$10.00

TOWN OF SHEFFIELD
ZONING BY-LAWS

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	July 31, 1995	May 2017
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	May 3, 2004	
	May 1, 2006	
	December 4, 2006	
	May 5, 2008	
	January 11, 2010	

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SHEFFIELD ZONING BY-LAWS
TOWN OF SHEFFIELD, MASSACHUSETTS
ADOPTED BY TOWN MEETING
January 11, 2010

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 Purpose.

These regulations are enacted to promote the general welfare of the Town of Sheffield, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, MGL c. 40A, as amended, Section 2A of 1975 Mass. Acts 808 and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.2 Authority.

These By-laws are enacted in accordance with the provisions of MGL, c. 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 Scope.

For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, setbacks and other open spaces, the density of population and the location and use of buildings, structures and land in the town are regulated as hereinafter provided.

1.4 Applicability.

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and the use of all premises in the town, shall be in conformity with the provisions of these By-laws. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of these By-laws imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of these By-laws shall control.

1.5 Amendments.

These By-laws may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in MGL c. 40A §5, and any amendments thereto.

1.6 Separability.

The invalidity of any section or provision of these By-laws shall not invalidate any other section or provision herein.

SECTION 2.0 DISTRICTS

2.1 Establishment.

For the purpose of these By-laws, the Town of Sheffield is divided into the zoning districts set forth below:

R - Rural
VC - Village Center
C - Commercial
GB - General Business

2.2 Overlay Districts.

In addition, the following overlay districts are also hereby established as set forth in Section 8.0:

AEOD - Adult Entertainment Overlay District
FPOD - Flood Plain Overlay District
RMDOD - Registered Marijuana Dispensary Overlay District
WSPD - Water Supply Protection District

2.3 District Purposes.

Each of the districts set forth below shall have the following purposes.

2.3.1 Rural District. The Rural District is intended to be used primarily for personal residence, agriculture, forestry, conservation, recreation and open space maintenance along with smaller, low intensity, non-disruptive business establishments that do not detract from the rural, residential nature of the district.

2.3.2 Village Center District. The Village Center District is intended to be used for traditional village center residential and commercial activities. This district recognizes the historically compact area of pedestrian-oriented residential and business uses. The range of permitted uses is wide, but designed to foster those uses which are not land intensive, are compatible with residential uses and may be accommodated within existing structures.

2.3.3 Commercial District. The Commercial District is intended to be used for commercial activities.

2.3.4 General Business District. The General Business District is intended to be used for light manufacturing and agricultural purposes.

The purposes of the overlay districts are set forth in Section 8.0.

2.4 Sheffield Zoning Map.

Zoning district boundaries are shown on the *Sheffield Zoning Map* as amended. That map shows the general boundaries of the zoning districts and overlay districts. Those boundaries are specifically delineated herein in Section 2.6.

All explanatory legend and memoranda thereon or attached thereto are hereby declared to be a part of these By-laws. Any change in the location of boundaries of a zoning district made through the amendment of these By-laws shall be indicated by the alteration of the *Sheffield Zoning Map*, and the *Sheffield Zoning Map*, thus altered, is declared to be a part of these By-laws thus amended. Photographic reductions of the *Sheffield Zoning Map* may serve as copies of the Zoning Map.

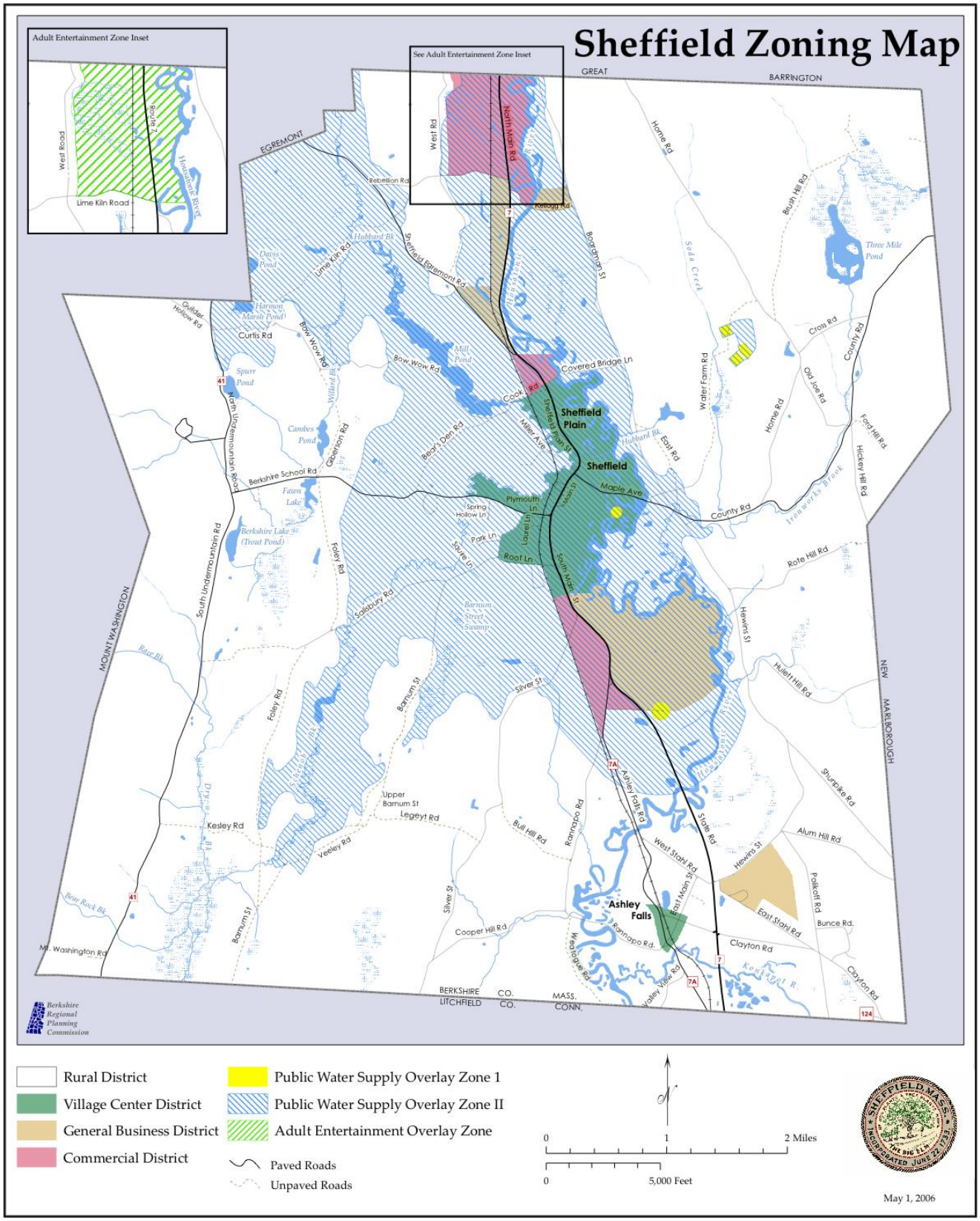
2.5 Interpretation of Map.

The following provisions shall govern interpretation of the *Sheffield Zoning Map*:

2.5.1 Split Lots.

1. Where a district boundary divides any lot existing at the time such district boundary is adopted, the zoning requirements for any district in which the lot has frontage on a street may be extended not more than 50 feet into the other district, however the land within this 50 foot area shall be controlled in a consistent manner by the zoning requirements applicable to only one district.

2. Split Lots in the Water Supply Protection District. In the Water Supply Protection District where the district boundary divides any lot existing at the time such district boundary is adopted, the zoning requirements of each district shall apply to the portion of the lot located in that district.


Sheffield Zoning Map
Adult Entertainment Zone Inset
See Adult Entertainment Zone Inset
GREAT BARRINGTON
EGREMONT
MOUNT WASHINGTON
NEW MARLBOROUGH
BERKSHIRE CO.
LITCHFIELD CO.
MASS.
CONN.
Sheffield Plain
Sheffield
Ashley Falls
Rural District
Village Center District
General Business District
Commercial District
Public Water Supply Overlay Zone 1
Public Water Supply Overlay Zone II
Adult Entertainment Overlay Zone
Paved Roads
Unpaved Roads
0 1 2 Miles
0 5,000 Feet
May 1, 2006

2.6 Delineations of Zoning District Boundaries.

1. Rural District. All land within the Town of Sheffield not included within any of the districts hereinafter delineated.

2. Village Center District.

1. Beginning at a point on Route 7, 1,300 feet south of the center of the intersection of Root Lane and Route 7; thence due easterly to the Housatonic River; thence northerly along the Housatonic River to Old Covered Bridge Lane; thence westerly along said Lane to Route 7; thence westerly along Cook Road to Hubbard Brook; thence southeasterly along Hubbard Brook to Schenob Brook; thence westerly and southerly along Schenob Brook to Berkshire School Road; thence easterly along Berkshire School Road to Salisbury Road; thence southerly on Salisbury Road to Root Lane; thence easterly on Root Lane to the right-of-way of the Housatonic Railroad Company; thence southerly 1,500 feet along said right-of-way; thence easterly to the place of beginning.

2. Beginning at a point located on East Main Street at a point 300 feet north of the center of the intersection of School Street and East Main Street; thence running parallel to said School Street in a westerly direction to Route 7A; thence continuing in the same westerly direction to a point 300 feet west of said Route 7A; thence running parallel to said Route 7A in a southerly direction to Rannapo Road; thence continuing in the same southerly direction to a point 300 feet south of said Rannapo Road; thence running in a northeasterly direction to a point on Route 7A located 300 feet southeasterly of center of its intersection with East Main Street (as measured along said Route 7A); thence in a northeasterly direction parallel to East Main Street to a point located 300 feet northerly of the centerline of Clayton Road and 300 feet easterly of the centerline of East Main Street; thence westerly to the place of beginning.

3. Commercial District.

1. Beginning at a point on the Great Barrington town line 300 feet easterly of West Road; thence in a southerly direction parallel to said West Road to Lime Kiln Road; thence easterly on Lime Kiln Road to Route 7; thence southerly on Route 7 to Kellogg Road; thence easterly and southerly on Kellogg Road to the Housatonic River; thence northerly along the Housatonic River to the Great Barrington town line; thence westerly along said town line to the place of beginning.

2. Beginning at the intersection of Cook Road and Route 7; thence westerly on Cook Road to the right-of-way of the Housatonic Railroad; thence northerly on said right-of-way to South Egremont Road; thence southeasterly on South Egremont Road to Route 7; thence due east to the Housatonic River; thence southerly along the Housatonic River to Old Covered Bridge Lane; thence southwesterly on Old Covered Bridge Land to the place of beginning.

3. Beginning at a point on Route 7, 1,300 feet south of the center of the intersection of Root Lane and Route 7; thence southerly on Route 7 to Pike Road, also known as the 12th Massachusetts Turnpike; thence westerly on Pike Road to Route 7A; thence southerly on Route 7A to Rannapo Road; thence southerly on Rannapo Road to the right-of-way of the Housatonic Railroad Company; thence northerly along said right-of-way to a point 1,500 feet south of Root Lane; thence easterly to the place of beginning.

4. General Business District.

1. Beginning at the intersection of Boardman Street and Kellogg Road; thence northerly on Boardman Street for a distance of 1,000 feet; thence running parallel to Kellogg Rd in a westerly direction to the Housatonic River; thence southerly along the Housatonic River to Kellogg Road; thence easterly on Kellogg Road to the place of beginning.

2. Beginning at the intersection of Route 7 and Lime Kiln Road; thence southerly on Route 7 to South Egremont Road; thence northwesterly on South Egremont Road to the intersection with West Road; thence due east to the right-of-way of the Housatonic Railroad Company; thence northerly along said right-of-way to Lime Kiln Road; thence easterly on Lime Kiln Road to the place of beginning.

3. Beginning at a point on Route 7, 1,300 feet south of the center of the intersection of Root Lane and Route 7; thence due east to the Housatonic River; thence southerly along the Housatonic River to Pike Road; thence westerly on Pike Road to Route 7; thence northerly on Route 7 to the place of beginning.

4. Beginning at a point located 700 feet westerly of Polikoff Road and 700 feet northerly of East Stahl Road; thence in a northerly direction parallel to Polikoff Road to Hewins Street; thence on Hewins Street to the center of the intersection of Hewins Street and East Stahl Road; thence on East Stahl Road a distance of 2,200 feet; thence 700 feet in a northeasterly direction perpendicular to East Stahl Road; thence southeasterly to the place of beginning. (Amended May 1, 1995))

5. Adult Entertainment Overlay District.

Beginning at a point on the Great Barrington town line 300 feet easterly of West Road; thence in a southerly direction parallel to said West Road to Lime Kiln Road; thence easterly on Lime Kiln Road to Route 7; thence easterly to the Housatonic River; thence northerly along the Housatonic River to the Great Barrington town line; thence westerly along said town line to the place of beginning.

6. Flood Hazard Zone.

Any area within the boundaries of the one-hundred-year flood as shown on the Floodplain Map prepared for the Federal Insurance Agency and on file in the Sheffield Town Clerk's office.

7. Water Supply Protection District. Includes all lands classified as Zone I and Zone II.

8. Registered Marijuana Dispensary Overlay District.

Beginning at a point on the Great Barrington town line 300 feet easterly of West Road; thence in a southerly direction parallel to said West Road to Lime Kiln Road; thence easterly on Lime Kiln Road to Route 7; thence easterly to the Housatonic River; thence northerly along the Housatonic River to the Great Barrington town line; thence westerly along said town line to the place of beginning.

SECTION 3.0 USE REGULATIONS

3.1 Principal Uses.

No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, or as otherwise set forth herein, or as exempted by MGL. Any structure or use of premises not herein expressly permitted is hereby prohibited.

3.1.1 Symbols. Symbols employed in the Table of Use Regulations shall mean the following:

Y - Permitted by right

N - Prohibited

ZBA - Special Permit / Zoning Board of Appeals

PB - Special Permit / Planning Board

SB - Special Permit / Board of Selectmen

3.1.2 If Classified Under More than One Use. Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

3.1.3 Table of Use Regulations.

Table of Use Regulations - Town of Sheffield Zoning By-laws

R = Rural District, VC = Village Center District, C = Commercial District, GB = General Business District

Y = Permitted by right, N = Prohibited, PB = Special Permit / Planning Board, ZBA = Special Permit / Zoning Board of Appeals, SB = Special Permit / Board of Selectmen

Any structure or use of premises not herein expressly permitted is hereby prohibited. All uses are subject to dimensional requirements established in Section 4.

Principal Use	District				Notes
	R	VC	C	GB	
A. Residential Uses					
1 .Single-family dwelling	Y	Y	Y	Y	Refer to Section 10, definition of Dwelling. Refer to Section 4.2 and the Table of Dimensional Regulations for dimensional requirements.
2. Two-family and three-family dwelling	Y	Y	Y	Y	Refer to Section 10, definition of Dwelling. Refer to Section 4.2.2 and the Table of Dimensional Regulations for dimensional requirements.
3. Multi-family dwelling containing up to 4 dwelling units	PB	PB	N	N	Refer to Section 10, definitions. Refer to Section 4.2.2 and the Table of Dimensional Regulations for dimensional requirements. Refer to Section 9.4 for Special Permit requirements.
4. Multi-family dwelling containing up to 6 dwelling units	N	PB	N	N	Refer to Section 10, definitions. Refer to Section 4.2.2 and the Table of Dimensional Regulations for dimensional requirements. Refer to Section 9.4 for Special Permit requirements.
5. Boarding house	N	PB	N	N	Refer to Sections 3.2.6.2, 4.2.2.3, 4.3.2.5, and 7.3

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Principal Use	**District**				**Notes**
	R	**VC**	**C**	**GB**	
B. Exempt Uses					
1. Agricultural use, exempt	Y	Y	Y	Y	Refer to Section 10, definitions.
2. Child care facility	Y	Y	Y	Y	Refer to Section 10, definitions.
3. Educational use, exempt	Y	Y	Y	Y	Refer to Section 10, definitions.
4. Farm stand, exempt	Y	Y	Y	Y	Refer to Section 10, definitions.
5. Religious use, exempt	Y	Y	Y	Y	Refer to Section 10, definitions.
6. Industrial Hemp	Y	Y	Y	Y	See Section 10 for definitions; By-Right (Y) use must conform to current MDAR Policy on Industrial Hemp. Requires 30 day prior written notice of commencement of operations to the Chief of Police and Town Administrator.
C. Institutional Uses					
1. Cemetery, nonmunicipal	Y	Y	N	N	
2. Government building or facility	Y	Y	Y	N	
3. Health care facility	PB	PB	PB	PB	Refer to Section 9.4 for Special Permit Requirements.
4. Library	Y	Y	Y	N	
5. Municipal use	Y	Y	Y	Y	Refer to Section 10, definitions.
6. Public utility facility	PB	PB	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
D. Commercial Uses					
1. Agricultural use, non-exempt	Y	Y	Y	Y	Refer to Section 10, definitions.
2. Bank	N	Y	Y	PB	Refer to Section 9.4 for Special Permit requirements.
3. Bed and breakfast establishment; guest house; inn	Y	Y	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
4. Business or professional office, individual	Ref. Sec.3.1.4	Y	Y	PB	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions. Refer to Section 9.4 for Special Permit requirements.
5. Craftsperson's shop	PB	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
6. Commercial greenhouse	PB	Y	Y	Y	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
7. Commercial radio and television tower	PB	N	PB	N	Refer to Section 9.4 for Special Permit requirements.
8. Educational use, non-exempt	N	N	N	N	Refer to Section 10, definitions.

