein.
 - (2) An alternative development plan, as set forth below:
 - (a) For division or subdivision of land so as to create one or two lots: a shared driveway and/or hammerhead lot special permit plan pursuant to § 218-2.3, hereunder.
 - (b) For division or subdivision of land so as to create from three to eight lots: a residential

compound plan as set forth in the Planning Board's Rules and Regulations governing the subdivision of land; or a flexible development plan, pursuant to § **218-9.1**.

- (c) For division or subdivision of land so as to create nine or more lots: a flexible development plan, pursuant to § **218-9.1**.

- E. Review. The Planning Board may engage a landscape architect or an economic analyst, at the expense of the applicant, to review the conventional and the alternative plan, and to make a recommendation with regard to the decision of the Planning Board, as set forth in Subsection **G**, below.

- F. Other required submittals. The Planning Board may require an applicant for major residential development to submit the following additional materials:
 - (1) Economic impact analysis, comparing the impact as to Town services and schools of the conventional and alternative plans;
 - (2) Narrative and tabular materials describing the plans, including the number and size of proposed dwelling units, proposed phasing, and other special features of the development.
 - (3) Other information as may be necessary to make the decision set forth below.

- G. Decision. The Planning Board shall approve or approve with conditions as a major residential development whichever plan, conventional or alternative, best promotes the objectives of:
 - (1) Traffic and pedestrian safety;
 - (2) Economic impact;
 - (3) Preservation of recreational facilities, open spaces, agricultural resources, and unique natural features;
 - (4) Housing for persons or households over the age of 55, for persons with disabilities, or for low- or moderate-income households, as defined by the Commonwealth's Department of Housing and Community Development; and
 - (5) Groton 2020: Planning Directions, Groton's Comprehensive Plan.

§ 218-9.3 Multifamily Use.

Multifamily use may be authorized by the special permit granting authority only in districts as indicated in § **218-5.2**, Schedule of Use Regulations, and as specified below.

- A. Dwelling conversion. Conversion of an existing dwelling or structure accessory thereto so as to result in not more than three dwelling units on the premises may be authorized on special permit from the Board of Appeals but only if in compliance with the following:

- (1) The dwelling must have been in existence as of the date of adoption of this provision and not expanded within the 24 months previous to application for a special permit.
- (2) Conversion must not result in more than three dwelling units on the premises, including any in an accessory structure.
- (3) Habitable floor area must equal not less than 500 square feet times the number of dwelling units in the building.
- (4) There shall be no more than a ten-percent increase in the habitable floor area of the existing structure.
- (5) Any fire safety stairs shall be located out of sight of any street.
- (6) Provision must be made for a minimum of two off-street parking spaces per dwelling unit, § **218-8.1** notwithstanding. Such spaces may not be located nearer the street than the front wall of the building they serve and may not occupy more than 20% of the lot area not covered by buildings.
- (7) The owner of the premises must occupy one of the units except for temporary absences.
- (8) Lot area requirements are that lot area must be adequate to accommodate all of the above and must not be reduced through division unless the resulting lot meets the requirements of § **218-6.2**.
- (9) Documentation must be submitted by the Board of Health indicating that either the existing sewage disposal facilities are adequate for the proposed use or that necessary alteration or replacement will be made.

B. Age-restricted housing. [**Amended 4-29-2019 ATM by Art. 19**]

- (1) Within any district where special permits for age-restricted housing are authorized (see § **218-5.2**), the Board of Appeals may grant a special permit for construction and occupancy of age-restricted housing having not more than 12 dwelling units in a single structure. It is intended that age-restricted housing shall, wherever possible, be located within close proximity to Town services such as shopping, post office, etc., shall serve an identified housing need and shall increase the range of available housing choices for Groton residents.
- (2) Number of units. For age-restricted housing, the number of dwelling units shall not exceed one unit per 5,000 square feet of lot area. However, depending on proximity to protected open space, natural visual or acoustic screening and topography, the Board of Appeals may authorize additional units up to a maximum of one unit per 3,000 square feet of lot area.
- (3) Minimum setbacks for age-restricted housing shall be set by the Board of Appeals to be in relation with the average setbacks of structures on abutting properties and character of the neighborhood in which such housing is to be constructed. In general, setbacks shall be kept free of structures and paving and be maintained with vegetation to provide screening and shade, except for necessary

access drives.

(4) Design.

- (a) Design of exterior building walls shall minimize departure from single-family residential scale. Parking areas shall not contain more than 12 spaces each.
 - (b) Outdoor lighting fixtures shall be the cutoff type, mounted no higher than 15 feet, oriented and shielded to avoid glare on adjoining premises.
 - (c) To avoid traffic concern, any egress shall have at least 300 feet of visibility in each direction along state-numbered roads and at least 200 feet of visibility along other roads.
 - (d) Where sidewalks exist on any abutting street, connecting sidewalks shall be provided within the development.
 - (e) A minimum of one off-street parking space per dwelling unit shall be provided, rather than the number required under § **218-8.1**.
 - (f) The design of building form, building location, egress points, grading and other elements of the development shall:
 - [1] Protect pedestrian safety within the site and egressing from it.
 - [2] Minimize visual intrusion of parking area as viewed from public ways or abutting premises.
 - [3] Minimize the volume of earth cut and fill, in general with no cut or fill greater than five feet.
 - [4] Minimize the number of removed trees 12 inches in diameter or larger.
 - [5] Control soil erosion, according to United States Department of Agriculture.
 - [6] Avoid more than a ten-percent increase in peak-hour stormwater flow from the site for a one-year storm, no increase in storms of ten-year to one-hundred-year intensity.
 - [7] Control headlight glare.
- (5) Age-restricted housing shall be subject to the granting of a special permit by the Zoning Board of Appeals based on the following criteria:
- (a) Effect on the range of available housing choice for residents 55 years of age and older.
 - (b) Service to identified housing needs of this population.
 - (c) Service to current Groton residents.

