

TOWN OF PRINCETON, MASSACHUSETTS



ZONING BY-LAWS

May 2016

Originally Adopted March 1957

**ZONING BY-LAWS
TOWN OF
PRINCETON, MASSACHUSETTS**

SECTION I. PURPOSE:

To promote the health, safety, morals, convenience, and general welfare of the habitants of the Town of Princeton, to lessen the danger from fire and congestion to protect and conserve the value of property and the beauty of the town, and with a view to encouraging the most appropriate use of the land, under the provisions of the General Laws, Chapter 40-A, as amended, the use of buildings, and the use of land in the Town of Princeton are hereby restricted and regulated as hereinafter provided. (*Amended May 30, 1978*)

SECTION II. ZONING DISTRICTS:

1. For the purpose of this by-law the Town of Princeton is divided into three (3) classes of districts:
(A) Residential-Agricultural; (B) Business; and (C) Business-Industrial.

2. Limits of Districts
 - (A) Residential-Agricultural:

All of the land in the town not included in the Business and Business-Industrial Districts.

 - (B) Business Districts:
 - (a) From the intersection of East Princeton Road and Highway 140, extending southeastward 600 feet along Highway 140, a strip 300 feet in width on the northeast side of the highway.

 - (b) From the intersection of East Princeton Road and Highway 140, extending northward one-half (1/2) mile on Highway 140, a strip 300 feet in width on the west side of the highway but not extending west of Beaman Road.

 - (c) On the west side of Highway 31 and beginning at the northern boundary of Parcel 33-7 on Map 15 of the Assessors Maps, extending to the southern boundary of Parcel 33-10 on Map 15 of the Assessors Maps a strip of land 700 feet in depth, thence southerly to the southern boundary of Parcel 33-2 on Map 15 of the Assessors Maps a strip of land 410 feet in depth, thence southerly to the southern boundary of Parcel 32-2 on Map 15 of the Assessors Maps a strip of land 330 feet in depth, and thence southerly to the southern boundary of Parcel 55 on Map 15 of the Assessors Maps a strip of land 300 feet in depth. On the east side of Highway 31 and beginning at the northern boundary of Parcel 43-1 on Map 15C of the Assessors Maps ,extending southerly to the southern boundary of Parcel 53 on map 15 of the Assessors maps ,a strip 300 feet in depth.

(Amended May 25, 1988, June 3, 1996, Amended May 13, 2014)

- (C) Business-Industrial Districts:
 - (a) Area bounded by Ball Hill Road, Hubbardston Road, Wheeler Road and Gates Road.

 - (b) From Gates Road northeasterly to Metropolitan District Commission property, a strip 500 feet in depth on the northerly side of the Providence and Worcester Railroad, and the abutting area on the southerly side of the Providence and Worcester Railroad bounded westerly by the Metropolitan District Commission property and southerly by Hubbardston

Road and Metropolitan District Commission property. (*Amended May 13, 1975, June 3, 1996*)

- (c) Beginning one-half (1/2) mile north of the intersection of East Princeton Road and Highway 140 for a distance of approximately 1.2 miles to the intersection of Fitchburg Road with Highway 140, a strip 400 feet wide on each side of Highway 140, excluding any State Forest land. (*Amended March 7, 1961*)

(D) Rural Preservation Overlay District, as set forth in Section XVI. (*Amended February 26, 2008*)

3. Location of Districts:

Zoning districts are shown generally on the most recent map entitled "Town of Princeton Zoning Map" signed by the Planning Board and filed with the office of the Town Clerk. In the event of a difference between the Zoning Map and the distances stated in II-2-(B), in II-2-(C), in XVI-2, or in XIX-3, the distances stated in II-2-B, II-2-C, XVI-2 or XIX-3 shall be used in determining the location of districts. (*Amended May 30, 1978, June 8, 1999, May 10, 2016*)

4. Changes in Districts:

District boundaries may be changed through amendment as provided in Section IX of this by-law. Where boundary lines are streets, railroads or utility lines, the centerlines of such streets or utility lines and the center of the railroad tracks shall be the boundary lines unless otherwise stated. (*Amended May 13, 1975*)

5. Boundary Lines:

Where a district boundary line divides any lot existing at the time such district boundary line was adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the most restricted portion, provided the lot has a frontage in the less restricted district. Any discrepancy between subsection 2 and subsection 3 shall be resolved in favor of subsection 2. (*Amended May 30, 1978, April 2, 2002*)

SECTION III. RESIDENTIAL - AGRICULTURAL DISTRICT:

- 1. In a Residential-Agricultural District no lot shall be used and no structure shall be erected, maintained, altered, or used for any purpose other than the following:

- (A) One family detached dwelling, provided that there shall be only one (1) such dwelling per lot except as otherwise allowed under this Section, together with garage, private stable, wood shed, and similar accessory buildings normal to such use. (*Amended May 12, 2009*)

- (B) Conversion, alteration or extension of the use of a dwelling, existing at the time this by-law was originally adopted, into a dwelling containing units for not more than three (3) families, upon permission from the Board of Appeals as provided for in Section VIII.2.(D) of this by-law. (*Amended June 8, 1999*)

- (l) No such conversion shall be permitted under this subparagraph 1 (B) unless:

- (a) The premises to be converted into a dwelling containing units for two (2) families shall include at least 130,600 square feet, (3 acres) of land and for conversion to three (3) units the premises shall include at least 217,720 square feet (5 acres) of land; and

- (b) The conversion involves no substantial external enlargement of the pre-existing dwelling.

- (2) There shall be submitted to the Board of Appeals in duplicate with application for permission for the conversion, a site plan of the proposed conversion drawn to scale showing the land area and all existing buildings, and any proposed external changes therein, and all existing and proposed structures, parking facilities, driveways and service areas, facilities for sewage, refuse and waste disposal and surface water drainage. *(Amended June 25, 1968, May 9, 1989)*
- (C) Religious or educational purposes, on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic, or a religious sect or denomination, or a nonprofit educational corporation; provided however, that such uses are subject to the regulations contained in Section VI and Section XII of this by-law. *(Amended May 30, 1978, June 8, 1999)*
- (D) Park, reservation, wildlife sanctuary building, structure or area dedicated to municipal use or service. A building, structure, or area that is used for the generation of electrical power, all of which is used by or sold to the Town of Princeton or the Princeton Municipal Light Department, shall be considered to be a municipal use or service for purposes of this section. *(Amended May 10, 2005)*
- (E) Farm, nursery, truck garden or greenhouse, including the display and sale of products or plants raised in the town.
- (F) The keeping of poultry, pigs or other farm animals subject to the regulations of the Board of Health. *(Amended May 30, 1978)*
- (G) (a) Home office, home farm stand, or home business workshop, as defined in Section XVIII (1) (A).
- (b) Subject to a special permit granted by the Planning Board, as provided in Section VIII. 3 of this Bylaw: Bed & Breakfast or home specialty retail, as defined in Section XVIII (1) (B).
- (Amended May 11, 2010, amended May 13, 2014)*
- (H) Signs:
- (a) Real estate sign advertising rental, lease, sale of the premises, or sign displaying name of building, provided that no one of these signs shall exceed twelve (12) square feet in area.
- (b) Sign or bulletin board incidental to a permitted use, not exceeding two (2) square feet in area. *(Amended May 11, 2010)*
- (c) No sign shall be illuminated other than by indirect, non-flashing white light.
- (I) Subject to the permission of the Board of Appeals, as provided in Section VIII.2.(D) of this by-law, the following: cemetery, hospital, sanitarium, nursing home or charitable institution; subject to Site Plan Review under Section XII of this by-law, the following: use of land or structure by a public utility; community club or private club not conducted for profit; ski-tow, and structures and uses generating electric power for the Town of Princeton or the Princeton Municipal Light Department. *(Amended May 30, 1978, June 8, 1999 & May 10, 2005)*
- (J) Subject to the permission of the Board of Appeals, as provided in Section VIII.2.(D) of this by-law, portable wood-working mills and machinery while operating exclusively upon timber being removed from the property upon which said mills and machinery are located. In granting such permits therefor the Board of Appeals shall specify such limitations and safeguards, as it may deem appropriate. *(Amended June 8, 1999, Amended May 13, 2014)*

- (K) A country club and golf course on a minimum of two hundred (200) acres of contiguous land. .
(Amended April 2, 2002)
- (L) Subject to the permission of the Board of Appeals, as provided in Section VIII-2(D) of the Zoning By-laws, low or moderate income housing developed under the comprehensive permit process established by Chapter 40B of the MA General Laws. *(Amended May 21, 1991, Renumbered & Amended April 2, 2002)*
- (M) Telecommunications facilities, towers and devices may be allowed upon the grant of a special permit by the Planning Board. *(Amended June 8, 1999, Renumbered April 2, 2002)*
- (N) Subject to a special permit granted by the planning board under Section XIV, an open space-residential design development *(Amended February 26, 2008)*
- (O) Subject to a special permit granted by the planning board under Section XV, a backlot development. *(Amended February 26, 2008)*
- (P) Subject to a Special Permit from the Planning Board acting pursuant to M.G.L. Chapter 40A, Section 9 and Section XVII of this Bylaw, Special Residential Use Regulations, an Accessory Apartment. *(Amended May 12, 2009)*
(Section III, K through P Renumbered May 11, 2010)
- (Q) Subject to a special permit granted by the Planning Board under section XX of these by-laws, earth removal. *(Amended May 12 2015)*