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Principal Use	**District**				**Notes**
	R	**VC**	**C**	**GB**	
9. Farm stand, non-exempt	Y	Y	N	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit Requirements.
10. Farm supply store	Y	N	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
11. Funeral home	N	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
12. Golf course; country club; tennis club; riding stable	PB	PB	PB	N	Refer to Section 9.4 for Special Permit requirements.
13. Kennel, commercial	PB	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
14. Major commercial development	N	N	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements. Refer to Section 3.1.5.2 for size conditions.
15. Market	Ref. Sec.3.1.4	Y	Y	PB	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions. Refer to Section 9.4 for Special Permit requirements.
16. Hotel, motel	N	N	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
17. Motor vehicle body repair	N	Y	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
18. Motor vehicle general repair	N	Y	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
19. Motor vehicle light service	N	Y	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
20. Motor vehicle sales	N	N	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
21. Museum, public and private	Y	N	N	Y	
22. Nursing, convalescent and rest home	PB	PB	PB	N	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
23. Personal wireless service facility and tower	PB	N	PB	N	Refer to Section 7.1, Personal Wireless Service Facilities, Repeaters and Towers, for definitions and Special Permit requirements.
24. Political campaign office	N	Y	Y	N	
25. Post office, public transportation terminal	N	Y	Y	N	
26. Repeater	PB	PB	PB	PB	Refer to Section 7.1, Personal Wireless Service Facilities, Repeaters and Towers, for a definition and Special Permit requirements.
27. Restaurant	Ref. Sec. 3.1.4	Y	Y	PB	Refer to Section 10, definitions. Refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions. For GB District, refer to Section 9.4 for Special Permit requirements.

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Any structure or use of premises not herein expressly permitted is hereby prohibited. All uses are subject to dimensional requirements established in Section 4.

Principal Use	**District**				**Notes**
	R	**VC**	**C**	**GB**	
28. Restaurant, drive-thru	N	N	N	N	
29. Restaurant, fast-food	N	N	N	N	
30. Retail establishment for the sale of produce, wine, and dairy products	N	Y	N	N	
31. Retail store, individual	Ref. Sec. 3.1.4	Y	Y	PB	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions. Refer to Section 9.4 for Special Permit requirements
32. Retail store, provided all items for sale are manufactured on-site	N	N	N	Y	
33. Service establishment, general	Ref. Sec.3.1.4	Y	Y	N	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions.
34. Service establishment, personal	Ref. Sec. 3.1.4	Y	Y	N	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions.
E. General Business Uses					
1. Commercial airfield	N	N	N	PB	Refer to Section 9.4 for Special Permit requirements.
2. Construction business and related heavy vehicle storage	PB	N	N	Y	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
3. Dump, private and commercial landfill	N	N	N	N	Refer to Section 10, definitions.
4. Fuel distribution business	N	N	N	Y	Refer to Section 10, definitions.
5. Junkyard or salvage yard	N	N	N	N	
6. Light manufacturing	N	N	PB	PB	Refer to Section 7.2 for performance standards for light manufacturing uses. Refer to Section 9.4 for Special Permit requirements.
7. Research laboratory	N	N	N	PB	Refer to Section 9.4 for Special Permit requirements.
8. Warehouse	N	N	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
9. Wholesale business & storage in an enclosed structure	N	N	N	PB	Refer to Section 9.4 for Special Permit requirements.
F. Other Uses					
1. Conservation or open space area, recreation, common or park lands	Y	Y	Y	Y	

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Any structure or use of premises not herein expressly permitted is hereby prohibited. All uses are subject to dimensional requirements established in Section 4.

Principal Use	**District**				**Notes**
	R	**VC**	**C**	**GB**	
2. Excavation of soil, sand, gravel, stones or other earth material					Refer to Town of Sheffield By-Laws, Chapter 102.
3. Large Scale Solar Photovoltaic Installations	PB	PB	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements. Refer to Section 7.4
G. Accessory Uses					Refer to Section 3.2, Accessory Uses or Structures
1. Accessory use, unless otherwise specified	Y	Y	Y	Y	Refer to Section 10, definitions.
2. Accessory structure	Y	Y	Y	Y	Refer to Section 3.2.5.
3. Accessory single-family dwelling unit/ Village Center District	N	Y	N	N	Refer to Section 3.2.6.
4. Accessory single-family dwelling / Commercial District	N	N	PB	N	Refer to Section 3.2.7. Refer to Section 9.4 for Special Permit requirements.
5. Accessory single-family dwelling unit/General Business District	N	N	N	PB	Refer to Section 3.2.8. Refer to Section 9.4 for Special Permit requirements.
6. Accessory Apartment	PB	PB	N*	N*	Refer to Section 10, definitions. Refer to Section 3.2.9. Refer to Section 9.4 for Special Permit Requirements. * Refer to Section 10, definition of dwelling for the allowance of accessory single family dwelling units in these districts.
7. Craftsperson's shop	PB	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements. Refer to Section 3.2.2.
8. Drive-in facility	N	N	N	N	
9. Family day care, small	N	PB	PB	N	Refer to Section 10, definitions. Refer to Section 3.2.4.
10. Family day care, large	N	PB	PB	N	Refer to Section 10, definitions. Refer to Section 3.2.4.
11. Home occupation	Y	Y	PB	PB	Refer to Section 9.4 for Special Permit requirements.
12. Mobile home as temporary living quarters	Y	N	N	N	Refer to Section 10, definitions. Refer to Section 3.2.3.
13. Small Scale Solar Photovoltaic Installations	Y	Y	Y	Y	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements. Refer to Section 7.4
H. Adult Use Marijuana Establishment					
1. Marijuana Cultivator, Indoors	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
2. Marijuana Cultivator, Outdoors	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
3. Craft Marijuana Cooperative	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5,

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Principal Use	**District**				**Notes**
	R	**VC**	**C**	**GB**	
					8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
4. Marijuana Product Manufacturer	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
5. Marijuana Retailer	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
6. Marijuana Research Facility	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
7. Marijuana Independent Testing Laboratory	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
8. Marijuana Transporter	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
9. Marijuana Microbusiness	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
10. Any Other Type of Licensed Marijuana-Related Business	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
11. Non-Residential On-Premises Consumption, i.e. Marijuana Cafes	N	N	N	N	No use listed in Section 3.1.3.H allows for on-site consumption.

3.1.4 Commercial Uses in the Rural District. The following commercial uses in the Rural District –retail store, individual; service establishment, personal and general (not to include new or used automobile sales); business or professional office, individual; market; and restaurant (not including restaurant, drive in) - are allowed by right provided each such commercial use conforms to the following criteria:

1. occupies not more than 3,000 square feet in gross floor area;
2. is located on an individual lot of not less than 5 acres;
3. all parking is located to the rear of such structure;
4. is operated completely within a structure having a façade, size and scale typical of residential structures as determined by the Building Inspector after consultation with the Planning Board and Board of Selectmen.

For these same commercial uses which do not meet these criteria, a Special Permit from the Planning Board is required, which shall require the use to conform to the criteria specified in Section 3.1.4.4.

3.1.5 Commercial Uses in the Village Center District and Commercial District.

1. The following commercial uses in the Village Center District - retail store, individual; service establishment, personal and general (not to include new or used automobile sales); market; and restaurant - are allowed by right provided each such establishment occupies a single structure of not more than 10,000 square feet of gross floor area on an individual lot.
2. The following commercial uses in the Commercial District - retail store, individual; service establishment, personal and general; market; and restaurant - are allowed by right provided each such establishment occupies a single structure of not more than 10,000 square feet of gross floor area on an individual lot.

3.2 Accessory Uses or Structures.

3.2.1 Home Occupation. A home occupation shall be allowed as an accessory use of a single or two-family residential structure, involving provision or sale of goods and / or services (including members of the building trades such as carpenters, electricians, plumbers, etc.) and the creation of handicrafts and artwork:

1. by right in the Rural District and Village Center District; and
2. by Special Permit in the Commercial District and General Business District;

provided that the home occupation:

1. is carried on by members of the family residing on the premises and has regularly no more than one full-time or three part-time (less than 20 hours per week), non-resident assistant(s) or employee(s);
2. is clearly incidental, secondary and accessory to the use of the structure for residential purposes and comprises not more than 30% of the total floor area of the residence;
3. has no onsite advertising, other than one unlit sign of not more than 10 square feet in area;
4. has no external storage visible from any public highway or neighboring residence;
5. does not generate vehicular traffic exceeding that normally expected in residential areas;
6. produces no external effects not normally associated with the use of residential property;
7. has sufficient off-street parking spaces available to provide for the parking needs generated;
8. has no external alteration to the structure which would change the residential character of the dwelling;
9. has no artificial outdoor illumination, other than the normal and customary outdoor lighting for single-family residences (such as a customary porch light or garage light or walkway light).

3.2.2 Craftsperson's shop. In the Rural and Village Center Districts, a craftsperson's shop may be permitted by Special Permit. (Refer to Section 10, Definitions.)

3.2.3 Mobile Home as Temporary Living Quarters. One mobile home, located on a lot meeting the requirements of Section 4, and meeting the requirements of the state environmental code, Title 5, 310 CMR 15.00, may be occupied as temporary living quarters by the owner of the land on which it is located, provided that such owner is in the process of constructing a permanent residence for their occupancy on such land, and further provided that such mobile home shall only be allowed on such lot during the one year period after the initial issuance of a building permit for such permanent residence.

3.2.4 Family Day Care. Small and large family day care may be permitted by Special Permit in the Village Center and Commercial Districts. (Refer to Section 10, Definitions.)

3.2.5 Accessory Structures. Accessory structures on the same lot, such as garages, stables, barns, tool sheds, farm buildings and enclosures are permitted by right in all districts. Tennis courts and swimming pools are allowed by right in the Rural District, the Village Center District and the Commercial District.

3.2.6 Accessory Single-Family Dwelling Unit / Village Center District.

1. A single family dwelling unit is allowed by right in the Village Center District as an accessory use located within a building where the principal use is one of the following allowed uses: agricultural use, exempt; agricultural use, non-exempt; child care facility; farm stand, exempt; farm stand, non-exempt; bank; commercial greenhouse; funeral home; service establishment, general; service establishment, personal; hotel; inn; bed and breakfast establishment; guest house; business or professional office, individual; retail store, individual; retail establishment for the sale of produce, wine and dairy products; motor vehicle general repair; motor vehicle body repair; motor vehicle light service; market; museum, public and private; political campaign office and restaurant.
2. A single-family dwelling unit is allowed in the Village Center District as an accessory use located within a building where the principal use is a boarding house

3.2.7 Accessory Single-Family Dwelling Unit / Commercial District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the Commercial District, per Section 3.1.3 Table of Use Regulations.

3.2.8 Accessory single-family dwelling unit / General Business District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the General Business District, per Section 3.1.3 Table of Use Regulations.

3.2.9 Accessory Apartments

3.2.9.1 Purpose.

1. Add moderately priced rental units, including workforce housing, to the housing stock of the Town.
2. Provide homeowners with a means of obtaining rental income, companionship, security and/or services, thereby enabling them to stay more comfortably in their homes.
3. Protect property values and the single family residential character of neighborhoods by ensuring that accessory apartments are permitted by Special Permit only on owner occupied premises.

3.2.9.2 Accessory Apartments in the Rural District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Rural District only where the principal use of the lot is an owner occupied single-family dwelling, bed and breakfast establishment, guesthouse, or inn, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.3 Accessory Apartments in the Village Center District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Village Center District only where the principal use of the lot is an owner occupied single-family dwelling, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.4 Accessory Apartment Standards.

1. An accessory apartment shall only be constructed within an existing principal building or structure, an existing attached accessory building or structure, or an existing detached accessory building or structure.

2. Only one accessory apartment shall be permitted on a lot.

3. The gross floor area of an accessory apartment constructed within a principal building or structure shall not exceed forty percent (40%) of the gross floor area of the principal building or structure, not including a garage or detached buildings, or 800 square feet, whichever is less. The gross floor area of an accessory apartment constructed within an accessory building or structure shall not exceed 800 square feet. The gross floor area of an accessory apartment shall not be less than 300 square feet, even if this exceeds the maximum requirement above. The principal dwelling unit shall not be reduced to less than 300 square feet.

4. The owner of the lot must occupy either the accessory apartment or the principal dwelling unit. Prior to the issuance of a Special Permit for an accessory apartment, the owner of the lot must submit a notarized affidavit certifying occupancy of either the accessory apartment or the principal dwelling unit.

5. When a structure, which has received a Special Permit for an acc3ssory apartment, is conveyed, the new owners, if they wish to continue to exercise the Special Permit, must within thirty (30) days of the conveyance, submit a notarized affidavit to the Building Inspector stating continued occupancy of either the accessory apartment or the principal dwelling unit. Failure to submit a notarized affidavit within thirty (30) days from the date of conveyance shall result in the lapse of the Special Permit.

6. The principal or accessory structure or building that will contain an accessory apartment shall not be enlarged or extended in connection with the construction or modification of an accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or to create or enclose an entryway or stairway.

7. All parking for the occupant(s) of an accessory apartment shall be off-street. The Planning Board may require a minimum and/or set a maximum number of off-street parking spaces and impose other conditions to ensure the availability of adequate off-street parking which is in keeping with the character of the neighborhood.

8. An accessory apartment shall meet all applicable standards for the State Building Code (780 CMR) and the State Environmental Code, Title V (310 CMR15.00) and subsequent revisions thereof.

3.2.9.5 Recording of Special Permit for Accessory Apartment. Every Special Permit issued for an accessory apartment shall contain the following condition: No Building Permit shall be issued for the accessory apartment until evidence of the recording of the Special Permit, in accordance with GL c.40A§11, has been provided to the Building Inspector.

SECTION 4.0 DIMENSIONAL REQUIREMENTS

4.1 General.

No structure shall be erected, altered, moved or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless otherwise exempted by these By-laws or by statute.

4.2 Dimensional Regulations

4.2.1 Table of Dimensional Regulations. The Table of Dimensional Regulations describes the minimum lot area requirements, minimum frontage requirements, minimum front setback requirements, minimum rear and side setback requirements, maximum lot coverage requirements and maximum building height requirements in each of the zoning districts.

Table of Dimensional Regulations

DISTRICT	Minimum Lot Area	Minimum Frontage	Minimum Front Setback	Minimum Rear & Side Setback	Maximum Lot Coverage	Maximum Building Height
Rural	one acre	100 feet	40 feet	20 feet	25%	35 feet
Rural with public water	one-half acre	100 feet	40 feet	20 feet	25%	35 feet
Village Center	one-half acre	50 feet	20 feet	10 feet	75%	35 feet
Commercial	one acre	100 feet	40 feet	20 feet	50%	35 feet
General Business	four acres	200 feet	100 feet	75 feet	50%	35 feet

- The structure must be less than the maximum building height on at least one side of the structure, however no portion of the building may be greater that 150% of the stipulated maximum building height.
- Refer to Section 7.1.9.6 for the height of a tower under Section 7.1.
- Refer to Section 8.1 for additional dimensional regulations and restrictions applicable to the Adult Entertainment Overlay District.
- Refer to Section 8.2 for additional dimensional regulations and restrictions applicable to the Flood Hazard Zone.
- Refer to Section 8.3 for additional dimensional regulations and restrictions applicable to Zone I and Zone II of the Water Supply Protection District.

4.2.2 Additional Dimensional Regulations.

1. Dimensional requirements for other than a single-family dwelling. The minimum dimensional requirements are increased as follows:
    1. In the Rural District for two and three-family dwellings allowed by right and multi-family dwellings of up to four dwelling units permitted by Special Permit; in the Commercial District for two and three-family dwellings allowed by right; and in the General Business District for two and three-family dwellings allowed by right: by an additional 1/2 acre of lot area for each additional dwelling unit and by an additional 50 feet of frontage for each additional dwelling unit.

    2. In the Village Center District for two and three-family dwellings allowed by right, by an additional 1/2 acre of lot area for each additional dwelling unit and an additional 25 feet of frontage for each additional dwelling unit; for multi-family dwellings of up to six dwelling units permitted by Special Permit, by an additional 20,000 square feet of lot area for each additional dwelling unit and by an additional 50 feet of frontage for each additional dwelling unit.

4. In the Village Center District for a boarding house allowed by Special Permit, for each of the up to 10 boarder units the minimum lot area requirement is increased by an additional 20,000 square feet and the lot frontage requirement is increased by an additional 25 feet over that required for a single-family residence.

4.3 Special Requirements

4.3.1 Corner Vision.
No sign, opaque fence, hedge or similar obstruction shall be permitted to block vision at eye level between streets within 30 feet from their intersection.