- (d) Impact on the natural environment, especially on ground- and surface water quality and level, both for the proposed development and its environs and for the Town as a whole.
 - (e) Impact on traffic safety and congestion, adequacy of water service for the development, as well as proximity to existing services for the residents.
 - (f) Visual consistency with existing development in the area.
 - (g) Maintenance of the integrity of the neighborhood.
- C. Planned multifamily/residential development. Unless authorized under Subsection **A** or **B**, multifamily use shall be as follows. Planned multifamily/residential development may be authorized by the Planning Board but not within a Primary Water Resource District and only if in compliance with the following:
- (1) Concept plan approval.
 - (a) Planned multifamily/residential development under Subsection **C** requires concept plan approval by a two-thirds majority vote of an Annual or Special Town Meeting prior to being acted upon for special permit approval. Town Meeting approval may be made with conditions or limitations.
 - (b) A concept plan shall consist of the following:
 - [1] A schematic development plan, indicating in a general manner the location of buildings, roads, drives, parking, reserved open space, wells, on-site disposal facilities, drainage system, topography and grading, areas of retained vegetation and planting areas.
 - [2] Floor plans and architectural elevations of typical dwellings.
 - [3] Materials indicating the proposed number of square feet of gross floor area and habitable floor area; the number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure; any subsidies anticipated; rent or sales prices, including any commitments for price ceilings; methods of water supply and sewage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the Town's expense; and means, if any, of providing for design control. [**Amended 4-30-2012 ATM, Art. 23**]
 - [4] Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.
 - [a] Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
 - [b] Public services: traffic safety and congestion, need for water system improvements, need for additional public recreation facilities and need for additional school facilities.

- [c] Economics: municipal costs and revenues, local business activity and local jobs.
 - [d] Social environment: rate of Town population growth and range of available housing choice.
 - [e] Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.
- (c) Prior to Town Meeting action, the Planning Board shall hold a public hearing on the concept plan with timing, notice and procedures the same as those required for a hearing on a proposed Zoning Bylaw amendment. The concept plan, supporting documentation and any requested reports from Town agencies, such as the Board of Health, Conservation Commission, Director of Public Works, Fire Chief and Police Chief shall be presented at that hearing, along with testimony by other interested parties. **[Amended 4-26-2010 ATM, Art. 14]**
- (d) The Planning Board shall report its recommendation for approval, approval with conditions or disapproval to the Town Meeting, based on the completeness and technical adequacy of information provided, its consistency with bylaw requirements and on the proposal's estimated impacts on the natural environment, public services, economics, social environment, visual environment and use and enjoyment of other nearby premises. A copy of the concept plan and the Planning Board report shall be filed with the Town Clerk not less than 14 days prior to the Town Meeting vote on the concept plan.
- (2) Special permit.
- (a) The Planning Board shall act as special permit granting authority for all applications under this Subsection C. Application for such special permit for concept plans approved by the Town Meeting after March 20, 1982, shall be made not more than 24 months after approval by the Town Meeting of the concept plan. Submittals shall include the concept plan and supporting materials, as approved by the Town Meeting, plus an engineered site development plan showing site proposals at a scale of one inch equals 40 feet. **[Amended 4-29-1989 ATM, Art. 33]**
- (b) A special permit for planned multifamily/residential development shall be granted only if the Planning Board determines that the proposal is consistent with the concept plan as voted by the Town Meeting or, in the event of inconsistency, that satisfactory explanation has been submitted showing why the departure is necessitated by changed conditions or earlier error and that the departure does not result in a less beneficial development based on the considerations in the Planning Board's earlier report to the Town Meeting. However, in no event shall the Planning Board authorize a departure which increases the total number of dwelling units, increases the total gross square feet of building area or reduces the lot area without reflecting the density approved at the Town Meeting. Any special permit approval granted shall incorporate by reference the site proposal plan and other proposals upon which the Board relied in making its determinations.
- (c) A special permit shall be denied if the proposal departs from the Town Meeting approved

concept plan, except as provided in the subsection above, does not comply with applicable Zoning Bylaw, subdivision control or other Town requirements or fails to comply with § **218-9.3.C.(4)**, Design Requirements

- (3) Building permit. A building permit under this section may only be granted to the same party to whom the special permit was granted and only following site plan review under § **218-2.5**.
- (4) Design requirements.
 - (a) Lot area shall be not less than 80,000 square feet plus 10,000 square feet per bedroom.
 - (b) More than one dwelling may be erected on the same lot.
 - (c) No one building shall exceed 10,000 square feet habitable floor area. [**Amended 4-30-2012 ATM, Art. 23**]
 - (d) Detached single-family dwellings and two-family dwellings may be included in a multifamily proposal but may comprise not more than half of the dwelling units authorized on any site. In lieu of the setback requirements of § **218-6.2**, no buildings or parking shall be located within 200 feet of an existing roadway or within 100 feet of any other property line, except that a reduction to not less than the requirements of § **218-6.2** may be authorized by Town Meeting approval of a concept plan showing reduced yards or by Planning Board determination at the special permit stage that bylaw and Town Meeting intent are met despite reduced yards due to proximity to protected open space, natural visual or acoustic screening or topography.
 - (e) At least 25% of the land area of the concept plan shall be unbuilt upon and reserved as open space for recreation, conservation or parks and shall either be owned in common or conveyed to the Town, the Conservation Commission or a nonprofit organization whose purpose is conservation. In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded, provided that such land shall be kept in an open and natural state and maintained by its owners without expense to the Town.
 - (f) Proposed streets, drives and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Regulations in effect at the time of application.

§ 218-9.4 Accessory Apartments

[**Added 4-25-2005 ATM, Art. 20, approved 6-21-2005**]

- (1) Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options; and (c) enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

- (2) Procedures. Accessory apartments may be allowed in the RA and RB Districts on special permit, from the Board of Appeals, in accordance with the special permit process in this chapter, as set forth in § **218-2.3**, and provided that each of the following additional criteria are met.
- (3) Conditions.
 - (a) A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, the proposed accessory apartment, location of any septic system and required parking.
 - (b) The owner of the premises must occupy one of the units, except for temporary absences.
 - (c) Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 square feet in habitable floor area and shall be located in the principal residential structure on the premises. [**Added 4-30-2012 ATM, Art. 23**]
 - (d) The footprint of the structure in which the accessory apartment is to be located shall not be increased by more than 800 square feet and shall retain the appearance of a single-family structure. Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity.
 - (e) Sufficient and appropriate area for at least one additional parking space shall be provided by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and, to prevent on-street parking, shall have vehicular access to the driveway, all as set forth in § **218-8.1.B**. The Board may limit the amount of paving as a condition of any special permit.
 - (f) No special permit shall be granted without a condition that the accessory apartment shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health.
 - (g) Any accessory apartments intended for occupancy by a person with a disability shall be subject to the provisions of MGL C. 40A, § 3.
 - (h) The Board of Appeals shall provide special consideration to an application for an accessory apartment which will be restricted to a rent affordable to a person or household of low or moderate income. Affordable to persons or families qualifying as low or moderate income shall mean affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning not more 80% of the median income. The deed restriction for such unit shall be provided by the Board of Appeals.
- (4) Decision. Special permits for an accessory apartment may be granted by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in § **218-2.3** of this chapter.

§ 218-10 Special Regulations

§ 218-10.1 Personal Wireless Services Facilities.

[Added 4-27-1998 ATM, Art. 27]

- A. Authority. This section is promulgated under the authority of MGL C. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. § 332(c)(7)(A).
- B. Purpose. The purpose of this section is to minimize the adverse visual impacts of personal wireless services facilities, to minimize adverse impacts of such facilities on the property values of adjacent properties and to protect the public from safety hazards associated with such facilities.
- C. Regulation. No personal wireless communication facility shall be placed, constructed or modified except in accordance with the provisions of this chapter.
- D. Special permit requirement. No personal wireless communication facility shall be placed or constructed or modified except upon issuance of a special permit by the Planning Board or in accordance with a special permit previously issued by the Planning Board.
- E. Special permit submission criteria.
 - (1) Submission requirements. An application for a special permit shall be filed with the Planning Board in accordance with § 218-2.3.B and shall be accompanied by 15 copies of the following:
 - (a) A site plan prepared by a professional engineer at a scale of 1:40 which shall show the following information:
 - [1] The location, size and height of the personal wireless services facility, including the location, size and height of all accessory structures and accessory equipment.
 - [2] Topographical site information, including existing elevations and grades and proposed changes.
 - [3] The location of other personal wireless services facilities in the Town of Groton and nearby communities at which the proposed facility could be sited.
 - [4] Fencing, landscaping and signage.
 - [5] Access and parking.
 - [6] Lighting.
 - [7] Areas which are to be cleared of vegetation and trees.
 - [8] The property boundaries for the site.

[9] The location of all existing structures, buildings and uses of land located on the site.

[10] The location of all existing structures, buildings and uses of land, including driveway, located within 250 feet of the property boundaries for the site.

[11] The location of abutters.

[12] Eight view lines in a one-mile radius from the site, shown beginning at True North and continuing clockwise at forty-five-degree intervals.

(b) A locus map at a scale of 1:1,000 which shall show all streets, bodies of water, landscape features, historic sites, habitats for endangered species within 200 feet and all buildings within 500 feet of the proposed personal wireless services facility.

(c) Reports prepared by a professional engineer which shall:

[1] Describe the design and location of the personal wireless services facility and the technical, economic and other reasons for the design and location.

[2] Demonstrate that the personal wireless services facility complies with all local, state and federal standards, regulations, statutes and other requirements.

[3] Describe the capacity of the personal wireless services facility, including the number and type of transmitter receivers that it can accommodate and the basis for the calculation of the capacity.

[4] Demonstrate that the personal wireless services facility, the site and all accessory structures, building and equipment comply with this chapter.

(d) A copy of the requests made by the owner or operator of the personal wireless services facility to the Federal Aviation Administration, Federal Communications Commission, Massachusetts Aeronautical Commission and the Massachusetts Department of Public Health regarding written statements that the proposed facility will comply with all applicable regulations administered by those agencies or that the facility is exempt, together with the response of each agency. If a copy of the written request is provided, together with an affidavit that no response was received after the expiration of 60 days, then the application shall be deemed complete. All agency responses received subsequently shall be forwarded to the Planning Board and the Building Inspector.