4.3.2 Residential Lot Footprint.

1. Every single-family dwelling erected, established or relocated and making use of public water shall be on a lot of such shape that a square with 100 feet on each side will fit on the lot.

2. Every single-family dwelling erected, established or relocated and not making use of public water shall be on a lot of such shape that a square with 150 feet on each side will fit on the lot.

3. Every two-family dwelling erected, established or relocated shall be on a lot of such shape that a square with 200 feet on each side will fit on the lot.

4. Every three-family dwelling erected, established or relocated shall be on a lot of such shape that a square with 250 feet on each side will fit on the lot.

5. Every boarding house hereafter erected, established or relocated shall be on a lot of such shape that a square with 250 feet on each side will fit on the lot.

4.3.3 Alternative Lot Dimensions. The Planning Board may permit by Special Permit within the Rural District, alternative minimum lot dimensions in accordance with the following:

1. For each additional 1/2 acre (21,780 square feet) of lot area above that specified in the Table of Dimensional Regulations, minimum lot frontage may be reduced by 10 feet;

2. No new lot shall have less than 50 feet of continuous frontage;

3. The minimum front setback requirement for any structures built on such a lot shall be increased by 1.5 feet for each foot of reduction in minimum lot frontage;

4. This provision shall only apply to lots which were in existence on January 25, 1994 and within the area of any such lot only one Special Permit may be granted allowing the creation of one new lot with alternative lot dimensions;

5. Dwelling units constructed on such lots shall be located within an area of the lot which satisfies the Residential Lot Footprint requirements of Section 4.3.2.

6. Applicants for a Special Permit under this Section shall first file for the Special Permit. If granted, applicant shall promptly record the Special Permit as specified in the Planning Board Rules and Regulations.

7. The Planning Board shall have the right to waive Approval Not Required Plan (Form A) fees for applicants under this Section in accordance with the Planning Board Rules and Regulations.

4.4 Open Space Requirement

Land included within all setback requirements shall be maintained as unoccupied natural or landscaped space. This restriction does not apply to fences, utility poles, driveways, septic systems, wells, underground utility services, projections allowed to encroach on building lines by the Commonwealth of Massachusetts State Building Code and certain signs authorized herein. Accessory buildings and structures must meet front, rear and side setback requirements.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1. Applicability.

These By-laws shall not apply to uses or structures lawfully in existence or lawfully begun, or to a building permit or Special Permit issued, before the first publication of notice of the public hearing as required by MGL c. 40A §5 at which these By-laws, or any relevant part thereof, were adopted or amended. Such prior lawfully existing or lawfully begun nonconforming uses and structures may continue, provided that no modification thereof shall be made unless permitted by this Section 5.

Pursuant to MGL c. 40A §6, construction or operations under a building permit shall conform to these By-laws and any subsequent amendments hereto unless the use or construction is commenced within six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

5.2. Special Permit Required.

Subject to Sections 5.3 and 5.4, the issuance of a Special Permit from the Zoning Board of Appeals shall be required for each of the following:

1. Alteration, change or substantial extension of a nonconforming use, except that a change within the same land use type (such as a change from one retail use to another retail use) shall be permitted without a Special Permit from the Zoning Board of Appeals; or

2. Reconstruction, extension or structural change of a nonconforming structure or alteration of a nonconforming structure to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except that no Special Permit from the Zoning Board of Appeals shall be required for the alteration, reconstruction, or extension of residential structures in the General Business or Commercial Districts which were lawfully existing as of May 23, 1994 provided such structures meet the dimensional requirements of the district in which they are located.

No Special Permit may be issued by the Zoning Board of Appeals unless it determines that the relevant modification referred to above will not be substantially more detrimental to the neighborhood than the original nonconforming use or structure.

5.3. Variance Required.

Subject to Section 5.4, the alteration, reconstruction, extension or structural change of a nonconforming structure, if and to the extent the same increases the nonconforming nature of such structure or creates a new nonconformity, shall require the issuance of a variance by the Zoning Board of Appeals instead of a Special Permit pursuant to Section 5.2.

5.4. Nonconforming Single and Two-Family Residential Structures.

A nonconforming single or two-family residential structure may be reconstructed, altered, extended or structurally changed if the Zoning Board of Appeals has issued a Special Permit therefore pursuant to Section 5.2. No Special Permit shall be required if alteration, reconstruction, extension or structural change does not increase the nonconforming nature of said structure.

5.5. Abandonment or Non-Use.

A nonconforming use which has been abandoned or not used for a period of more than two years shall lose its protected status under this Section 5 provided that, if the owner of the property on which such nonconforming use is located files with the Town Clerk, annually, a notice of intent to re-establish such nonconforming use, such protected status may continue for up to five years after such abandonment or the discontinuance of the nonconforming use.

5.6. Reconstruction or Restoration after Catastrophe.

A nonconforming structure may be reconstructed or restored after having being damaged or destroyed by fire, explosion or any other catastrophe, provided that such reconstruction or restoration shall be undertaken within two years after such damage or destruction and provided there is no increase in the nonconforming nature of such structure as restored or reconstructed.

5.7. Reversion to Nonconformity.

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

SECTION 6.0 GENERAL REGULATIONS

6.1 On-site Parking and Loading Requirements.

6.1.1 General.

1. Parking and loading shall be provided in accordance with this section for any building or use erected, enlarged or increased. Parking and loading space shall be maintained and shall not be encroached upon so long as said principal building or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with these By-laws.
2. The parking spaces required shall be located on the same lot as the principal use or on a lot adjacent to the lot on which the principal use is located. The required parking for any 2 or more uses or structures may be provided by the allocation of the total of the various spaces required for each use or structure in a common parking facility, cooperatively established and operated.
3. In the case where the same people are using multiple buildings, a single parking lot can be built for the capacity of the projected traffic.
4. If a site plan review is required, the number of parking spaces shall be determined by the Planning Board.
5. These off-street parking requirements shall not apply to uses within the Village Center District or to single or two-family residences.
6. An off-street parking space as used herein shall be a space 9 feet in width and 20 feet in length.
7. Off-street parking spaces shall be provided for all new uses or buildings constructed, reconstructed or enlarged, for the capacity needed for the projected traffic, unless otherwise provided for by the town.
8. In all cases parking must be designed and controlled to ensure public safety.

6.1.2. Number of Loading Spaces.

Every hospital, office building, warehouse or industrial building, or additions thereto to which or from which outside deliveries of materials or dispatches of materials are to be made by motor transport, and totaling 8,000 square feet or more in floor area, constructed, reconstructed or enlarged shall have on the lot one permanently maintained loading space and one additional loading space for each additional 16,000 square feet of gross floor area or major portion thereof, excluding basements.

6.1.3. Design Requirements.

1. The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions and traffic congestion in the street upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area.
2. Parking areas and spaces are to be designed to permit safe access and exit of vehicles, and to prevent vehicles from backing onto driveways or streets.
3. Any enclosed loading space shall be located at least 40 feet from any street line and any loading space shall be so designed that trucks when loading or unloading will not project over any public way.
4. Individual parking and loading spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Building Inspector.
5. No access drive, aisle or maneuvering area shall have a turning radius of less than 20 feet.
6. Where vehicles will be located adjacent to sidewalks, fences, walls, required buffer strips, trees, landscaping, or similar constructions, a suitable bumper or curb shall be provided in such a location that the vehicle cannot overhang or otherwise damage said obstruction.
7. Off-street parking and loading areas associated with uses requiring more than 10 parking spaces shall be surfaced with a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. The surface shall be delineated so that the parking spaces are apparent.
8. Any lighting used to illuminate any off-street parking or loading area shall be shielded and so arranged as to reflect the light away from adjoining premises and public rights-of-way.
9. Provision shall be made for at least 1 shade tree for every 10 parking spaces required and a tree shall be planted adjacent to every 10th parking space whenever possible to ensure even distribution. Trees shall be planted in landscape areas with a minimum size of 6 feet by 6 feet. Planting shall be done in accordance with proper landscaping practices. Trees which die or become diseased shall be replaced. Minimum trunk size shall be 2 inch diameter at the time of planting, measured 4 feet above ground level.
10. All parking areas with more than 15 spaces and all loading areas shall have located and maintained appropriate landscaping of suitable type, density and height to screen the parking area from abutters.

11. Access drives shall be arranged for the free flow of vehicles at all times and all maneuvering spaces and aisles shall be so designed that all vehicles must exit from and enter into a public street in a forward direction.
12. All portions of all parking spaces and maneuvering aisles shall be set back a minimum of 5 feet from any wall of a building.
13. Parking areas are not to be constructed within minimum front, rear or side setback areas.

6.1.4. Access Drives.

1. No driveway or access road, to or from any property, shall be so located at its juncture with a street as to create a danger or menace to the community or to the convenience or proper use of the adjoining property.
2. No driveway shall provide access to a lot located in another zoning district, if said lot is used for any use, principal or accessory, not permitted in the district in which such driveway is located.
3. No driveway shall be located closer than 25 feet to any street intersection measured along the street lines. Except in the Rural District, no two exit driveways on the same lot shall be located closer than 75 feet to each other at their closest limits.
4. No lot having less than 200 feet of street frontage shall have more than two driveway entrances and / or exits on each street abutting the lot. Lots with more than 200 feet of street frontages may have up to one driveway entrance and / or exit for each 200 feet of additional street frontage.
5. Any driveway or access road which will service more than two lots must be designed and constructed in accordance with the requirements of the *Rules and Regulations Governing the Subdivision of Land in Sheffield*, as most recently amended.

6.1.5. Common Driveway.

1. Any driveway which will service more than one (1) lot will be designated a common driveway and shall be designed and constructed in accordance with the requirements of the Rules and Regulations Governing the Subdivision of Land in Sheffield, MA as most recently amended.

6.2 Signs

6.2.1 Area of a Sign. The area of a sign shall be determined by the outermost rectangular perimeter of any design or device including the sign structure.

6.2.2. General Requirements.

1. No sign shall be placed or worded, designed, colored or illuminated so as to obscure or distract from signs regulating traffic.
2. No sign shall be located so as to obstruct vision at the corners of intersecting streets.
3. Signs are not to be illuminated or placed in such a manner as to create a hazard to pedestrians or to motor vehicle traffic.
4. Off-site signs, including billboards, are prohibited.
5. No sign shall contain any moving, flashing or animated lights, or lights of varying intensity, or visible moving or moveable parts.
6. All signs, together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected shall be responsible for keeping such sign and premises around it in safe, neat and clean condition.
7. Free-standing signs may not be more than 10 feet above the ground at the highest point.
8. Upon termination of any business or use which has employed a sign, that sign shall be removed. Any subsequent use will employ signs which conform to this section.
9. No sign shall be erected or maintained with any lighting or control mechanism which causes radio or television interference.
10. In the Village Center District, signs attached to a building or structure shall not project more than 8 inches from the face of the building.
11. No signs shall be erected on a roof unless a Special Permit is granted by the Planning Board.
12. No sign shall project over any public sidewalk or street.

6.2.3. Signs Excluded From Regulation. The following signs are exempt from the provisions of this section:

1. Signs not exceeding 4 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupant; 2) signs

on mailboxes or newspaper tubes; and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
3. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
4. Signs not exceeding 4 square feet in area directing and guiding traffic on private property and that bear no advertising matter.
5. Bulletin board, identification signs, directional signs for Places of Worship not exceeding 12 square feet in area.
6. Signs painted on or otherwise permanently attached to currently registered motor vehicles that are not primarily used as signs.
7. Temporary non-illuminated political signs.
8. A sign, not exceeding 4 square feet in area, erected by any fraternal, civic, religious, or service organization or club announcing its presence in the town and the time and place of its regular meeting.
9. Signs not exceeding 12 square feet announcing special events, such as fairs, shows or fund drives, erected by a governmental body or a non-profit fraternal, civic, religious or service organization or club. Such signs shall be removed within 7 days of the close of such event.

6.2.4 Signs permitted in All Districts. The following signs may be placed upon any lot within the town:

1. One temporary non-illuminated sign, not exceeding 5 square feet in area, advertising the sale or lease of the premises, or advertising renovation or repairs being performed by tradesmen.
2. A non-illuminated marker not to exceed 2 square feet identifying an historic building or site.
3. Accessory signs directing traffic to entrances or exits from the building or parking area provided that:
    1. No freestanding directional sign exceeds 2 square feet in area, or is placed higher than 5 feet above the ground;
    2. No such sign is closer than 10 feet to a street lot line;
    3. The number of such signs is limited to the minimum necessary to give clear directions;
    4. The sign bears no advertising matter.

6.2.5 Signs related to Commercial Activities.

1. Permitted by Right. The following types of signs advertising commercial business and services shall be permitted:
    1. Within the Village Center District, the Commercial District or the General Business District one primary sign, not exceeding 20 square feet in area, and one secondary sign, not exceeding 8 square feet, advertising a commercial or industrial use, is allowed.
    2. Within Rural districts, one primary sign, not exceeding 12 square feet in area, and one secondary sign, not exceeding 4 square feet.
2. Permitted by Special Permit. The Planning Board may grant a Special Permit for a greater number of signs or for signs larger than those permitted by right in Section 6.2.5.1 if the Board finds that additional or larger signs meet the following design criteria:
    1. The proposed signs will be consistent with the character and use of the areas in which they are placed.
    2. Every sign will have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.
    3. Every sign has been designed as an integral architectural element of the building and site to which it principally relates.
    4. The proposed colors, materials and illumination, which shall not be internal, of every sign proposed is restrained and harmonious with the building and site to which it principally relates.
    5. The number of graphic elements on each sign has been held to the minimum needed to convey the sign's major message and is in proportion to the area of the sign face.
    6. Each sign will be compatible with, and will not compete for attention with, signs on adjoining premises.

The Board may not grant a Special Permit for any sign of a size more than 50% larger than that permitted under 6.2.5.1 above or for more than four signs to be placed upon any lot. Further, the Board may not grant a Special Permit for a combined square footage of all signs exceeding 50 square feet.

SECTION 7.0 SPECIAL REGULATIONS

7.1 Personal Wireless Service Facilities, Repeaters and Towers

7.1.1. Purposes.

1. To preserve the character, appearance and property values of the town while simultaneously allowing adequate personal wireless services to be developed.
2. To protect the scenic, historic, environmental and natural or man-made resources of the community.
3. To provide standards and requirements for regulation, placement, design, construction, operation, maintenance, monitoring, modification and removal of personal wireless service Facilities, repeaters and towers.
4. To provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify personal wireless service Facilities, repeaters and towers.
5. To locate and configure personal wireless service Facilities, repeaters and towers to minimize and mitigate negative impacts, such as, but not limited to, adverse visual impact, attractive nuisance, noise and falling objects, on the general safety, welfare and quality of life of the community.
6. To the extent feasible and desirable, require the clustering, sharing and camouflaging of personal wireless service Facilities, repeaters and towers.

7.1.2. Consistency with Federal Law. This Section is intended to be consistent with The Telecommunications Act of 1996 in that it does not: a) prohibit or have the effect of prohibiting the provision of personal wireless services; b) intend to be used to unreasonably discriminate among Providers of functionally equivalent personal wireless services; and c) regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and Facilities comply with the FCC's regulations concerning such emissions.

7.1.3. Definitions. As used in this Section, the following terms shall have the meanings indicated:

Act: The Telecommunications Act of 1996.

Adequate coverage: Coverage is considered to be “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal for at least 75% of the covered area is greater than -95 dBm. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95 dBm, as long as the signal regains its strength to greater than -95 dBm farther away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain strength of greater than -95 dBm.

Adequate capacity: Capacity is considered to be "adequate" if the Grade of Service is p.05 or better for a worst case day in a preceding month, based on the Erland B Tables, prior to the date of application; or as measured using direct traffic measurement of the personal wireless service Facility in question for existing Facilities requesting major modification, and where the call blocking is due to frequency contention at the antenna(s).

Antenna: A device that is attached to a tower, or other structure, for transmitting and receiving electromagnetic waves.

Available space: The space on a tower or other structure to which antenna(s) of a personal wireless service Provider are both structurally able and electromagnetically able to be attached.

Base station: A primary sending and receiving site in a wireless telecommunications network.

Channel: The segment of the radiation spectrum from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

Communication equipment shelter: A structure located at a base station designed principally to enclose equipment used in connection with personal wireless service transmissions.

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

Electromagnetically able: The determination that the new signal from and to the proposed new antenna(s) will not significantly interfere with the existing signals from and to other Facilities located on the same tower or structure as determined by the Special Permit Granting Authority after consultation with a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

EMF - Electromagnetic Frequency Radiation.

Facility site: The location owned, leased or otherwise used by one or more personal wireless service Providers and upon which one or more personal wireless service Facility(ies) and required landscaping are located.

Facility/Tower Special Permit (F/TSP) - The Special Permit required in order to install any tower or personal wireless service Facility or for any major modification of an existing Facility.

FCC – U. S. Federal Communications Commission.

FCC 96-326 - A Report and Order that sets national standards for emissions of Radio Frequency emissions from FCC-regulated transmitters. This Report and Order is now contained within Title 47 Regulations, Section 1, §1.1307.