(2) Between the date of the submittal of an application for a special permit for the placement, construction or modification of a personal wireless services facility and the date of the public hearing on the application, a balloon shall be put in place at the height of the proposed tower. The balloon shall be of a size and color that can be seen from every direction for a distance of one mile.

F. Approval of special permit applications; modifications. [**Amended 10-19-2015 ATM, Art. 13**]

- (1) In accordance with the requirements of the 1996 Federal Telecommunications Act, an application for a special permit and site plan approval for the placement, construction or modification of a personal wireless services facility shall be granted upon a determination by the Planning Board that the applicable requirements of the Zoning Bylaw have been satisfied.
- (2) Any extension in height of an existing tower, expansion of a base station, or construction of a new or a replacement personal wireless services tower shall require the issuance of a new special permit under this chapter or an amendment to a special permit previously issued under this chapter.
- (3) Any eligible facilities request, defined in 47 U.S.C. § 1455(a) as a request for modification of an existing wireless tower or base station that involves: (A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment; shall be subject to minor site plan review by the Land Use Director and Building Commissioner. [Refer to § **218-2.5.C.(1)**, Minor site plan review.]

G. Location and site requirements for personal wireless services towers. The placement, construction and modification of a personal wireless services tower and its accessory structures, buildings and equipment shall be performed in accordance with all applicable local, state and federal requirements for the operation of such a facility. In addition, the following location and siting requirements shall apply:

- (1) Notwithstanding the requirements of § **218-6.2**, a personal wireless services tower shall be setback from the property lines of the lot upon which it is to be located for a minimum distance that is at least equal to the height of the tower.
- (2) The required setback for a personal wireless services tower from designated wetlands, water bodies and areas with a slope in excess of 5% shall be at least 150 feet.
- (3) A personal wireless services tower shall be setback a minimum of at least 500 feet from all existing buildings.
- (4) Fencing shall be provided to control access to the base of a personal wireless services tower in order to prevent access to the tower. The fencing shall be compatible with the scenic character of the Town and shall not consist of barbed wire or razor wire.
- (5) Access to the site of a personal wireless services tower shall be provided via a way which respects the natural terrain, does not appear as a scar on the landscape and is approved by the Planning Board and the Fire Chief as adequate to ensure emergency vehicle access at all times.
- (6) The applicant shall demonstrate to the Planning Board's satisfaction that the location of the personal wireless services tower is suitable and that the size and height of the tower is the minimum necessary for the purpose.
- (7) The applicant shall demonstrate to the Planning Board's satisfaction that it has made a good faith effort to collocate the proposed tower upon an existing structure or facility.

- (8) Announcement signage shall be provided that indicates "No Trespassing" and "Danger" and a telephone number which shall provide twenty-four-hour access to the operator of the facility in the event of an emergency. Signage shall not be placed above a height of 10 feet and shall comply with all other signage requirements set forth under Chapter **196**, Signs.
- (9) Accessory structures for a personal wireless services tower shall be limited to one structure per antenna or dish or other transmitting device, but shall not exceed 10 structures per tower. Accessory structures shall be constructed so as to share a common wall. No structure shall exceed 400 square feet in size and 10 feet in height. Each structure shall be of the same design and color as every other accessory structure.
- (10) Clearing of vegetation and trees at the site of a personal wireless services tower shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which shall minimize marring and scarring of the landscape or silting of streams.
 - (a) The timing and method of clearing rights-of-way leading to a personal wireless services facility shall take into account soil stability, the protection of natural vegetation, the protection of adjacent resources, such as the protection of natural habitat for wildlife, and appropriate measures for the prevention of silt deposition in watercourses.
 - (b) Clearing of natural vegetation should be limited to that material which poses a threat or an obstacle to the personal wireless services tower.
 - (c) The use of bush blades instead of dirt blades on bulldozers is recommended in clearing operations where such use will preserve the grass cover, low-growing brush and other vegetation.
 - (d) Clearing of portions of the location of the personal wireless services tower shall take place only when necessary to the construction, maintenance and operation of the tower.

H. Development regulations. The visual impact of any personal wireless services facility and any personal wireless services tower shall be minimized to the maximum extent possible.

- (1) The applicant shall demonstrate to the Planning Board's satisfaction that the proposed personal wireless services tower is the minimum height necessary to accommodate the transmitter/receiver.
- (2) All personal wireless services towers shall be monopole in type unless this requirement is proven to the Planning Board's satisfaction to have the effect of prohibiting personal wireless services. In any event, no such tower shall exceed 120 feet in height unless it is proven to the Planning Board's satisfaction that a lesser height would have the effect of prohibiting personal wireless services.
- (3) In order to blend into the landscape and minimize the visual impact of a personal wireless services tower that rises above the tree line, the tower shall be finished in a manner acceptable to the Planning Board. [**Amended 5-5-2003 STM, Art. 9**]