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

Major modification of an existing Facility: Any change, or proposed change, in power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing Special Permit. Also any change, or proposed change, in the dimensions of an existing and permitted tower or other structure designed to support personal wireless service transmission, receiving and/or relaying antennas and/or equipment or any other change, or proposed change, in any such tower or structure or in any personal wireless service facility installed thereon that would have an impact on the interests specified in Section 12.1 of these By-laws as determined by the Special Permit Granting Authority.

Major modification of an existing repeater: Any removal of or change in location of or any increase in the dimensions of any repeater for which a Special Permit has been received.

Monitor/monitoring: The measurement, by the use of instruments in the field, of the radiation from a site as a whole, or from individual personal wireless service Facilities, towers, antennas or repeaters.

Monitoring protocol: A testing protocol, as adopted by the Special Permit Granting Authority, to be used to monitor the emissions from existing and new personal wireless service Facilities, repeaters and towers upon adoption of this Section. As technology changes, the Special Permit Granting Authority may adopt a new monitoring protocol. A copy of the monitoring protocol shall be on file with the Special Permit Granting Authority and the Town Clerk.

Monopole: A single vertical pole with below grade foundations.

Personal wireless services(s): Commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services and any future technologies that expand and/or are extensions of the delivery of communication services. These services include, but are not limited to: cellular services, personal communications services (PCS), specialized mobile radio services, and paging services.

Personal Wireless Service Facility (Facility): All equipment (<u>excluding</u> any repeaters) with which a personal wireless service Provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof. A Facility may be sited on one or more towers or structure(s) owned, leased or otherwise used and permitted by another owner or entity.

Personal Wireless Service Provider (Provider): An entity, licensed by the FCC, to provide personal wireless services to individuals or organizations.

Radial plots or radiation propagation studies: Computer generated estimates of the radiation emanating from antenna(s) or repeater(s) sited on a specific tower or structure. The height above mean sea level, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether a Facility site will provide adequate coverage for the personal wireless service Facility proposed for that site.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas that are not able to receive adequate coverage directly from a base station.

Repeater site: The location leased or otherwise used by one or more Providers and upon which one or more repeater(s) and required camouflage or screening are located.

Repeater Special Permit (RSP): The Special Permit required in order to install any repeater, or for major modification of an existing repeater, within the town.

Special Permit Granting Authority: The Planning Board shall be the Special Permit Granting Authority for this Section.

Structurally able: The determination that a tower or structure is capable of carrying the load imposed by new antenna(s) under all reasonably predictable conditions as determined by a structural engineering analysis as required by this Section.

Teleport: A multi-user commercial Facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmission of data.

Tower: A lattice, framework, monopole or other structure that is designed to support personal wireless service transmission, receiving and/or relaying antenna(s) and/or other equipment.

7.1.4. Exempted Wireless Telecommunications Uses. This Section specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch and citizens band radio. Amateur radio

towers used in accordance with the terms of any amateur radio service license issued by the FCC are exempt provided that: (1) the tower is not used or licensed for any commercial purpose; and (2) the tower shall be removed upon loss or termination of said FCC license. No Facility or repeater shall be considered exempt from this Section for any reason whether or not said Facility or repeater is proposed to share a tower or other structure with such exempt uses.

7.1.5. Independent Consultants. The Special Permit Granting Authority may hire such independent consultants (herein called "Independent Consultants"), as it may reasonably deem necessary to assist it in performing its duties hereunder. Independent Consultants shall each be qualified professionals with expertise in one or more of the following fields: a) telecommunications engineering, b) structural engineering, c) monitoring of electromagnetic fields, d) land surveying and, e) if determined necessary by the Special Permit Granting Authority, other relevant fields of expertise as determined by the Special Permit Granting Authority. All expenses incurred by the Special Permit Granting Authority for services of Independent Consultants in connection with an application hereunder shall be deemed part of the application fees, and the Special Permit Granting Authority may, in its discretion, require that the applicant pay additional funds reasonably required for cost incurred or in anticipation of costs to be incurred by the Special Permit Granting Authority.

7.1.6. Prohibition of Teleports. There shall be no teleport(s) within the town.

7.1.7. Access. Access shall be provided to the tower or Facility or repeater site by a roadway which respects the natural terrain and is approved by the Special Permit Granting Authority after consultations with the Chiefs of all emergency services in the town to assure emergency access. Consideration shall be given to a design that minimizes erosion, construction on unstable soils and on steep slopes.

7.1.8. Special Permits. No Facility, repeater or tower shall be erected, constructed, or installed or undergo major modification without first obtaining a Special Permit from the Special Permit Granting Authority.

1. Types of Special Permits. The following types of Special Permits are required:
    1. For Facilities or towers, a Facilities/Tower Special Permit (F/TSP) is required.
    2. For all repeaters proposed for installation, a Repeater Special Permit (RSP) is required. A RSP may be applied for by an Applicant who is currently applying for a F/TSP under this Section, or by an Applicant who has previously received a F/TSP under this Section or by an entity that is providing personal wireless services to the town from a base station outside the town.
    3. For the initial installation or subsequent co-location of a personal wireless service Facility on an existing tower.

2. Application Requirements. The applicant shall follow all Special Permit requirements contained in Section 9.4. In addition, the applicant shall meet additional application requirements in accordance with the Rules and Regulations of the Planning Board.

7.1.9. General Requirements for F/TSP(S):

1. Personal wireless service Facilities, repeaters and towers shall minimize and mitigate, to the extent feasible, adverse visual impacts and other adverse impacts on the interests specified in Section 7.1.1 of these By-laws.
2. There shall be no clearing at a distance in excess of 25 feet in radius from the base of the tower except where the access roadway is located.
3. The area around a tower and communication equipment shelter(s) shall be completely fenced and gated for security to a height of 6 feet. Use of razor wire is not permitted.
4. The following signs shall be posted: A sign no greater than 2 square feet indicating the name of the personal wireless service Facility's owner(s) and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs may be posted on the fence. All signs shall otherwise conform to the sign requirements of Section 6.2 of these By-laws. No other signs shall be permitted.
5. Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 10 feet high. The buildings shall be used only for the housing of equipment related to the particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
6. New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. If required by the Special Permit Granting Authority, Independent Consultant(s) will verify adequate coverage and justify tower height. In no event shall a tower exceed 150 feet measured from the grade at the base of the tower before construction to its highest point.

7. The Special Permit Granting Authority shall have the right to determine the type of construction of a tower (either monopole or lattice, guyed or unguyed), as well as the type, configuration, size and color of camouflage, painting, finish, lighting and screening (including types of trees and shrubs used in screening). The Special Permit Granting Authority may require a tower to resemble or mimic a native coniferous species of tree to minimize its adverse visual impact.
8. All network interconnections to and from the telecommunications site and all power to the site shall be installed underground. At the initial construction of the access road to the site, if and to the extent required by the Special Permit Granting Authority, sufficient conduit shall be laid to accommodate the maximum possible number of Providers licensed to provide services in the town.
9. If primary coverage (greater than 50%) from a proposed personal wireless service Facility/tower is outside the town, then the permit may be denied.
10. No night lighting of a tower or Facility is permitted, except for manually operated emergency lights for use only when operating personnel are on site. If the Federal Aviation Administration requires that night lighting be installed on a tower the Special Permit Granting Authority may require that the tower be removed or reconfigured so that such requirement does not apply.
11. No personal wireless service Facility or tower shall be located within any of the following prohibited areas:
    1. Massachusetts or federally regulated wetland;
    2 A Massachusetts Certified Vernal Pool;
    3. The habitat of any State-listed Rare or Endangered Wildlife or Rare Plant Species;
    4. Within 100 feet horizontally from any Massachusetts regulated wetland;
    5. Within 200 feet horizontally of the Outer Riparian Zone of any river or perennial stream;
    6. Within 500 feet horizontally from any Historic District or property listed or eligible to be listed on the state or federal Register of Historic Places;
    7. Within 500 feet horizontally from any known archaeological site.
12. No repeater shall be located closer than 50 feet to an existing dwelling unit, nor less than 25 feet above ground.

7.1.10. Approval Criteria:

1. In acting on any application, the Special Permit Granting Authority shall proceed in accordance with the procedures and timelines established for Special Permits as provided in Section 9.4.
2. In addition to the findings required in Section 9.4, the Special Permit Granting Authority shall, in consultation with Independent Consultant(s), make all of the applicable findings before granting the application, as follows:
    1. That Applicant is not already providing, and is not able to use any existing towers/Facility sites in or around the town either with or without reasonable adjustments and/or the use of repeaters to provide, adequate coverage and/or adequate capacity to the town and the facilities proposed in the application will provide, or will significantly enhance Applicant's ability to provide, adequate coverage and/or adequate capacity to the town; and
    2. That the proposed personal wireless service Facility/tower or repeater will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources or the other interests specified in Section 7.1.1; and
    3. That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the proposed personal wireless service Facility/ tower; and
    4. That the proposal shall comply with FCC 96-326 and any and all other applicable FCC regulations, regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant; and
    5. That the proposal complies with the other requirements of these By-laws.
3. The Special Permit Granting Authority may waive compliance with any of the requirements of this by-law if, in its judgment, such action would be in the public interest and would not have an undue adverse impact on the interests specified in Section 7.1.1.

7.1.11. Monitoring and Evaluation of Compliance

It shall be a condition of any application granted under this by-law that:

1. After the granting of an application and before the personal wireless service Facilities begin transmission, an Independent Consultant shall monitor the background levels of EMF radiation, around the proposed Facility site and/or any repeater locations to be utilized for personal wireless service Facilities. The Independent Consultant shall use the monitoring protocol.

2. Within 30 days after the date that Applicant's personal wireless service Facility(s) or repeater(s) begin(s) transmission, an Independent Consultant shall monitor the levels of EMF radiation around the proposed Facility and/or repeater site(s). The Independent Consultant shall use the monitoring protocol.
3. In order to determine ongoing compliance with FCC regulations, after transmission begins, the owner(s) of any personal wireless service Facility(s) or repeater(s) located on any Facility or repeater site shall pay for an Independent Consultant to conduct testing and monitoring of EMF radiation emitted from said site, and to report results of said monitoring, as follows:
    1. There shall be routine annual monitoring of emissions by the Independent Consultant using actual field measurement of radiation, utilizing the monitoring protocol. This monitoring shall measure levels of EMF radiation from the Facility site's primary antennas as well as from any repeater site(s).
    2. Any major modification of an existing Facility, or the activation of any additional permitted channels, shall be cause for new monitoring in accordance with Sections 7.1.11.
4. Excessive Emissions: Should the monitoring of a Facility or repeater site reveal that the site exceeds the FCC 96-326 standard, or any other applicable FCC standard, then the owner(s) and operator(s) of all Facilities utilizing that site shall be so notified. The owner(s) and operator(s) shall submit to the Special Permit Granting Authority and the Building Inspector a plan for the reduction of emissions to a level that complies with the FCC 96-326 standard and any and all other applicable FCC regulations within 10 business days of notification of non-compliance. That plan shall reduce emissions to the applicable FCC standard within 15 business days of initial notification of non-compliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of non-compliance shall be a violation of the Special Permit and subject to penalties and fines as specified in Section 9.1 of these by-laws. Such fines shall be payable by the owner(s) and operator(s) of the personal wireless service Facilities, repeaters and towers, until compliance is achieved.
5. Structural Inspection: The Special Permit Granting Authority may cause an Independent Consultant (a licensed structural engineer) to inspect a tower's structural integrity and safety once every 5 years and, in addition, after the apparent occurrence of damage to the tower or the completion of any major modification of an existing Facility which includes changes to the tower's dimensions or antenna numbers or type. All Independent Consultant fees incurred in conducting structural inspections shall be at the expenses of the owner(s) of such personal wireless service Facility, repeater or tower as a condition of their application.
6. Unsafe Structure: Should the inspection of any tower or structure reveal any structural defect(s) which, in the opinion of an Independent Consultant render(s) the tower or structure unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) and operator(s) of the tower or structure shall submit to the Special Permit Granting Authority and the Building Inspector a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible as determined by the Special Permit Granting Authority. Failure to so accomplish this remediation of structural defect(s) shall be a violation of the Special Permit and subject to penalties and fines as specified in Section 9.1. Such fines shall be payable by the owner(s) and operator(s) of the tower or structure, until compliance is achieved.
7. In order to enable the Special Permit Granting Authority and the Building Inspector to monitor compliance with the requirements of this by-law on an ongoing basis, each holder of a Special Permit shall provide such documents and information in connection with all personal wireless service Facilities, repeaters and/or towers that are the subject of such, the use and operation thereof and their compliance with the requirements of this by-law as the Special Permit Granting Authority may reasonably request from time to time.

7.1.12. Removal Requirements:

1. Any personal wireless service Facility, repeater or tower, which is not in operation for a period of one year, shall be removed by its owner(s) and operator(s). Operation is defined as performing the normal functions associated with the personal wireless service Facility, repeater or tower and its equipment on a continuous and ongoing basis.
2. At such a time that a Provider or the owner of the tower plans to abandon or discontinue operation of a Facility, repeater or tower, it will notify the Special Permit Granting Authority by certified US mail of the proposed date of abandonment or discontinuation of operations. The Facility, repeater or tower shall be considered abandoned upon such discontinuance of operations.
3. Upon abandonment or discontinuation of use, the Provider or the owner of the tower shall remove the personal wireless service Facility, repeater or tower within 90 days of the date of abandonment or discontinuation of use. Removal shall include, but not be limited to, disposal of waste materials from the site in accordance with local and state solid waste disposal requirements and restoring the site to its natural condition, except that any landscaping and grading improvements may remain.

4. If a personal wireless service Facility, repeater or tower is not removed in accordance with this Section of these By-laws, the Special Permit Granting Authority may remove it at the owner(s) or operator(s) expense.

7.1.13. Bonds and Insurance:

1. Applicant or the current permittee shall post and maintain in effect the following bonds at all times commencing with the construction or installation of a personal wireless service Facility, repeater or tower, each in an amount and on terms reasonably satisfactory to the Special Permit Granting Authority:
    1. A Performance Bond covering the costs of remediation of the Facility site if damage or non-performance occurs during construction or installation;
    2. A Removal and Restoration Bond to cover the costs of removal of the Facility site, repeater and tower, and remediation of the Facility site, should the tower, Facility and/or repeater cease to operate.
    3. A Maintenance bond covering the costs of maintenance of the access road, tower and Facility site.
2. No construction or installation of any personal wireless service Facility, repeater or tower shall be commenced, and none of the foregoing shall be put in operation, unless the Special Permit Granting Authority shall have received satisfactory evidence that insurance determined by the Special Permit Granting Authority to be adequate (as to coverage, amount and terms) has been obtained by all appropriate parties (including, without limitation, owners, operators, contractors and subcontractors) and is in effect. Such insurance shall cover liability, bodily injury and property damage, shall name the town as an additional insured and shall be maintained in effect for the entire period the tower, all Facilities installed thereon and repeaters used in connection therewith are in existence. Satisfactory certificates of insurance shall be filed with the Special Permit Granting Authority and the Town Clerk on an annual basis.

7.1.14. Fees:

1. Upon submission of a signed Special Permit application, an application fee shall be submitted to the town as specified in the Rules and Regulations of the Planning Board.
2. The applicant is responsible for the fees of independent consultants pursuant to Section 7.1.5.

7.1.15. Transfers:

Each holder of a Special Permit issued under these By-laws shall give not less than 30 days prior written notice to the Special Permit Granting Authority of each transfer by such holder of any ownership, leasehold or other interest (including any right of use but not any stock, limited partnership or other similar indirect interest) in any personal wireless service Facility, repeater or tower the subject of such Special Permit. Such notice shall specify the name and address of the transferee and describe the item(s) and the interest transferred. Each of the transferor and the transferee shall provide to the Special Permit Granting Authority such documents and information relating to the transferee and such item(s) and interest as the Special Permit Granting Authority may reasonably request. Effective at the time of such transfer, the transferee shall be bound by all of the obligations of the transferor, and be subject to all of the conditions to which the transferor is subject, under this by-law, such Special Permit and any documents executed by the transferor in connection with such Special Permit to the extent such obligations and conditions relate to the item(s) transferred. The transferee shall execute and deliver to the Special Permit Granting Authority such documents as the Special Permit Granting Authority may reasonably request confirming that it is bound by and subject to such obligations and conditions.

7.2 Performance Standards for Light Manufacturing Uses

Any Light Manufacturing uses permitted in the Table of Use Regulations shall be required to meet the following minimum performance standards:

7.2.1 Noise. A maximum permitted sound level of 55 decibels (dB(A)) during the hours of 7 a.m. to 7 p.m. and 50 decibels (dB(A)) during the hours of 7 p.m. to 7 a.m. as measured at any point beyond the boundary line of the lot where the use is located. Intermittent, irregular noise and noise resulting from temporary construction activities occurring between the hours of 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

7.2.2 Vibration. No ground-transmitted vibration shall be perceptible to the human sense of touch measured at any point beyond the boundary line of the lot where the use is located.

7.2.3 Odor. No concentration in the air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of five healthy unbiased observers on a calm day at any point beyond the boundary line of the lot where the use is located.

7.2.4 Smoke. As measured at the point of emission of the smoke, no light manufacturing use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density, or equivalent capacity of Ringlemann No. 1, except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a Rural District.

7.2.5 Electrical Interference. Electro-magnetic waves shall not cause, create or contribute to the interference with electronic equipment (including radio, television and computers) located beyond the lot line of the lot where the use is located.

7.3 Requirements for Boarding Houses

The Planning Board may, by Special Permit, permit a Boarding house within the Village Center District in accordance with the following:

1. For an existing building, there shall be no significant alteration of the building's exterior other than to meet safety codes or to provide general maintenance, such as painting or upgrading windows for energy efficiency. Such general maintenance and all other alterations shall be done in keeping with the character of the building and immediate neighborhood.
2. For a new building, the exterior shall be in keeping with the character of the immediate neighborhood.
3. Parking requirements shall be presented as part of the Special Permit application and shall include a minimum of 1 parking space per boarder unit and a maximum of 1.5 parking spaces per boarder unit, plus reasonable parking required for the proprietor and staff.
4. All parking shall be in conformance with Section 6.1, be off-street and screened from adjacent properties.
5. The boarding house shall not be located within 1,000 feet of another boarding house. The Planning Board may waive this requirement if it determines that such a waiver will not have an adverse impact on the neighborhood.
6. All trash containers shall be enclosed, secured from entry and screened.
7. Provisions shall be made for adequate snow removal and trash and garbage disposal.
8. Sufficient enclosed area and equipment shall be provided for laundering and drying purposes, unless such services are provided to boarders. Any outside area shall be enclosed by a solid screen of evergreen shrub, solid fencing at least 6 feet high or as otherwise determined by the Planning Board.

7.4 Solar Photovoltaic Installations

7.4.1 Purpose. The purpose of this section is to provide a permitting process for solar photovoltaic installations so that they may be utilized in a cost-effective, efficient, and timely manner to integrate these installations into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing solar photovoltaic technologies to be utilized.

7.4.2 Applicability. This section applies to solar photovoltaic installations proposed to be constructed after the effective date of this bylaw. This section also applies to material modifications that alter the type, number, configuration or size of the solar photovoltaic installation.

Definitions

Large Scale Solar Photovoltaic Installation (LSSPI) – A ground mounted solar photovoltaic installation that occupies one eighth (1/8th) of an acre (5445 square feet) or more and the electricity generated is used primarily for off-site consumption.

Small Scale Solar Photovoltaic Installation (SSSPI) – Any size roof mounted or building mounted solar photovoltaic installation or a ground mounted solar photovoltaic installation that occupies less than one eighth (1/8th) of an acre of a lot.

Solar Photovoltaic Installation – A device or structure whose substantial purpose is to provide for the collection, storage and distribution of solar energy for the generation of electricity. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

7.4.3 Small Scale Solar Photovoltaic Installations

1. A SSSPI shall be allowed only as an accessory use in all zoning districts.

2. A SSSPI shall only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

3. A SSSPI proposed to be mounted on a building or rooftop shall protrude no higher than the highest point of the roofline.

4. A SSSPI proposed to be ground mounted shall not exceed a height of twenty feet (20').

7.4.4 Large Scale Solar Photovoltaic Installations

1. **Use Regulations**. A LSSPI may be constructed or materially modified upon the issuance of a special permit from the Planning Board in all zoning districts in accordance with § 9.4 of this bylaw.

2. **Compliance.** The construction, maintenance, operation, modification and removal of a LSSPI shall comply with applicable local, state, and federal requirements.

3. **Site Control**. The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the LSSPI.

4. **Utility Provider Conditional Approval**. The applicant shall demonstrate that it has received conditional approval to connect the LSSPI to the electric grid from the utility provider.

5. **Operation & Maintenance.** The owner/operator of the LSSPI shall maintain the LSSPI and the site in good condition consistent with the special permit. This includes, but is not limited to the maintenance of access roads, storm water control measures, security measures and vegetation screening.

6. **Liability Insurance**
   Proof of liability insurance in an amount and form acceptable to the Planning Board shall be maintained until the LSSPI has been removed. All subsequent owners/operators shall continue to provide proof of liability insurance in the form and amount approved by the Planning Board to the Building Inspector on an annual basis; provided however, that the initial subsequent notice shall be filed within thirty days of sale or transfer of ownership/operation.

7. **Financial Surety**
   1. Applicants seeking to construct a LSSPI shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, and shall provide for adjustments at no less than two (2) year intervals to account for inflation, but in no event shall the amount exceed one-hundred twenty-five (125%) percent of the cost of removal. Applicants shall submit a fully inclusive cost estimate of the costs associated with the removal of the LSSPI and restoration of the site, prepared by a qualified individual.

   2. No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the LSSPI shall provide the Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the Planning Board in accordance with this bylaw.

8. **Design Requirements**
   1. **Height** – A LSSPI shall not exceed twenty feet (20') in height.

2. **Lighting** – No lighting of the solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
3. **Screening** – A LSSPI shall be screened year-round with dense native vegetation from all adjoining properties and public and private ways as necessary.
4. **Vegetation Clearing** – The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification or removal of the LSSPI.
5. **Habitat Fragmentation** – A LSSPI shall be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation, unless otherwise approved by the Planning Board.
6. **Security Measures** – A LSSPI shall be secured with a seven (7) foot high fence constructed to prevent unauthorized persons from accessing the LSSPI.
7. **Signs** – The owner/operator shall install signs at the LSSPI as determined by the Planning Board in order to protect public safety.
8. **Emergency Access** – A LSSPI and access roads shall be constructed and maintained to allow for safe access by emergency vehicles.
9. **Emergency Response Plan** – Upon the request of the fire chief or police chief, the owner/operator of a LSSPI shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan.
10. **Underground Utilities** – All on-site utilities shall be located underground except where the utilities connect into the electric grid at the property boundary.

9. Filing Requirements. Applicants seeking to construct or modify a LSSPI shall submit the following information to the Planning Board. All maps to be submitted must be drawn at appropriate scales and be signed and stamped by a registered professional engineer or licensed surveyor. The Planning Board may, in its discretion, waive any of the filing requirements.

1. **Contact Information** – Provide the applicant's and property owner's name, address, phone number, email address, and signature.

2. **Site Identification** – Provide the address and the map, lot and block number of the proposed site.

3. **Site Plans** – Provide site plans showing the following:
    1. Property lines of the proposed site.
    2. Elevation contour lines at two-foot vertical intervals.
    Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed large scale solar photovoltaic installation.
    3. Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
    4. Detailed layout of the proposed large scale solar photovoltaic installation, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
    6. Detailed layout of the electric infrastructure to connect the large scale solar photovoltaic installation to the electric grid or net metering equipment.
    7. Delineation of all wetland resources and associated buffer areas.
    8. Locations of rare, threatened or endangered species existing on the site.
    9. Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
    10. Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Storm water Policy.

4. **Technical Information** – Provide the following information:

1. Blueprints or drawings of the large scale solar photovoltaic installation signed and stamped by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.
2. One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all National Electric Code compliant devices.
3. Documentation of the major large scale solar photovoltaic installation components to be used, including but not limited to solar photovoltaic panels, panel mounts and inverter.
4. Information sufficient to show that the proposed LSSPI will conform to Sections 7.4.5 (3) through 7.4.5 (7) above of this bylaw.

10. Technical Review. Upon receipt of an application for a LSSPI, the Planning Board may engage professional and technical consultants, at the applicant's expense, in accordance with M.G.L. Chapter 44 § 53G, to assist the Planning Board with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

11. Discontinuance & Removal

1. A LSSPI shall be deemed discontinued when the LSSPI has not been in operation for a period of twelve (12) months, determined by the last day of generation to the grid.

2. After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such LSSPI is presumed to be discontinued. The owner/operator shall have thirty (30) days to rebut the presumption of discontinuance by submitting evidence to the Building Inspector that the LSSPI has been in operation during the relevant twelve (12) month period.

3. If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the LSSPI has been in operation for the relevant twelve (12) month period, then the LSSPI shall be deemed discontinued. The Building Inspector shall provide written notification of discontinuance to the owner/operator.

4. The owner/operator of the LSSPI shall remove the LSSPI and restore the site within one-hundred eighty (180) days of the date of the written notification of discontinuance. If the owner/operator fails to remove the LSSPI within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the LSSPI and restore the site at the sole expense of the owner/operator.

7.5 Adult Use Marijuana Establishments

7.5.1 Purpose: On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and adult use of marijuana, as regulated by the Cannabis Control Commission and implemented by their issued regulations. The specific purposes of this Section are to permit compliance with state law in a manner consistent with the Town's community, local siting, health, safety, general well-being, and land use concerns, and to ensure that Adult Use Marijuana Establishments permitted by the Town comply with the provisions of Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017 and 935 CMR 500.000, as amended. This bylaw applies to the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in

a manner that complies with state regulations. For medical adult use marijuana, also known as a Registered Marijuana Dispensary (RMD), please see Section 8.4 of the Zoning By-laws.

7.5.2. Applicability: Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This bylaw does not apply to the cultivation of industrial hemp as regulated by the Massachusetts Department of Agricultural Resources pursuant to M.G.L. c.128, § 116-123. See Table of Use Regulation, Section 3.1.3.B.6, for Industrial Hemp.

7.5.3 Definitions: As used in this Section, the following terms shall have the meanings as defined in 935 CMR 500, and as amended. For any adult use marijuana term not herein defined, the definition found in 935 CMR 500 shall be used.

Adult Use Marijuana Establishment also referred to as a Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of Licensed Marijuana Related Business, except a medical marijuana treatment center. Marijuana Establishments permitted in accordance with these regulations, included Marijuana Cultivators, are not entitled to that protection from zoning bylaws provided to commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture pursuant to G.L. c.40A, §3.

Cannabis or Marijuana Cultivation: The use of land and /or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a Marijuana Cultivator, Marijuana Microbusiness, Marijuana Research Facility, Craft Marijuana Cooperative, Registered Marijuana Dispensary or other entity licensed by the Cannabis Control Commission.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M. G. L. c. 94G § 1; provided that cannabis shall not include:

(a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
(b) hemp; or
(c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

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

Cease to Operate: Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Commission means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, the Acts of 2016, c. 334 as amended by the Acts of 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

Craft Marijuana 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. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Host Community Agreement: An agreement, pursuant to M.G.L. c. 94G, § 3(d), between a Marijuana Establishment and a municipality setting forth conditions for the operation of a Marijuana Establishment.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

(a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
(b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
(c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

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. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except that it shall not include manufacture as defined in 935 CMR 500.002.

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

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

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

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

Propagation: The reproduction of cannabis or marijuana plants by seeds, cutting or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

SPGA: The Special Permit Granting Authority is the Sheffield Planning Board for Section 7.

7.5.4 Additional Requirements / Conditions for an Adult Use Marijuana Establishment: In addition to the standard requirements for uses requiring a Special Permit or Site Plan Approval, the following shall also apply to all Adult Use Marijuana Establishments, hereafter referred to as Marijuana Establishment(s):

7.5.4.1. Use:

1. A Marijuana Establishment shall be allowed by Special Permit from the SPGA as listed in Section 3.1.3.H, Table of Use Regulations, Adult Use Marijuana Establishments, provided it meets all the requirements of Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 of these Zoning By-Laws.
2. Any type of Marijuana Establishment shall only be involved in the uses permitted by its definition and shall not include other businesses or services.
3. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises of any Marijuana Establishment.
4. Hours of operation shall be established by the SPGA. In no event shall any Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m., except for deliveries to the premises, which shall occur between 7 a.m. and 9 p.m.
5. No Marijuana Establishment shall apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Provisional Marijuana Establishment License from the Cannabis Control Commission.
6. The number of Marijuana Retailers permitted to be located within the Town of Sheffield shall not exceed three (3).
7. Marijuana Establishments shall be allowed only as set forth in Section 3.1.3.H of the Table of Use Regulation, and not pursuant to any other use classification.

7.5.4.2. Physical:

1. All aspects of the Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, indoor cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business, except as allowed under a Special Permit granted for outdoor marijuana cultivation. They shall not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.
2. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
3. The size of a Marijuana Establishment shall be established by the SPGA, but cannot exceed the allowable limits for the given district.
4. All Marijuana Establishments shall be ventilated in such a manner so that:
    1. No Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
    2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property, except as allowed under a Special Permit granted to a Marijuana Cultivator, outdoors.
5. Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text two inches in height. All other signage must comply with all other applicable signage regulations in the Zoning By-Laws and 935 CMR 500.6. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. The SPGA shall require or allow the use of vegetative and/or artificial screening to eliminate the view from the public way. In making its determination, the SPGA shall consider the surrounding landscape and viewshed, and shall require a vegetative screen in addition to or in place of artificial screening if an artificial screen would be out of character with the neighborhood.

7.5.4.3. Location:

1. No Marijuana Establishment shall be located on a lot which is within five hundred (500) feet of a lot occupied by a pre-existing public or private school providing education in kindergarten or any of grades 1-12. The distance is to be measured as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. Pre-existing is defined as in operation at the time of the application to the Cannabis Control Commission.

2. No Marijuana Retailer shall be located on a lot which is within seven hundred and fifty (750) feet of a lot occupied by another Marijuana Retailer. The distance is to be measured as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Retailer is or will be locate
3. No Marijuana Establishment is permitted to utilize a drive-through window or provide drive-through services.
4. For Marijuana Cultivation, Outdoors, the following dimensional regulations shall apply:
    1. Minimum Lot Area: 5acres;
    2. Minimum Front Setback: 100 feet;
    3. Minimum Rear and Side Setback: to be assigned by the SPGA depending on site dimensions and adjacent uses. In no cases shall such setbacks be less than what is required for the underlying zoning district in Section 4.2.1;
    4. Unless specified above, see Table of Dimensional Regulation, Section 4.2.1 for applicable dimensional requirements

7.5.4.4. Reporting:

1. Prior to the commencement of the operation or services provided by any Marijuana Establishment, it shall provide in writing to the Chief of Police and the Town Administrator the names, phone numbers and email addresses of all management staff, key-holders, and a minimum of two (2) contact persons to whom complaints or inquiries associated with the Marijuana Establishment shall be directed. All such contact information shall be updated as needed to keep it current and accurate. The Town Administrator shall provide this information to the Board of Health, Fire Department, Building Commissioner and the SPGA.
2. The Chief of Police and the Town Administrator shall also be notified in writing, and confirmed email, by the Marijuana Establishment:
    1. A maximum of two (2) calendar days after any change in the management or key-holders of the Marijuana Establishment.
    2. A maximum of 12 hours following a violation, potential violation of any law, any criminal or potential criminal activities, or attempts of violation of any law at the Marijuana Establishment.
    3. A Marijuana Establishment shall file an annual written report to, and appear before, the SPGA no later than January 31st of each calendar year, provide a copy of all current applicable state licenses for the facility and / or its owners and demonstrate continued compliance with the conditions of the Special Permit.
    4. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of being contacted by a duly-authorized Town official concerning their Marijuana Establishment. Such contact will be made to the phone number or email address provided to the Town as the contact for the Marijuana Establishment.

7.5.4.5. Issuance / Transfer / Discontinuance of Use:

1. Special Permits / Site Plan Approvals shall be issued to the Marijuana Establishment owner / applicant.
2. Special Permits / Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site / parcel.
3. Special Permits / Site Plan Approvals shall be non-transferable to another Marijuana Establishment owner or another site / parcel.
4. Special Permits / Site Plan Approvals shall have a term limited to the duration of the applicant's ownership / control of the premises as a Marijuana Establishment, and shall lapse / expire if:
    1. the Marijuana Establishment ceases to operate, and / or
    2. the Marijuana Establishment's registration / license by the Cannabis Control Commission expires or is terminated.
5. The Marijuana Establishment shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
6. A Marijuana Establishment shall remove all material, plants, equipment and other paraphernalia prior to surrendering its state registration / license or ceasing its operation.
7. Prior to the issuance of a Building Permit for a Marijuana Establishment, the applicant / owner seeking the Marijuana Establishment Building Permit is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the SPGA. The amount shall be sufficient to cover the costs of the Town managing the complete removal and disposal of all materials, plants, equipment and other paraphernalia if the applicant / owner fails to do so. The value of the bond shall be developed based on the applicant providing the SPGA with two (2) written bids to meet these requirements at prevailing wages. A factor

of 1.5 shall be applied to the bond to ensure adequate funds for compliance. The Zoning Enforcement Officer shall give the applicant / owner 45 days written notice in advance of taking such action. Should the applicant / owner remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Zoning Enforcement Officer prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

7.5.5 Application Requirements for an Adult Use Marijuana Establishment:

7.5.5.1. Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order filed with the Town.