- (4) Night lighting of the personal wireless services tower (aside from security lighting at the base of a tower) shall be prohibited unless required by the Federal Aviation Administration. If lighting is required by the Federal Aviation Administration, then the lighting used shall be the minimum lighting required.
- (5) A personal wireless services tower shall be sited in such a manner that the view of the tower from other areas of the Town shall be as minimal as possible.
- (6) Collocation of personal wireless services facilities is encouraged. When technically not practical, any new personal wireless services facility shall be sited so that the resulting personal wireless services tower is separated from every other facility and tower so that if one tower falls, it will not strike another.
- (7) Every personal wireless services facility and tower shall be designed and constructed to accommodate the maximum number of uses technologically practical and wherever practical use may be made of existing suitable structures, such as water towers, as determined by the Planning Board. The type of attachment to the existing structure shall be compatible with the existing structure as determined by the Planning Board.
- (8) There shall be a minimum of one parking space for each personal wireless services tower to be used in connection with the maintenance of a personal wireless services tower and the facility; however, the Planning Board may require additional parking spaces depending upon the number of providers and antennas and dishes that are to use the facility. The site shall not be used for overnight or permanent storage of vehicles.

I. Performance guaranty.

- (1) As a condition of any special permit for the placement, construction or modification of a personal wireless service facility, a carrier shall provide a bond, in a form acceptable to the Town, or shall place into escrow a sum of money sufficient to cover the costs of removing the facility from the subject property and, furthermore, said funds shall be held by an independent escrow agent to be appointed by the carrier and the Planning Board. The amount of the surety shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. The carrier shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.
- (2) A facility shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was constructed for a period of one year or more. Once abandonment or discontinuance has occurred, the carrier shall remove the facility from the subject property within 90 days. In the event that the carrier fails to remove the facility, the Town shall give notice to the carrier and, if appropriate, the independent escrow agent that the facility shall be removed forthwith, and the Town or the escrow agent, after affording written notice seven days in advance to the carrier, shall remove the facility.

- (3) The special permit shall further state that, in the event the amount of the surety is insufficient to cover the costs of removal, the Town may place a lien upon the property to cover the difference in cost.
 - (4) Annual certification shall be provided by the owner or operator of the personal wireless services facility to the Planning Board and the Building Inspector demonstrating continuing compliance with the standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards Institute.
- J. The terms and conditions for permit application and approval described in this amendment shall not be applicable to licensed amateur radio operators who may desire to construct a tower for private, noncommercial amateur communications purposes.

§ 218-10.2 Wind Energy Conversion Facility.

[Added 4-27-2009 ATM, Art. 8]

- A. Purpose. The purpose of this section is to regulate and provide criteria for the construction and operation of wind energy conversion facilities in order to address public health, safety, and welfare, and minimize impacts on scenic, natural, and historic resources of the Town.
- B. Applicability. No wind energy conversion facility shall be placed, constructed, modified, or operated except in conformance with the provisions of this section and other applicable sections of this chapter.
- (1) Wind monitoring or meteorological tower. No wind monitoring or meteorological tower shall be erected, constructed, installed, or modified without first obtaining a building permit. The Building Commissioner may issue a permit only if the tower complies with the following requirements:
 - (a) Setbacks. Wind monitoring or meteorological towers shall comply with the building setback requirements of the zoning district in which they are located. Additionally, wind monitoring or meteorological towers shall be set back a distance of at least 1.5 times the overall height of the tower from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the tower is located.
 - (b) Time limit. A building permit for a wind monitoring or meteorological tower shall be limited to eighteen months after construction has commenced
 - (2) Small-scale wind energy conversion devices. No small-scale wind energy conversion device shall be erected, constructed, installed or modified without first obtaining a building permit. The Building Commissioner may issue a permit only if the small-scale wind energy conversion device complies with § 218-10.2.B.(2) of this section. If the device does not comply with one or more of the following requirements, the applicant shall be required to obtain a special permit from the Planning Board waiving such requirement(s) after finding that such waiver(s) will not derogate from the intent of this chapter or be detrimental or injurious to the public. In no event shall the

Planning Board grant a waiver of height requirements.

- (a) **Setbacks.** Small-scale wind energy conversion devices shall comply with the building setback requirements of the zoning district in which they are located. Additionally, small-scale wind energy conversion devices shall be set back a distance of at least 1.5 times the overall height of the device from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the facility is located.
 - (b) **Height.** No small-scale wind energy conversion device shall be higher than 65 feet.
 - (c) **Number.** The number of small-scale wind energy conversion towers on any parcel shall not exceed two (2).
 - (d) **Lighting.** There shall be no lighting affixed to a small-scale wind energy conversion device.
 - (e) **Appearance, color, finish.** The small-scale wind energy conversion device shall be painted a nonreflective color that blends with its surroundings.
 - (f) **Signage and advertising.** Signs on the small-scale wind energy conversion facility shall comply with Chapter **196**, Signs, of the Code of the Town of Groton, and shall be limited to:
 - [1] Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
 - [2] Educational signs providing information about the facility and the benefits of renewable energy.
 - [3] Reasonable identification of the manufacturer or operator of the wind energy facility, not to include any advertising display.
 - (g) **Noise.** The small-scale wind energy conversion device and associated equipment shall comply with the provisions of the Massachusetts Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10) in effect on April 27, 2009, unless the applicant provides written confirmation from DEP that those provisions are not applicable to the proposed facility.
 - (h) **Connection to the power grid.** Approval of a wind-energy device neither permits nor denies access to the power grid.
 - (i) **Unauthorized access.** Small-scale wind energy conversion devices and other parts of the facility shall be designed to prevent unauthorized access.
- (3) **Large-scale wind energy conversion devices.** No large-scale wind energy conversion device shall be erected, constructed, installed or modified without a special permit from the Planning Board as

provided herein.