7.5.5.2. In addition to the standard application requirements for Special Permits and Site Plan Reviews, additional requirements shall include the following, of which none of the site plan specifications detailed in this Section shall be waived by the SPGA:

1. The name and address of each owner and operator of the Marijuana Establishment facility / operation.
2. A copy of an approved and fully-executed Host Community Agreement.
3. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
4. If the Marijuana Establishment will be operated in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
5. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
6. Evidence that the applicant / owner has site control and right to use the site for a Marijuana Establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
7. A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant / owner must disclose the identity of all such responsible individual persons.
8. In addition to what is normally required in a Site Plan, details showing all exterior lighting, fencing, gates, and storage plans, including outdoor storage, shall be listed.
9. The applicant shall submit a letter from the Chief of Police stating his review and acceptance of the security measures for the safety of employees, patrons and merchandise.
10. A detailed floor plan identifying the areas available and functional uses (including square footage), including for retail sales.
11. All signage being proposed for the facility.
12. An impact study on pedestrian / vehicular traffic at peak demand times to include buses and the impact along the public right of ways. A specific contingency plan for opening day shall be submitted.
13. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site; the source of those odors; the locations from which they are emitted from the facility; the frequency of such odor-emitting activities; the duration of such odor-emitting activities; and the administration of odor control including maintenance of such controls. The odor control plan for a Marijuana Cultivator, outdoors applicant will include plans to minimize, if not eliminate, odors from outdoor growth and cultivation.
14. A Management Plan including a description of all activities to occur on-site, including all provisions for the delivery of marijuana and related products to the Marijuana Establishment.
15. A Management Plan including a description of all activities to occur off-site, including all provisions for the delivery of marijuana and related products to other Marijuana Establishment(s).
16. A Traffic Control Plan to include Opening Day, Weekends and the first six months of operation is to be submitted and approved fourteen days before opening day by the Chief of Police. The cost of any and all police details are to be borne by the Marijuana Establishment.
17. Individual written plans which at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:
    1. Operating procedures
    2. Water usage
    3. Waste disposal
    4. Light pollution
    5. Transportation and delivery of marijuana or marijuana products
    6. Energy efficiency and conservation
    7. Security and alarms

18. Decommissioning of the Marijuana Establishment, including a cost estimate for the Town's cost to undertake the decommissioning of the site and appropriate disposal. See Section 7.5.4.5.7.

7.5.6 Independent Consultants: The SPGA shall engage such Independent Consultants (herein called "Independent Consultants"), as it shall reasonably deem necessary to assist in performing its duties hereunder. Independent Consultants shall each be qualified professionals with expertise in one or more of the following fields, including but not limited to: a) Adult Use Marijuana; b) water usage and / or water systems; c) land surveying; and, d) if determined necessary by the SPGA, other relevant fields of expertise. All expenses incurred by the SPGA for services of Independent Consultants in connection with an application hereunder shall be the responsibility of the Applicant. The SPGA shall require the applicant to pay such expenses as incurred, or shall require that an applicant deposit a sum of money, in an amount to be determined by the SPGA, to retain and utilize the services of such Independent Consultants. In the event that such sum is insufficient to fund the necessary consulting services, the SPGA shall require additional deposits. All expenses shall be paid prior to the issuance of a Special Permit. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

Funds received by the SPGA pursuant to this bylaw shall be deposited with the Town Treasurer, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c.44, §53G. Expenditures from this special account shall be made at the direction of the SPGA without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected. Accrued interest shall also be spent for this purpose. At the completion of the SPGA's review, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest upon request. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the SPGA with documentation establishing such succession in interest.

7.5.7 Decision and Findings for an Adult Use Marijuana Establishment: In addition to the required findings for a Special Permit required pursuant to Section 9.4, and those finding required for Site Plan Approval pursuant to Section 9.5, the Special Permit Granting Authority must also find all the following:

1. The Marijuana Establishment is consistent with and does not deviate from the purposes and intent of Section 7.5, meets the additional requirements / conditions of Section 7.5.4 and all other applicable Sections of the Zoning By-Laws;
2. The Marijuana Establishment is designed to minimize any adverse visual, sensory, or economic impacts on abutters and other parties in interest;
3. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
4. The applicant / owner has satisfied all of the conditions and requirements of this Section and other applicable Sections of these Zoning By-Laws;
5. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that all operations of the facility, including storage, cultivation, and delivery are adequately secured on-site or via delivery. A letter from the Chief of Police as referenced in Section 7.5.5.2.9 shall suffice.
6. The Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses, as per Sections 7.5.5.2.12 and 7.5.5.2.16.

SECTION 8.0 OVERLAY DISTRICTS

8.1 Adult Entertainment Overlay District.

8.1.1 Authority to Regulate. This Section is enacted pursuant to MGL c. 40A §9A and pursuant to the town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling town interest of regulating the location of and preventing the clustering and concentration of Adult Entertainment uses as defined in MGL c. 40A §9A and designated herein.

8.1.2 Purpose and Intent. The purpose and intent of this section is to address and mitigate the secondary effect of the Adult Entertainment uses and businesses referenced herein. The provisions of this section are not intended to impose a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. The provisions of this Section are not intended to restrict or deny access by adults to Adult Entertainment uses or to sexually oriented matter or material protected by the Constitution of the United States of America or by the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

8.1.3 Definitions. As used in this Section, the following terms shall have the meanings indicated:

Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which are distinguished or characterized by the their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Adult motion picture theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Adult paraphernalia store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Adult video store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Establishments which display live nudity: Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in MGL c. 272 §31.

8.1.4 Regulation of Adult Entertainment Uses.

1. Adult Entertainment Uses, as defined in these By-laws, shall be permitted only in the Adult Entertainment Overlay District (AEOD), upon the issuance of a Special Permit from the Planning Board in accordance with the provisions of Sections 9.4 and 9.5 of these By-laws.

   In addition, the application for a Special Permit for an Adult Entertainment use shall include the following information: name and address of the legal owner of the proposed establishment; name and address of all persons having a lawful ownership, equity or security interest in the proposed establishment; a sworn statement that neither the applicant, owner, nor any person having a lawful ownership, equity or security interest in the proposed establishment has been convicted of violating the provisions of MGL c.119 §63 or MGL c. 272 §28; name and address of the manager of the proposed establishment; proposed provisions for security; number of employees; and proposed physical layout of the interior of the proposed establishment.

   Any change in the lawful ownership, equity or security interest in the proposed or approved establishment shall be provided to the Planning Board in writing within sixty days of such change and shall include a sworn statement that no one now listed as having a lawful ownership, equity or security interest in the proposed or approved establishment has been convicted of violating the provisions of MGL c. 119 §63 or MGL c. 272 §28.

2. Any Adult Entertainment use as defined herein may not be located within 750 feet of: (1) any boundary line of the any town district whose use includes the defined purpose of residential and so includes the town's Rural District; (2) any

religious facility, private or public school; public library or day-care facility; (3) any public playground, park or recreational area or youth center; or (4) any other Adult Entertainment establishment as defined herein.

3. The Planning Board may impose reasonable conditions, safeguards and limitations, as it deems appropriate for the protection of public health, safety and welfare.

4. No Adult Entertainment Special Permit shall be issued to any person convicted of violating the provisions of MGL c.119 §63 or MGL c. 272 §28.

8.1.5 Dimensional Requirements of Adult Entertainment.

1. The 750 foot distance requirement specified above shall be measured by a straight line from the nearest property line of the premise on which the proposed Adult Entertainment use is to be located to the nearest boundary of the town district defined herein or to the nearest property line of any of the other designated uses set forth above.

2. Structures associated with an Adult Entertainment use shall conform to dimensional regulations of the Commercial District except as modified herein.

3. A 5 foot high solid fence or a landscaped buffer of evergreen trees or shrubs 5 feet high at the time of planting shall be provided and maintained along the front of the property line. The Special Permit Granting Authority may require additional screening, if deemed necessary.

4. All Adult Entertainment uses shall have a maximum gross floor area of 5,500 square feet.

5. Not more than one structure to be used for Adult Entertainment shall be located on any one lot.

8.1.6 Zoning Requirements of Adult Entertainment.

1. All building openings, entries and windows shall be screened in such a manner as to prevent visual access by the public to the interior of the Adult Entertainment establishment.

2. No Adult Entertainment use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent materials of any sexually explicit figures or words as defined in MGL c. 272 §31.

3. No Adult Entertainment use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.

4. No Adult Entertainment use shall be allowed within a building containing other retail, consumer or residential uses or be used as an accessory use or accessory structure as defined in these By-laws.

5. No Adult Entertainment use shall be allowed within a shopping center, shopping plaza or mall.

6. The proposed Adult Entertainment use shall comply with all on-site parking requirements set forth in Section 6.1 with the exception that all such parking must be located in the front of the building between the building and the screening specified above.

7. No Adult Entertainment use shall have any flashing lights visible from outside the establishment. In addition, a maximum permitted sound level of 55 decibels (dB(A)) during the hours of 7 a.m. to 7 p.m. and 50 decibels (dB(A)) during the hours of 7 p.m. to 7 a.m. as measured at any point beyond the boundary line of the lot where the use is located. Intermittent, irregular noise and noise resulting from temporary construction activities occurring between the hours of 7 a.m. and 7 p.m. shall be exempt from these noise requirements.

8. All Adult Entertainment use signage shall conform to requirements specified in Section 6.2 with the additional requirements that no sign shall contain any sexually explicit figures or words as defined in MGL. c. 272, §13, that no Adult Entertainment use may have a freestanding accessory sign and no signage will be allowed on the building.

9. No Adult Entertainment use shall be established prior to submission and approval of a site plan to the Planning Board as per Section 9.5 and with the additional requirements that the site plan shall depict all existing and proposed building(s), parking spaces, driveways, service areas, landscaping and open uses. The site plan shall show the distances between the proposed Adult Entertainment use and the boundary of the town's Rural District and the property line of each of the uses set forth in Section 8.1.4.2.

8.1.7 Expiration. A Special Permit to conduct an Adult Entertainment use shall expire after a period of two calendar years on the date of Special Permit issuance and shall be renewable for successive two-year periods thereafter, provided a request for such renewal is received in writing prior to said expiration date and that no objection to said renewal is made and sustained by the Planning Board as Special Permit Granting Authority.

8.2 Flood Plain Overlay District

8.2.1 Purpose. The Flood Plain Overlay District (FPOD) has been established to provide that lands in the town subject to seasonal or periodic flooding shall not be used for residential or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or of the public, and to assure the continuation of the natural flow pattern of the watercourses within the town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation. It is further intended to protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the town.

8.2.2 Location. The general boundaries of the FPOD are shown on the Sheffield Flood Insurance Rate Map (FIRM), dated September 16, 1981, as Zones A and A-1-30 to indicate the one hundred-year floodplain. The exact boundaries of the district are defined by the flood profiles contained in the Flood Insurance Study, dated September 16, 1981. The floodway boundaries are delineated on the Sheffield Flood Boundary and Floodway Maps (FBFM), dated September 16, 1981, and further defined by the floodway data tables contained in the Flood Insurance Study. These two maps, as well as the accompanying study, are incorporated in this Bylaw by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Board of Health.

8.2.3 Special Permit. Any person desiring to establish any permitted use in a FPOD involving or requiring the erection of new structures and/or alteration or moving of existing structures or dumping, filling, transfer, relocation or excavation of earth materials or storage of materials or equipment shall submit an application for a special permit to the Planning Board, who shall serve as the SPGA for this section, in accordance with the provisions of Section 9.4. Such application shall describe in detail the proposed use of the property and the work to be performed and shall be accompanied by plans as specified therein. In addition to the information required thereby, such plans shall also include boundaries and dimensions of the lot, existing and proposed drainage easements, all existing and proposed fill, existing and proposed sewage disposal facilities, means of access and mean sea level elevation, with contour separation of two feet or less, of the existing and proposed land surface, cellar floor and first floor.

8.2.4 Submittals. The SPGA shall ensure that the applicant provides sufficient information to determine:

1. That the floor level of areas to be occupied by human beings as living or working space shall be at a safe elevation;
2. That furnaces and utilities are protected from the effects of flooding and that the structure will withstand the effects of flooding in accordance with the State Building Code;
3. That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural water storage or increase stormwater runoff so that water levels on other land are substantially raised or danger from flooding increased;
4. That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding; and
5. That the proposed methods of drainage and sewage disposal are approved by the Board of Health and will not cause pollution or otherwise endanger health in the event of flooding.

8.2.5 Decision. The SPGA may issue a special permit in compliance with all applicable provisions of this Bylaw, for establishment or alteration of a permitted use in a FPOD, provided that the SPGA determines the following. Such findings shall be in addition to the findings required by Section 9.4. 1. The use would otherwise be permitted if such land were not, by

operation of this section, in the FPOD; and 2. The use of such land for the proposed purpose will not interfere with the general purpose for which such FPODs have been established.

8.2.6 Conditions. Special permits issued under this section may be subject to such conditions as the SPGA deems necessary in the interests of the public health, safety and welfare. The burden of proving that the proposed use will not endanger the health and safety of the occupants or the public shall rest upon the applicant, who shall provide such engineering, ecological and hydrological data as may be required by the SPGA or any state or federal agency.

8.2.7 Requirements to be Additional to Those in Effect. It shall be understood that all provisions of existing regulations shall remain in force in the FPOD and that the requirements of this section are in addition to those now in force.

8.3 Water Supply Protection District (WSPD)

8.3.1 Purpose. The purpose of the Water Supply Protection District is to promote the health, safety and welfare of the residents of Sheffield by preserving the existing and potential groundwater and surface water resources of the town and by protecting the community from any structure or land use which may reduce the quantity or quality of its water supply resources.

8.3.2 Definitions. As used in this Section, the following terms shall have the meanings indicated:

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

DEP: Massachusetts Department of Environmental Protection

EPA: United States Environmental Protection Agency

Groundwater: All water found beneath the surface of the ground.

Hazardous waste: A waste which is injurious to human health or the environment. Hazardous wastes are defined by MGL c. 21C and the Massachusetts Hazardous Waste Regulations, 310 CMR 30.010.

Impervious surface: Materials or structures on or above the ground that do not allow precipitation to infiltrate directly to the underlying soil. This includes, but is not limited to, plastics, concrete and asphalt.

Leachable wastes: Waste materials, including solid wastes, sludges and pesticide and fertilizer wastes capable of releasing waterborne contaminants to the environment.

Toxic or hazardous materials: Any substance or mixture of such physical, chemical or infectious characteristics that could pose a significant actual or potential hazard to water supplies or other hazard to human health if it were discharged onto the land or into the waters of the town. Toxic or hazardous materials include, but are not limited to: organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids; alkalis; pesticides; solvents; and thinners in quantities greater than for normal household use. Toxic and hazardous materials include all substances defined as hazardous or toxic under MGL c. 21E and 310 CMR 40.00. The term shall not include oil.

Very small quantity generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Watershed: Lands lying adjacent to watercourses, surface water bodies and springs which create the catchment or drainage areas of such courses, bodies and springs.

Zone I: The DEP approved protective area around a public water system, well, well-field or spring, as defined in 310 CMR 22.00.

Zone II: The DEP approved area of an aquifer or spring which contributes water to a well or spring under the most severe pumping and recharge conditions that can be realistically anticipated as defined in 310 CMR 22.00.

8.3.3 Scope. The Water Supply Protection District is an overlay district and shall be superimposed on all other districts established in these By-laws. All regulations of the By-laws applicable to such districts shall remain in effect, except that where the Water Supply Protection District imposes additional or more restrictive regulations, such regulations shall prevail.

8.3.4 District Boundaries

1. The Water Supply Protection District is herein established to include all lands classified as Zone I and Zone II. The map entitled "Water Supply Protection District -- Town of Sheffield," dated March 16, 2006, on file with the Town Clerk, delineates the boundaries of the district.

2. Where the boundaries of the Water Supply Protection District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the town may engage a professional hydrogeologist to determine more accurately the location and extent of a Zone I or Zone II boundary and may charge the owner(s) for all or part of the cost of the investigation.
3. Any change to the Water Supply Protection District boundary requires town meeting approval.

8.3.5 Split lots. Where the district boundary divides any lot existing at the time such district boundary is adopted, the regulations of each district shall apply to the portion of the lot located in that district.

8.3.6 Prohibited Uses. The following uses are prohibited within the Water Supply Protection District:

1. Facilities that generate, treat, store or dispose of hazardous wastes that are subject to MGL c. 21C and 310 CMR 30.00, excluding:
    1. Very small quantity generators, as defined by 310 CMR 30.00;
    2. Household hazardous waste centers and events as defined by 310 CMR 30.390;
    3. Waste oil retention facilities required by MGL c. 21 §52A;
    4. Water remediation treatment works approved by DEP for the treatment of contaminated waters.
2. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) codes 5983 and 5171, not including liquefied petroleum gas.
3. Landfills and open dumps, as defined in 310 CMR 19.006.
4. Landfills receiving only wastewater residuals and / or septage residuals including those approved by DEP pursuant to MGL c.21 §26 through §53; MGL c. 111 §17; MGL c. 83 §6 and §7 and accompanying regulations The storage of sludge or septage is prohibited unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
5. Junk and salvage yards, including automobile graveyards and junkyards as defined in MGL c. 140B §1.
6. The disposal of liquid or leachable wastes, except for residential subsurface waste disposal systems, normal agricultural operations and business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for patrons and employees.
7. The dumping and disposal of snow and ice removed from outside the Water Supply Protection District that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
8. Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water except that the following shall be allowed:
    1. The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system;
    2. Treatment works approved by DEP for the treatment of contaminated ground or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
    3. Publicly owned treatment works.

8.3.7 Special Permit Uses. The following uses may be permitted by Special Permit obtained from the Planning Board:

1. The storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow, provided such storage is within a structure designed to prevent generation and escape of contaminated runoff or leachate.
2. The storage of commercial fertilizers or soil conditioners, as defined in M.G.L c. 128 §64, provided such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachable wastes.
3. The storage of animal manures, provided such storage is covered or contained in accordance with the specifications of the United States Department of Agriculture Natural Resources Conservation Service.
4. The storage of liquid hazardous materials as defined in MGL c. 21E and / or liquid petroleum products. Said storage must either be:
    1. In a freestanding container on an impervious surface within a building or;
    2. In a freestanding container on an impervious surface above ground level in an area that has a spill or leak containment system. The capacity of the containment system must be designed and operated to hold the greater of:
    10% of the sum total of the size of all the containers if there are several containers; or
    110% of the largest container's storage capacity.
    (Example: There are 40 tanks at 50 gallons per tank and 1 tank at 100 gallons. The containment would need to be the larger of 10% of 2100 gallons (40 tanks x 50 gallons plus 1 tank at 100 gallons), which equals 210 gallons, or 110% of 1 tank x 100 gallon, which equals 110 gallons. In this case the containment would need to hold 210 gallons.)

The storage of liquid hazardous materials and / or liquid petroleum products which is incidental to any normal household use is permitted by right.

8.3.8 Special Permit Requirements. The applicant shall follow all Special Permit requirements contained in Section 9.4. In addition, the applicant shall meet additional application requirements in accordance with the Rules and Regulations of the Planning Board.

8.3.9 Additional requirements for a Special Permit in the Water Supply Protection District

1. The Planning Board shall follow all Special Permit procedures contained in Section 9.4 of these By-laws. In addition the Planning Board shall distribute copies of all application materials to the Board of Health and the Conservation Commission, each of which shall review the application, and following a vote, shall submit recommendations and comments to the Planning Board. Failure of boards to make recommendations within 20 days of distribution of the application materials shall be deemed to be a lack of opposition. One copy of the application shall be transmitted to the Town Clerk for viewing by the public during office hours.
2. The Planning Board may grant the required Special Permit only upon finding that the proposed use meets the following standards and those set forth in Section 9.4 of these By-laws. The proposed use must:
    1. Not, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection District, and;
    2. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.
3. The Planning Board shall not grant a Special Permit under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this section.

8.3.10 Minimum Lot Size. All uses shall comply with the dimensional requirements of the underlying district as specified in Section 4 of these By-laws, except that in those areas within the Water Supply Protection District shown as Zone I on the *Sheffield Zoning Map*, all uses shall require the larger of the lot size in the underlying district or a minimum lot size of not less than 2 acres (87,120 square feet).

8.3.11 Drainage. To the extent possible, all runoff from impervious surfaces from all uses shall be recharged on the site by storm water infiltration basins or similar systems covered with natural vegetation or by being diverted toward areas covered by vegetation for surface infiltration.

The creation of impervious surface of more than 15% or 2,500 square feet, whichever is greater, of the area of any lot is prohibited unless a system for groundwater recharge is in place which does not degrade groundwater quality.

For non-residential uses, said groundwater recharge system shall be by storm water infiltration basins or similar system covered with natural vegetation. Dry wells shall be used only where other methods are infeasible. All such basins and wells shall include oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

Section 8.4 Registered Marijuana Dispensary Overlay District

8.4.1 Purpose. The voters of the Commonwealth of Massachusetts have affirmed the medical use of marijuana. The specific purposes of this Section are to permit compliance with state law in a manner consistent with the Town's community, local siting and land use concerns and ensure that an entity permitted to operate as a registered marijuana dispensary complies with all the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000.

8.4.2 Definitions. As used in this Section, the following terms shall have the meanings indicated:

> Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana-Infused Product (MIP's), 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. Unless otherwise specified, RMD

refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Registered Marijuana Dispensary (RMD) shall have the same definition as Medical Marijuana Treatment Center.

8.4.3 Location and Size Regulations for a Registered Marijuana Dispensary (RMD).

1. A Registered Marijuana Dispensary may be allowed by Special Permit from the Town of Sheffield Planning Board in the Registered Marijuana Dispensary Overlay District, provided it meets all the requirements of Sections 8, 9.4 and 9.5 of these By-Laws.
2. A Registered Marijuana Dispensary shall not be cited within 500 feet of a school, a daycare center, or any facility in which children commonly congregate or within 500 feet of any boundary line of any Town district whose use includes the defined purpose of residential usage and so includes the Town's Rural District. The 500 feet distance under this Section shall be measured as specified in 105 CMR 725.110(A)(14).
3. A Registered Marijuana Dispensary shall not be located in a "Health Care Facility", as defined in Section 10, Definitions.
4. A Registered Marijuana Dispensary shall not have drive-through service or a gross floor area of greater than 5,000 square feet.

8.4.4 Special Permit Requirements for a Registered Marijuana Dispensary (RMD).

1. The Sheffield Planning Board is the designated Special Permit Granting Authority (SPGA) for purposes of Section 8.4.
2. An applicant must demonstrate compliance with the application requirements for the Registration of Registered Marijuana Dispensaries as set forth in the regulations promulgated by the Massachusetts Department of Public Health, 105 CMR 725.000.
3. Hours of operation may be set by the SPGA.
4. The SPGA shall require the applicant to post a removal bond at the time of construction, renovation or lease of the Registered Marijuana Dispensary for the removal of the Registered Marijuana Dispensary in the event the Town must remove items specified in Section 8.4.6. The value of the bond shall be based upon the ability to completely remove all the items noted in 8.4.6 and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the SPGA with two (2) written bids to meet the noted requirements. A factor of 1.5 shall be applied to the bond to ensure adequate funds for compliance with Section 8.4.6.
5. A Special Permit issued to a Registered Marijuana Dispensary is non-transferable and non-assignable.
6. In the event that the Department of Public Health revokes, fails or refuses to issue a license of registration of a Registered Marijuana Dispensary, the Special Permit issued for the Registered Marijuana Dispensary shall be deemed null and void.
7. In the event that the Department of Public Health suspends the license or registration of a Registered Marijuana Dispensary, the Special Permit shall be so suspended until the matter is resolved to the satisfaction of the Department of Public Health.
8. Unless set forth otherwise in Section 8, all Zoning By-Laws shall apply to a Registered Marijuana Dispensary.

8.4.5 Performance Standards

1. A Registered Marijuana Dispensary must comply with all Department of Public Health regulations as set forth in 105 CMR 725.000.
2. Medical marijuana, in any form, shall not be visible from the street or other public areas.

8.4.6 Abandonment or Discontinuance of Use

1. A Registered Marijuana Dispensary shall be required to remove all signage, records, materials, plants, MIPs, equipment and other paraphernalia prior to surrendering its state issued certificates, licenses or permits, or upon expiration, revocation or voiding of its Certificate of Registration as per 105 CMR 725. 105(O)(1).
2. The Town shall exercise the removal bond required in Section 8.4.4.4 should the Registered Marijuana Dispensary not comply with Section 8.4.6.1, and the Mass Department of Public Health does not exercise its authority under 105

CMR 725. 105(O)(2).

8.4.7 Exemptions.

1. Where the Department of Public Health determines a patient is eligible and qualifies for a hardship registration that would allow the cultivation of medical marijuana at a location other than a Registered Marijuana Dispensary, the provisions of Section 8.4 shall not apply.

SECTION 9.0 ADMINISTRATION AND PROCEDURES

9.1 Administration.

9.1.1 Permits. These By-laws shall be administered by the Building Inspector. Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then applicable zoning, and after all necessary permits or variances have been received under federal, state, or local law. A building or structure shall not be occupied until the Building Inspector has issued a Certificate of Occupancy, which certifies compliance with all applicable by-laws and laws. If the Building Inspector declines to issue or revokes a permit under this section, the Inspector shall issue a written statement of the reasons for the decision.

9.1.2 Enforcement. The Building Inspector, as Zoning Enforcement officer, shall be charged with the enforcement of these By-laws. The Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of these By-laws and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Board of Selectmen to Town Counsel.

9.1.3 Penalties. The penalty for violation of any provision of these By-laws, of any of the conditions under which a permit is issued, or of any decision rendered by the Zoning Board of Appeals, shall be $300.00 for each offense as pursuant to MGL c. 40A. Each day that each violation continues after a notice of violation and a reasonable time for its abatement has been given shall constitute a separate offense.

9.1.4 Noncriminal Disposition. In addition to the provisions for enforcement of these By-laws described herein, the provisions of these By-laws may also be enforced by and in the discretion of the Building Inspector, by a noncriminal complaint filed in the District Court pursuant to the provisions of MGL c. 40 §21D. Each day that a violation continues beginning 10 days after notice of violation has been given shall constitute a separate offense. The penalty for violation of any provision of these By-laws pursuant to this paragraph shall be $25.00 for the first offense; $50.00 dollars for the second offense; and $75.00 for the third and each subsequent offense**.**

9.1.5 Appeals. An aggrieved person may appeal any decision of the Building Inspector pursuant to MGL c. 40A, §7, §8 and §15 by filing an appeal with the Zoning Board of Appeals within thirty days of such decision. The Zoning Board of Appeals shall hear such appeal in accordance with MGL c. 40A, §15.

An aggrieved person may appeal a decision of the Zoning Board of Appeals or any Special Permit Granting Authority pursuant to MGL c. 40A §17.

9.2 Zoning Board of Appeals.

9.2.1 Establishment. The Zoning Board of Appeals shall consist of five members and one associate member. All members shall be appointed and removed by the Board of Selectmen pursuant to MGL c. 40A §12. The Board shall elect a chairman and clerk. The chairman may designate any associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy until said vacancy is filled in the manner provided in MGL c. 40A §12.

9.2.2 Powers. The Zoning Board of Appeals shall have and exercise all the powers granted to it by MGL c. 40A, c. 40B and c. 41 and by these By-laws. In exercising the powers granted by this section, the Zoning Board of Appeals may, in conformity with the provisions of MGL c. 40A §14, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Zoning Board of Appeal's powers are as follows:

1. Zoning Board of Appeals Special Permits:
   To hear and decide on applications for Special Permits pursuant to Section 5 or where otherwise designated in these By-laws.

2. Variances:
   To hear and decide appeals or petitions for variances from the terms of these By-laws, with respect to particular land or structures, as set forth in MGL c. 40A §10. The Board may grant a variance where owing to circumstances relating to the 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 Zoning By-laws would involve substantial hardship, financial or otherwise, to the petitioner or appellant and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the land use and environmental objectives of these By-laws.

   The Zoning Board of Appeals shall not grant use variances; provided, however, that a use variance may be granted in the General Business District for any use that is not of a type listed, discussed or enumerated (or which can be included within a listed use type under a liberal interpretation thereof) anywhere in these By-laws, provided that such use meets the performance standards set forth in Section 7.2 Performance Standards for Light Manufacturing Uses.

   The Zoning Board of Appeals may impose conditions, safeguards and limitations of time and of use on granted variances pursuant to MGL c. 40A §10.

3. Appeals:
   To hear and decide appeals taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL c. 40A §8 and §15, as authorized under MGL c. 40A §14.

4. Comprehensive Permits:
   To hear and decide on applications for comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in MGL c. 40B §§20-23.

9.2.3 Procedures. Applications and petitions to the Zoning Board of Appeals may be obtained from the town and shall be filed in accordance with the Rules and Regulations of the Zoning Board of Appeals.

9.2.4 Rules and Regulations. The Zoning Board of Appeals may adopt rules and regulations for the conduct of its business.

9.2.5 Fees. The Zoning Board of Appeals may adopt and require the payment of reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for Zoning Board of Appeals Special Permits and comprehensive permits, including fees specified in MGL c. 44 §53G, Employment of Outside Consultants.

9.2.6 Lapse

1. Variances. If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance such rights shall lapse, except as provided for by MGL c. 40A §10.
2. Comprehensive Permits. If construction authorized by a comprehensive permit has not been commenced within three years of the date on which the permit becomes final, as specified in 760 CMR 31.08(4), the permit shall lapse.

9.3 Planning Board

9.3.1 Establishment. The Planning Board is established according to MGL c. 41 §81A and shall consist of five members each of whom is elected to a three year terms. The Board shall elect a chairman, vice-chairman, secretary and treasurer.

9.3.2 Planning Board Associate Member The Board of Selectmen, acting pursuant to MGL c. 40A §9, may appoint an associate member of the Planning Board who shall be available to serve as an associate member when the Planning Board acts as the designated Special Permit Granting Authority under these By-laws. The chairman of the Planning Board may designate the associate member to sit on the Board for the purpose of acting on a Special Permit application, in the case of absence, inability to act or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board.

9.3.3 Powers. The Planning Board shall have and exercise all the powers granted to it by MGL c. 40, c. 40A and c. 41 and specific sections therein. The Planning Board's powers shall include:

1. Special Permits:
   To hear and decide applications for Special Permits issued by the Planning Board pursuant to MGL c. 40A §1A and §9 or where otherwise designated in these By-laws.

2. Subdivision Rules and Regulations:
   To adopt subdivision rules for the Town of Sheffield; to hear and decide subdivision submittals, including Subdivision Approval Not Required submittals; to review definitive plan submittals; and all other matters pursuant to MGL c. 41 §§81K – 81GG.

3. Zoning Amendments:
   To draft and submit zoning amendments for consideration by the town pursuant to MGL c. 40A §5.

4. Site Plan Review Authority:
   To serve as site plan review authority according to Section 9.5.

5. Party in Interest:
   To be a party in interest in administrative appeals, Special Permit applications, and variance petitions within the town and in adjacent towns pursuant to MGL c. 40A §11.

6. Adoption:
   The Planning Board shall adopt a master plan and may adopt an official map of the town pursuant to MGL c. 41 §81D and MGL c. 41 §81E, respectively.

9.3.4 Procedures. Applications and forms for submittal to the Planning Board may be obtained from the town and shall be filed in accordance with the Rules and Regulations of the Planning Board.

9.3.5 Rules and Regulations. The Planning Board shall adopt rules and regulations for the conduct of its business.

9.3.6 Fees. The Planning Board may adopt and require the payment of reasonable administrative fees and technical review fees for all applications and forms submitted to the Planning Board including Special Permits issued by the Planning Board and all matters governed by *Rules and Regulations Governing the Subdivision of Land in Sheffield, Massachusetts* including fees specified in MGL c. 44 §53G, Employment of Outside Consultants.

9.3.7 Lapse.

1. Site Plans: A site plan, which is part of the Special Permit application to the Planning Board, shall have the same lapse date as the Special Permit issued by the Planning Board.

2. Special Permits: According to the provisions of MGL c 40A § 9, any special permit granted by the Planning Board shall lapse within 2 years, which shall not include such time required to pursue or await the determination of an appeal, as per MGL c 40A §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

9.4 Special Permits

9.4.1 Special Permit Granting Authority. Depending on the Special Permit sought, the following board shall be the Special Permit Granting Authority and may grant the Special Permits as authorized by MGL and these By-laws:

1. The Zoning Board of Appeals: A Special Permit from the Zoning Board of Appeals may be issued according to Section 5.2.

2. The Board of Selectmen: A Special Permit from the Board of Selectmen is required for any use which falls within a use type allowed by right but which the Building Inspector determines to be inherently and excessively dangerous or detrimental to a neighborhood because of fire or explosive hazard, offensive noise, smoke, vibration, harmful radioactivity, electrical interference, dust, odor, fumes or heat. The Board of Selectmen procedures and decision shall conform to Sections 9.4.2 through 9.4.10.

3. The Planning Board: A Special Permit from the Planning Board may be issued to permit specific types of uses in each of the town districts according to the Table of Use Regulations, Section 3.1.3 and as specified in other sections in these By-laws.

Unless specifically designated in Section 5.2 and Section 9.4.1 or elsewhere in these By-laws, the Planning Board shall act as the Special Permit Granting Authority and shall conform to the requirements of MGL c. 40A.

9.4.2 Decision. Special Permits shall be granted in conformance with the specified decision criteria of the board granting the Special Permit.

1. The decision criteria for Special Permits issued by Zoning Board of Appeals are specified in Section 5.2.

2. For Special Permits issued by the Zoning Board of Appeals or the Planning Board or for Special Permits issued by the Board of Selectmen, a Special Permit shall be granted only upon the applicable board's written determination that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or the neighborhood as it applies to the particular characteristics of the site and in relation to that site. In addition to any specific factors that may be set forth in these By-laws, the determination shall include consideration of each of the following:

    1. Social, economic, or community needs which may be served by the proposed use;

    2. Traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation;

    3. Adequacy of utilities and other public services;

    4. Appropriateness to the proposed location, the neighborhood character and town land use objectives;

    5. Environmental impacts, including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation; and

    6. Potential fiscal impact, including impact on town services, tax base and employment.

9.4.3 Procedures. The Special Permit Granting Authority shall adopt rules and regulations for the conduct of its business. An application for a Special Permit may be obtained from the town and shall be filed in accordance with the Rules and Regulations of the Special Permit Granting Authority. An application for a Special Permit is not complete until accepted as complete by the Special Permit Granting Authority.