- (a) Special permit. Large-scale wind energy conversion devices, where permissible under § **218-5.2**, Schedule of Use Regulations, shall be subject to the special permit requirements set forth below and must be operated in compliance with said requirements and any further requirements which the Planning Board may impose upon the special permit, and in a manner that minimizes any adverse visual, safety, and environmental impacts. The Planning Board shall act as the special permit granting authority for all applications under this section. No special permit shall be granted unless the Planning Board finds in its written evaluation and opinion that:

- [1] The specific site is an appropriate location for such use;
- [2] The use will not adversely affect the neighborhood;
- [3] There will not be any serious hazard to pedestrians or vehicles from the use;
- [4] No nuisance will be created by the use;
- [5] Adequate and appropriate facilities will be provided for the proper operation of the use; and
- [6] The use demonstrates economic and energy benefits to the Town.

In granting a special permit under this Section, the Planning Board may impose reasonable conditions, safeguards and limitations and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

- (b) General siting standards.

- [1] Height. The height of a large-scale wind energy facility will be proposed by the applicant and shall be determined by the Planning Board, after consultation with the Board's engineer, along with a finding that the height of the facility will not derogate from the intent of this chapter or be detrimental or injurious to the public.
- [2] Setbacks. Large-scale wind energy conversion devices shall be set back a distance equal to the overall height of the wind energy conversion facility plus twenty-five (25) feet from the nearest property line and from the nearest private or public way street line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the facility is located. The Planning Board may reduce the above minimum setback distances, as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

- (c) Design standards.

- [1] Color and finish. The color of the large-scale wind energy conversion device shall be subject to final approval by the Planning Board, although a neutral, nonreflective exterior

color designed to blend with the surrounding environment is encouraged.

- [2] Lighting. Large-scale wind energy conversion devices shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties.
 - [3] Signage. Signs on the large-scale wind energy conversion facility shall comply with Chapter **196**, Signs, of the Code of the Town of Groton, and shall be limited to:
 - [a] Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
 - [b] Educational signs providing information about the facility and the benefits of renewable energy.
 - [4] Advertising. Wind energy conversion devices shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
 - [5] Connections. Reasonable efforts shall be made to locate wires from the wind energy conversion device underground, depending on appropriate soil conditions, shape, and topography of the site or any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - [6] Appurtenant structures. The Planning Board may impose reasonable requirements concerning the bulk, height, setbacks, and building coverage of structures appurtenant to a large-scale wind energy conversion device, as well as parking requirements for such structures. All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall only be used for housing of equipment for the particular wind energy conversion facilities on the site. Whenever possible, structures should be shielded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.
 - [7] Support towers. Monopole towers are the preferred type of support for the large-scale wind energy conversion devices.
- (d) Safety, aesthetic and environmental standards.
- [1] Unauthorized access. Large-scale wind energy conversion devices and structures appurtenant to large-scale wind energy conversion facilities shall be designed to prevent unauthorized access.
 - [2] Shadow/Flicker. Large-scale wind energy conversion devices shall be sited in a manner that

minimizes shadowing or flicker impacts. The applicant has the burden of proving that any shadow or flicker effect resulting from the facility will not have any significant adverse impact on neighboring or adjacent uses either because of the proposed siting of the facility or because of proposed mitigation measures.

- [3] Noise. The large-scale wind energy conversion devices and associated equipment shall conform with the provisions of the Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10) in effect on April 27, 2009, unless the applicant provides written confirmation from DEP that those provisions are not applicable to the proposed facility. An analysis prepared by a qualified engineer shall be presented to demonstrate that the proposed facility will be in compliance with these noise standards.
 - [4] Connection to the power grid. Approval of a wind-energy device neither permits nor denies access to the power grid.
 - [5] Land clearing, soil erosion, and habitat impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the wind facility and is otherwise prescribed by applicable laws or regulations.
 - [6] Waivers of standards. In considering an application for a special permit for a large-scale wind energy conversion facility, the Planning Board may waive any of the standards in the foregoing Subsections **(3)(b)**, **(3)(c)** or **(3)(d)**, provided that it finds that such waiver is in the public interest and does not derogate from the intent of this section.
 - [7] Modifications. All material modifications to a large-scale wind energy conversion facility made after issuance of the special permit shall be subject to further special permit approval by the Planning Board in accordance with this section.
- (e) Abandonment or decommissioning.
- [1] Removal requirements. Any large-scale wind energy conversion facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. Within the same 150-day period, the wind facility site shall be restored to the state it was in before the facility was constructed. More specifically, decommissioning shall consist of:
 - [a] Physical removal of all wind energy conversion devices, structures, equipment, security barriers and transmission lines from the site.
 - [b] Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.