9.4.4 Site Plan. An applicant for a Special Permit from the Planning Board or Board of Selectmen shall submit a site plan in substantial conformance with the requirements of Section 9.5, Site Plan Review.

9.4.5 Detailed Development Analysis for Major Projects. Any applicant for a Special Permit from the Planning Board for a use permitted by Special Permit in the Commercial District or in the General Business District which will involve the construction or occupancy of 10,000 or more square feet of gross floor area, or the exclusive dedication of more than 10 acres of land area to such use, shall be required to submit, as part of the Special Permit application submission, a Detailed Development Analysis. The Detailed Development Analysis shall clearly and methodically assess the relationship of the proposed use and/or development to the natural and man-made environment of the town. This analysis shall be prepared by an interdisciplinary team of professionals qualified, experienced, and, where applicable, licensed in their fields. Such team shall typically consist of a Registered Professional Engineers, Traffic Engineers, Architects, Landscape Architects, Land-Use Planners, Hydrogeologists, Hydrologists, Biologists and other environmental professionals. Additional requirements for Detailed Development Analysis submission are contained in the Planning Board's Rules and Regulations, which are available from the town.

9.4.6 Review by Other Agencies. Where applicable, according to the Rules and Regulations of the Special Permit Granting Authority, it shall transmit a description of the proposed use and the site plan to the Board of Selectmen, Board of Health, Highway Department, Police Department, Fire Department and Conservation Commission for review and comment. These agencies may submit recommendations to the Special Permit Granting Authority within 20 days from transmittal.

9.4.7 Conditions. A Special Permit may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of these By-laws.

9.4.8 Fees. The Special Permit Granting Authority may adopt and require the payment of reasonable administrative fees and technical review fees for all applications and forms submitted to the Special Permit Granting Authority for Special Permits including fees specified in MGL c. 44 §53G, Employment of Outside Consultants.

9.4.9 Consulting Employment Rules. The Special Permit Granting Authority may adopt Consulting Employment Rules for the hiring of consultants and other outside experts to advise on matters dealing with an application for Special Permit, as per MGL c. 44 §53G. Such hiring is at the applicant's expense.

9.4.10 Lapse. Special Permits shall lapse if a substantial use thereof or construction thereunder has not commenced, except for good cause, within 24 months following the filing of the Special Permit approval (plus such time as may be required to pursue or await the determination of an appeal referred to in MGL c. 40A §17, from the grant thereof) with the Town Clerk.

9.5 Site Plan Review

A site plan review is to ensure that development proposals are in keeping with the town's character and are consistent with the environmental and siting objectives of the town. The site plan provides the basic information necessary for reasoned review by citizens and town agencies.

9.5.1 Applicability. The following types of activities and uses require site plan review.

1. Special Permits issued by the Planning Board.

    1. Refer to the Table of Use Regulations for uses requiring a Special Permit from the Planning Board.

    2. For other information regarding Special Permits refer to Section 9.4 Special Permits, and, as appropriate, Section 4.3.3, Alternative Lot Dimensions; Section 5.2, Nonconforming Uses and Structures; Section 7.1, Personal Wireless Service Facilities, Repeaters and Towers; Section 8.1 Adult Entertainment Overlay District; and Section 8.3 Water Supply Protection District.

2. Special Permits issued by the Board of Selectmen.
    1. Refer to Section 9.4.1.2 for uses requiring a Special Permit from the Board of Selectmen.

Site plan review under this section shall not apply to Special Permits issued by the Zoning Board of Appeals as authorized under Section 5 of these By-laws.

9.5.2 Procedures.

Applicants for a Special Permit as required under Section 9.4 shall, in addition to other required submissions, submit a site plan as part of the Special Permit review process. The site plan review will become part of the Special Permit Application and the applicable timetable and procedures shall be that of the Special Permit process.

9.5.3 Contents of Site Plan. The required contents of the site plan are specified in the Special Permit Granting Authority's Rules and Regulations. To ensure that the information presented in an applicant's site plan is consistent with the use being applied for, the SPGA shall have the right to waive or modify any component listed under Site Plan Content, at the written request of the applicant, where it is clear such modification or waiver will not materially impact the information presented or required by the SPGA to conduct its business. Any such approval given by the SPGA to a modification or waiver request shall be by the same number of votes as required to approve a Special Permit.

9.5.4 Rules and Regulations. The Special Permit Granting Authority shall adopt rules and regulations for the administration of the site plan review, which are available from the town.

SECTION 10. DEFINITIONS

In these By-laws, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the By-laws. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. 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 "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." 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 Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in these By-laws.

Accessory building or structure: An accessory building or structure is one which is subordinate or incidental to the main building or structure on a lot. The term "accessory building or structure" when used in connection with a farm shall include any building or structure customarily used for farm purposes and no size limitations contained in these By-laws shall apply to accessory farm buildings or structures.

Accessory use: A use related, but clearly customary, incidental and subordinate to the permitted principal use of the premises, which can take place within the principal structure or building on a single lot or parcel of land, or in an accessory structure or building, either attached or detached to the principal structure on the lot, including but not limited to a home occupation on a lot containing a single-family residence, or a subordinate use on a non-residential lot. The principal use shall not be subordinated to an accessory use, or accessory uses in their aggregate.

Agricultural use, exempt: An agricultural use as defined in MGL c. 40A §3 on parcels of 5 acres or more, specifically including farms for livestock, dairy, orchard, market garden, horticulture, floriculture, viticulture, sod or tree farming.

Agricultural use, non-exempt: Agricultural use of property not exempted by MGL c. 40A §3.

Alteration of building or structure: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Appeal: An administrative review by the Zoning Board of Appeals of the action or failure to act of any officer or board in relation to these By-laws as set forth in Section 9.0 and MGL c. 40A §8 and §15 or an appeal of a decision of the Zoning Board of Appeals or Special Permit Granting Authority pursuant to MGL c. 40A §17.

Bed and breakfast establishment: Accommodations with not more than 8 bedrooms occupied by guests and in which the owner of the establishment resides. These establishments are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for owner and guests shall be off-street.

Boarding house: A building, other than a hotel, inn, motel, bed and breakfast or guest house establishment, with not more than 10 boarder units or 10 boarders, where lodging and meals are provided by the proprietor for compensation. A boarding house does not provide dwelling units for its boarders and is not open to transient guests (guests staying less than 30 days). A boarding house may provide a microwave, beverage machines, refrigerator and similar devices for the preparation of drinks or light snacks by boarders between meals. The proprietor may construct an accessory single-family dwelling unit located within the building where the principal use is the boarding house.

Boarder: A person who rents space in a boarding house, without separate cooking facilities, for living, dining and sleeping purposes.

Boarder unit: The space occupied exclusively by 1 or 2 boarders in a boarding house.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Business or professional office, individual: A single business establishment (profit or non-profit) engaged in providing professional or business services including legal, insurance, engineering, surveying, accounting, architectural, management, consulting, counseling, secretarial, appraisal, research, marketing, sales, advertising, design, financial advisory, tax advisory, personnel hiring and management, computer and real estate brokerage and similar services and/or the office of a member of a recognized profession maintained for the conduct of that profession. Business or professional office, individual shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, which are physically located on the premises, or any service provided to animals, such as a veterinary hospital, or any medical and dental offices and clinics, other than psychiatric or mental health services. (Refer to Health Care Facility Section 3.1.3.C.3)

c.: Refers to chapter of the Massachusetts General Laws.

Certificate of occupancy: A certificate signed by the Building Inspector in accordance with the State Building Code 780-CMR setting forth either that a building or structure complies with the Zoning By-Laws or that a building, structure or lot may lawfully be employed for a specified use or uses, or both.

Child care facility: A day care center or school age child care program, as those terms are defined in MGL c. 28A §9.

CMR: Code of Massachusetts Regulations

Commercial greenhouse: Horticulture or floriculture on a parcel not otherwise exempt pursuant to MGL c. 40A §3.

Commercial vehicle, heavy: A commercial vehicle, excepting farm vehicles, larger than 25,000 gvw.

Construction business and related heavy vehicle storage: In the Rural District, storage or placement of vehicles visible from a public highway or adjacent properties shall not be allowed.

Craftsperson's shop: Shop of a potter, ceramist, sculptor, silversmith, jeweler, lapidist, weaver, clockmaker, musical instrument maker, wood carver, graphic artist, fine artist, leather worker (not including tanning or processing), candle maker or similar crafts person, not meeting the requirements of a home occupation under Section 3.2.1.

Detailed development analysis: An assessment of all physical, social, and economic impacts which can be reasonably anticipated from a proposed use and a program for mitigation of significant adverse impact as set forth in Section 9.4.5.

Dump, private and commercial landfill: Dumping, abandonment or disposal of vehicles, equipment, appliances, demolition material or any other waste matter.

Dwelling unit: An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Dwelling: A building containing one or more dwelling units, not including a mobile home. The following are types of dwellings:

Single-family dwelling shall be a detached building designed for and occupied by not more than 1 family.

Two and three-family dwelling shall be designed for and occupied by not more than 2 or 3 families, respectively.

Multi-family dwelling shall be designed for and occupied by 3 or more families, provided, however, that a multi-family dwelling shall not contain more than 4 dwelling units in the Rural District, nor more than 6 dwelling units in the Village Center District. A building for a multi-family dwelling shall include all dwelling units that are enclosed within that building or attached to it by a common floor, roof or wall, including the wall of an attached garage, porch or breezeway. In the Rural District the building shall conform to the architectural style and scale of the residential area within which it is proposed.

Accessory apartment: A second dwelling unit located withing the principal building or structure or an accessory building or structure that is subordinate to the principal dwelling unit.

Accessory single-family dwelling unit / Village Center District: Single-family dwelling unit as an accessory use located within a building where the principal use is one of the following allowed uses: agricultural use, exempt; agricultural use, non-exempt; child care facility; farm stand, exempt; farm stand, non-exempt; bank; commercial greenhouse; funeral home; service establishment, general; service establishment, personal; hotel; inn; bed and breakfast establishment; guest house; business or professional office, individual; retail store, individual; retail establishment for the sale of produce, wine and dairy products; motor vehicle general repair; motor vehicle body repair; motor vehicle light service; market; museum, public and private; political campaign office; and restaurant.

Accessory Single-Family Dwelling Unit / Commercial District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the Commercial District, per Section 3.1.3 Table of Use Regulations.

Accessory single-family dwelling unit / General Business District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the General Business District, per Section 3.1.3 Table of Use Regulations.

Principal building or structure: A building or structure in which the principal use of the lot takes place.

Educational use, exempt: Use of land or structures 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 as defined in MGL c. 40A §3.

Educational use, non-exempt: Educational facilities not exempted from regulation by MGL c. 40A §3.

Family day care: A small or large day care facility in a private residence operating as defined in MGL c. 28A §9.

Farm stand, exempt: Facility for the sale of produce and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, raised on land of the owner or lessee, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land containing more than 5 acres in area on which the facility is located as defined by MGL c.40A §3.

Farm stand, non-exempt: Facility for the sale of farm, nursery or orchard products which have been produced on the premises and which are not exempted by MGL c. 40A, §3.

Farm supply store: Retail establishment selling goods primarily dedicated to agriculture, horticulture, or other related agricultural activities.

Fuel distribution business: Oil, coal, gas or propane fuel retail distribution business.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Guest house: Accommodations with not more than 8 bedrooms occupied by guests and in which the owner of the establishment resides. These establishments are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for owner and guests shall be off-street.

Health care facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. Health care facilities include but are not limited to general or special hospitals, public health centers, diagnostic centers, medical offices, dental offices, treatment centers, rehabilitation centers, extended care facilities, long term care facilities, residential health care facilities, home health agencies, clinics and dispensaries. They may include laundries, cafeterias, gift shops, and laboratories as accessory uses.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the pant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol or tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Home occupation: See Section 3.2.1.

Hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. Any such unit shall not be occupied by any guest for more than 4 continuous months, nor may the guest reoccupy any unit within 30 days of a continuous 4 month stay, nor may the guest stay more than 6 months in any calendar year. No occupant of such hotel may claim residency at such location.

Industrial Hemp: Hemp that is used exclusively for industrial purposes including, but not limited to, the fiber and seed.

Inn: A facility for the housing and feeding of guests with not more than 8 bedrooms. Such establishments are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking shall be off-street.

Kennel, commercial: A commercial kennel in which 3 or more dogs, which are 3 months old or older, are boarded or groomed.

Large Scale Solar Photovoltaic Installation: Refer to Section 7.4

Light manufacturing: The fabrication, processing, finishing, assembly, packing, or treatment of articles or merchandise conducted solely within a totally enclosed building which will not generate more noise, odor, smoke, vibration, or electrical interference, than the standards set forth in Section 7.2.

Lot: An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings (as defined by MGL c. 41 §81L).

Lot area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use.

Lot, corner: A corner lot is any lot with continuous frontage on two intersecting streets, including the point of intersection.

Lot coverage: The percentage of the lot covered by all buildings and structures.

Lot frontage: The portion of a lot fronting upon and having access to a street measured continuously along one street line between side lot lines, or in the case of corner lots, between one side lot line and the midpoint of the corner radius, and not including frontage within utility transmission easements.

Lot line: A boundary line separating a lot from another lot or lots or from a street.

Major commercial development: Shopping center or complex of offices, businesses, or retail establishments, not to exceed 15,000 square feet gross floor area in the General Business District and not to exceed 10,000 square feet gross area in the Commercial District.

MGL: Massachusetts General Law

Mobile homes: A structure, transportable or movable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. A manufactured modular home is not a mobile home.

Motel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. Any such unit shall not be occupied by any guest for more than 4 continuous months, nor may the guest reoccupy any unit within 30 days of a continuous 4month stay, nor may the guest stay more than 6 months in any calendar year. No occupant of such motel may claim residency at such location.

Motor vehicle body repair: An establishment, garage or work area, enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts nor the exterior storage or placement of vehicles, equipment, discarded parts, or tires visible from a public highway or adjacent properties.

Motor vehicle general repair: Premises for the servicing and repair of autos, but not to include fuel sales nor the exterior storage or placement of vehicles, equipment, discarded parts, or tires visible from a public highway or adjacent properties, except for vehicles under repair.

Motor vehicle light service: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, major repairs, or sales nor the exterior storage or placement or vehicles, equipment, discarded parts or tires visible from a public highway or adjacent properties, except for vehicles under repair.

Motor vehicle sales: Sales of new or used motor vehicles (Class 1 and 2, as defined by MGL c. 140 only).

Municipal use: Use by the Town of Sheffield.

Nonconforming use, structure or lot: A use, structure or lot which lawfully existed at the time of adoption of these By-laws, which does not conform to requirements of these By-laws and which may be continued in the circumstances set forth under these By-laws and MGL c. 40A §6.

Nursing, convalescent and rest home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, and licensed by the Commonwealth for such.

Personal wireless service facility and tower: (Refer to Section 7.1.3 for definitions of these terms.)

Principal use: The primary use to which the premises, i.e., the land, buildings, and other structures on a single lot or parcel of land, are devoted and the main purpose for which the premises exist.

Public utility facility: Public utility facility (not including generating units and personal wireless service facilities, repeaters, and towers as defined in Section 7.1), new utility rights-of-way, or oil, gas, or propane storage tanks in excess of 5000 gallons.

Public water: Sheffield Water Company or its successors.

Religious use, exempt: Use of land or structures for religious purposes as defined in MGL c. 40A §3.

Repeater: (Refer to Section 7.1.3 for this definition.)

Restaurant: An establishment serving food and drink to patrons seated in a dining area with service being provided by wait staff. Take-out orders may be permitted as an incidental and subordinate percentage of the business. A restaurant may not offer drive-thru or window service. For alcohol licensing – Refer to State Law.

Retail: A facility selling goods not specifically listed elsewhere in the Table of Use Regulations, Section 3.1.3.

Setback: The minimum horizontal distance between a street right of way or other lot line and any structure or element on a lot thereof (other than a fence, wall, uncovered steps, cornices or customary yard accessories).

Signs: Any object, device, display or structure, or part thereof, visible to persons not located on the lot where such object, etc., is located, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The area of a sign shall be determined by the outermost rectangular perimeter of any design or device including the sign structure. See Section 6.2.

Small Scale Solar Photovoltaic Installation: Refer to Section 7.4

Solar Photovoltaic Installation: Refer to Section 7.4

Street: An accepted town way, or a way established by or maintained under county, state or federal authority, or a way established by a subdivision plan approved in accordance with the Subdivision Control Law, MGL c. 41, §§81K-81GG, or a way in existence prior to the adoption of the Subdivision Control Law determined by the Planning Board to have sufficient

width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: An assembly of materials forming a construction framed of components of structural parts for occupancy or use, including buildings.

Variance: (Refer to Section 9.2.2.2.)

Warehouse: A building used primarily for the storage of goods and materials, not to include facilities for storage or reprocessing of so-called junk vehicles and other scrapped material.

Wetlands: Wet meadows, swamps, marshes, bogs, etc., all as defined in MGL c. 131 §40, and the regulations promulgated thereunder as 310 CMR. 10.00.