- [c] Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- [2] Abandonment. Absent notice of a proposed date of decommissioning, the facility shall be deemed to be abandoned if the facility is not maintained or operated for a period of one year except where prior written consent of the Planning Board was obtained, or upon expiration of the special permit without renewal or extension.
- [3] Financial surety. As a condition of the special permit, the Planning Board shall require the applicant to provide surety in an amount determined by the Board to be necessary to ensure proper removal of the facility upon abandonment. Such surety may be provided in the form of a bond acceptable to the Planning Board or by placing a sum of money into an account to be held by an independent escrow agent appointed by the applicant and the Planning Board. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit to the Planning Board a fully inclusive estimate of the costs associated with removal, prepared by a qualified, professional engineer registered to practice in the Commonwealth of Massachusetts. The applicant shall provide written authorization and, as necessary, shall provide the written authorization of the owner of the subject property, for the Town or the escrow agent to enter upon the subject property to remove the wind facility in the event that the applicant fails to do so within 150 days after abandonment or decommissioning as required under this section.
- (f) Term of special permit. Unless abandoned earlier, a special permit issued for a large-scale wind energy conversion facility shall automatically expire after 25 years, unless extended or renewed by the Planning Board upon a finding that there has been satisfactory operation of the facility in accordance with the requirements of the special permit and this section. An application for renewal or extension must be submitted at least 180 days prior to expiration of the special permit. Submission of such an application shall allow for continued operation of the facility until the Planning Board acts. Upon final expiration of the special permit (including extensions and renewals), the wind facility shall be deemed abandoned and shall be removed as required by this section.
- (g) Application process and requirements.
 - [1] Application procedures.
 - [a] General. The special permit application for a large-scale wind energy conversion facility shall be filed in accordance with the rules and regulations of the Planning Board concerning special permits.
 - [b] Pre-application conference. Prior to the submission of an application for a special permit under this section, the applicant is strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed wind energy conversion facility in general terms and to clarify the filing requirements. The purpose of the conference is to inform the Planning Board as to the preliminary nature of the proposed wind energy conversion facility. As

such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the location of the proposed facility as well as its scale and overall design.

- [c] Professional fees. The Planning Board may impose reasonable fees for the employment of outside consultants to be expended in accordance with the requirements and provisions of MGL C. 44, § 53G, and as specified in Chapter **381**, Part **3**, Fees.
 - [d] Additional requirements. The Planning Board may require that the applicant arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time, and location of such test shall be advertised in a newspaper of general circulation in the Town at least 14 days, but not more than 21 days, prior to the test. In addition, notice shall be provided to the Town, abutters, and abutting Historic Commissions and an identical courtesy notice shall be sent to the Town Clerk of all adjacent towns.
- [2] Required documents.
- [a] General – Upon filing of the special permit application with the Town Clerk as required under MGL c. 40A, § 11, the applicant shall provide the Planning Board with three (3) copies of the application, including the Town Clerk's certification as to the date and time of the filing. All plans and drawings shall be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:
 - [b] Name, address, phone number, and signature of the applicant (including all co-applicants, if any) and of the property owner(s) if different from the applicant.
 - [c] The name, contact information, and signature of any agents representing the applicant.
 - [d] Documentation of the applicant's legal right to use the wind facility site.
- [3] Siting and design. The applicant shall provide the Planning Board with a description of the property which shall include:
- [a] Location map: copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, identifying the parcel on which the proposed facility site is to be located, the location(s) of the wind energy conversion devices on the site, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be noted on the map, or a copy of the Zoning Map with the parcel identified may be submitted.
 - [b] Site plan: a one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:
 - [i] Property lines for the site parcel and adjacent parcels within 300 feet.

- [ii] Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and on all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown.
- [iii] Location of all existing public and private ways on the site parcel and adjacent parcels within 300 feet, and location of any proposed roads or driveways, either temporary or permanent, on the site.
- [iv] Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
- [v] Proposed location and design of the large-scale wind energy conversion facility, including all wind energy conversion devices, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- [vi] The latitude and longitude of the proposed wind energy conversion facility shall be shown on the plan. Any one of these three formats may be used when indicating the facility's latitude and longitude:
 - [A] Degrees, minutes, seconds;
 - [B] Degrees, minutes, decimal; or
 - [C] Decimal degrees.

The latitude and longitude measurements should be taken from the approximate center of the wind energy conversion facility.

- [vii] Location of viewpoints referenced below in **218-10.2B(3)(g)[3][c]** of this section.
- [c] Visualizations. Before the public hearing has been opened, the Planning Board shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall be submitted by the applicant during the public hearing and shall have the following characteristics:
 - [i] View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
 - [ii] View representations shall include existing, or proposed, buildings or tree coverage.
 - [iii] View representations shall be accompanied by a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

- [4] Landscape plan: a plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.
- [5] Waiver. The Planning Board may waive or modify the submission requirements contained herein where it finds such waiver or modification shall not adversely affect the public health, safety, or welfare, and will not derogate from the intent of this section.
- [6] Monitoring and maintenance.
 - [a] After the wind energy conversion facility is operational, the applicant shall submit to the Town at annual intervals from the date of issuance of the special permit, a report detailing operating data for the facility (including but not limited to days of operation, energy production, etc.).
 - [b] The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of any buffer areas and landscaping.
 - [c] The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- [7] Emergency services. The applicant shall provide a copy of the project summary and site plan to the Emergency Management Director, Police Chief, and Fire Chief prior to issuance of a building permit. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan.
- C. Regulations. The Planning Board may adopt rules and regulations for the purpose of administering the provisions of this section.
- D. Conflict with other laws. The provisions of this section shall be considered supplemental to other existing provisions in Chapter **218**, Zoning. To the extent that a conflict exists between this section and the provisions in other sections of this chapter, the more restrictive provisions shall apply.

§ 218-10.3 Large-Scale Ground-Mounted Solar Photovoltaic Facilities.

[Added 4-25-2011 ATM, Art. 22]

- A. Purpose. The purpose of this section is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts

on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

- B. 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.
1. General requirements for all large-scale solar power generation installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.
 - 1.1 Compliance with laws, ordinances and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
 - 1.2 Building permit and building inspection. No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining appropriate permits.
 - 1.3 Fees. The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.
 - 1.4 Site plan review. Ground-mounted large-scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.
 - 1.4.1 General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.
 - 1.4.2 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 National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Subsection 1.5);
 - (c) An operation and maintenance plan (see also Subsection 1.6);
 - (d) Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose];
 - (e) Proof of liability insurance; and
 - (f) Description of financial surety that satisfies Subsection 1.13.3.

The Planning Board may waive documentary requirements as it deems appropriate

- 1.5 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. Fencing along the site's perimeter shall be provided to control access to a large-scale ground-mounted solar photovoltaic facility in order to prevent access to the facility. The fencing shall be compatible with the scenic character of the Town and shall not consist of barbed wire or razor wire.
- 1.6 Operation and 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, stormwater controls, as well as general procedures for operational maintenance of the installation.
- 1.7 Utility notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the local electric utility has been informed of the solar photovoltaic installation owner or operator's intent to install an

interconnected customer-owned generator. Off-grid systems less than 250 kW shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this section.

1.8 Waivers. If the device does not comply with one or more of the following requirements, the applicant shall be required to obtain a special permit from the Planning Board waiving such requirement(s) after finding that such waiver(s) will not derogate from the intent of this chapter or be detrimental or injurious to the public.

1.9 Dimension and density requirements.

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

(a) Front yard: The front yard depth shall be at least 50 feet.

(b) Side yard: Each side yard shall have a depth at least 50 feet.

(c) Rear yard: The rear yard depth shall be at least 50 feet.

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

1.10 Design standards.

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

1.10.2 Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the Town's sign bylaw. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a twenty-four-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.

1.10.3 Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the

electric utility. If an existing aboveground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility.

1.10.4 Stormwater management. Calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, must be provided for any large-scale solar photovoltaic installation.

1.11 Safety and environmental standards.

1.11.1 Emergency services. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief and electric utility. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

1.11.2 Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Clearing to minimize shading is acceptable.

1.12 Monitoring and maintenance.

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

1.12.2 Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board and the electric utility.

1.13 Abandonment or decommissioning.

1.13.1 Removal requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection 1.13.2 of this section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

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

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

§ 218-10.4 Marijuana Establishments.

[Added 4-24-2017 ATM, Art. 22; amended 4-30-2018 ATM, Art. 21; amended 10-1-2018 STM Art 3]

A. Purpose.

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

B. Applicability.

- (1) No marijuana establishment shall be established except in compliance with the provisions of § **218-5.2**(Schedule of Use Regulations) and this § **218-10.4** (Marijuana establishments).
- (2) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. General requirements and conditions for all marijuana establishments.

- (1) All marijuana establishments shall be contained within a building or structure.
- (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
- (3) No marijuana establishment shall be located within 500 feet of the property boundary line of any lot in use as a preexisting public or private preschool, school providing education in kindergarten or any grades 1 through 12, junior college, college, licensed day-care center, church, library, park, playground, or other marijuana establishment. Distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) The on-site consumption of marijuana at all licensed marijuana establishments is prohibited in the Town of Groton.
- (5) The maximum number of licensed marijuana establishments in the Town of Groton shall be consistent with the following provisions:
 - (a) The number of nonretail marijuana establishments shall not exceed one.
- (6) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment with the exception of product testing performed at a licensed testing facility.
- (7) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- (8) Marijuana establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure. Marijuana establishments shall not have drive-through service.
- (9) No outside storage of marijuana, related supplies or promotional materials is permitted.
- (10) All marijuana establishments shall be ventilated in such a manner that no:

- (a) Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
- (b) Odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.

D. Special permit requirements.

- (1) A marijuana establishment shall only be allowed by special permit from the Planning Board in accordance with MGL c. 40A, § 9, and § **218 2.3** (Special permits) of this chapter subject to the following statements, regulations, requirements, conditions and limitations.
- (2) No special permit for any marijuana establishment shall be issued without major site plan approval having been obtained from the Planning Board, § **218-2.5**, Site plan review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - (a) Marijuana cultivator.
 - (b) Marijuana testing facility.
 - (c) Marijuana research facility.
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
 - (a) The name and address of owner(s) of the establishment;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;
 - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
 - (d) Proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter from the Town of Groton Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.
 - (e) All application requirements for major site plan review as specified in § **218-2.5.D.(2)** of this chapter unless certain nonapplicable requirements are waived by the Planning Board.

- (5) Mandatory findings. The special permit authority shall not issue a special permit for a marijuana establishment unless it finds that:
 - (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
 - (b) The establishment demonstrates to the satisfaction of the Planning Board that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
 - (c) The applicant has satisfied all of the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required.

E. Abandonment or discontinuance of use.

- (1) A special permit shall lapse if a final license has not been issued by the Cannabis Control Commission pursuant to CMR 500.103 within one year of issuance. The Planning Board may grant an extension if the applicant can demonstrate that despite diligent effort circumstances beyond their control have prevented the issuance of a final license and demonstrates to the satisfaction of the Planning Board that issuance of a final license is highly probable.
- (2) A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia within six months of ceasing operations.