SECTION IV. BUSINESS DISTRICT:

- 1. Uses permitted in a Business District shall be the following and no others:
 - (A) Any use permitted in a Residential-Agricultural District.
 - (B) Hotel or motel, rooming house, boarding house, ski lodge. *(Amended May 25, 1988)*
 - (C) Retail store or service establishment.
 - (D) Restaurant or other place for serving food.
 - (E) Business or professional office; bank.
 - (F) Place of business of caterer, confectioner, decorator, dressmaker, optician, mortician, craftsman, or member of a building trade, and similar uses.
 - (G) Newspaper or job printing.
 - (H) Automobile salesroom, provided that no display of vehicles for sale shall be permitted closer to the street line than the major structures on the same lot, and provided further that discarded cars are not on the lot.
 - (I) Signs advertising goods or services offered by an occupant of the premises for sale, hire, or use, provided that not more than one (1) sign, other than those attached flat against the wall of a building, shall be permitted for each separate and distinct establishment on the premises, or for each two hundred (200) linear feet of lot frontage on the principal street, whichever allows the greater number of signs, provided further that each sign does not exceed forty (40) square feet in area and provided that no sign shall be illuminated other than by indirect, non-flashing white light.

- (J) Subject to permission of the Board of Appeals, as provided in Section VIII of this by-law, the following:
 - (a) Service station or automobile repair shop, provided that gas line pumps and equipment shall be so located that vehicles cannot be serviced unless they are entirely on the service station or garage lot, and provided further that discarded cars may be kept on the premises only in an area designated by the Board of Appeals.
 - (b) Light manufacturing, research laboratory and similar activities, provided that such proposed activities will not be offensive, injurious, or noxious because of noise, vibration, smoke, fumes, dust, odors, danger of explosion or other characteristics detrimental to a dominantly residential town.

2. Storage of Materials:

Any permit granted under subsection IV.1.J. shall be subject to the provision that no storage of materials appurtenant thereto shall be permitted between the street line and the front line of structures on the subject lot, or, if there be no structure, within forty (40) feet of the street line. *(Amended April 2, 2002)*

3. Uses Requiring Site Plan Review:

In a business zone, no business building shall be constructed or externally enlarged, and no business use shall be initially established or expanded in ground area except in conformity with site plan review by the Planning Board as set forth in Section XII of this by-law. *(Amended June 8, 1999, April 2, 2002)*

SECTION V. BUSINESS-INDUSTRIAL DISTRICT:

1. Uses permitted in a Business-Industrial District shall be the following and no others:

- (A) Any use permitted and as regulated in a Residential-Agricultural District or a Business District.
- (B) Any manufacturing or industrial use, including processing, fabrication and assemble, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas sewage, refuse, noise, excessive vibration, or danger of explosion or fire.
- (C) Site Plan Review:

In a Business-Industrial District the use of any site for business or manufacturing will be subject to the same site plan review as that required for business buildings or business use in a Business District (Refer to Section XII of this by-law). *(Amended June 8, 1999, April 2, 2002)*

SECTION VI. AREA, YARD AND HEIGHT REGULATIONS:

1. Area and Yard Regulations:

- (A) Except as hereinafter specified, there shall be provided for each dwelling or other residential structure, each business building, and each industrial building or concern in the Town a lot with a minimum area of 87,120 square feet. Of said 87,120 square feet not less than 43,560 square feet must be exclusive of wetland and flood hazard areas. *(Amended July 20, 1973, May 13, 1987, May 25, 1988)*
- (B) Except as hereinafter specified, there shall be provided for each dwelling or other residential structure, each business building, and each industrial building or concern in the Town a lot having at least 225 feet of continuous frontage on a single street Frontage shall be computed along the edge of

the property line where it borders the street right of way. On a corner lot, frontage shall be measured to the tangent point at the intersection of the two streets. . This requirement shall not apply to a building or structure dedicated to municipal use or service so long as the lot contains a minimum of five (5) acres and there is actual access by way of easement or otherwise. (*Amended July 20, 1973, May 10, 2005, May 15, 2012*)

- (C) No more than thirty (30) percent of the area of any lot may be covered by structures. (*Renumbered May 30, 1978*)
- (D) No building or part thereof in any district shall be so located as to extend within fifty (50) feet of a property line where it borders the street right of way line, except that this shall not apply to uncovered steps. (*Renumbered May 30, 1978, Amended May 25, 1988, May 8, 1989, May 15, 2012, May 12, 2015*)
- (E) No new building or part thereof in any district shall extend within ten (10) feet of a side or rear lot line of any lot existing at the time this by-law was originally adopted, or within thirty (30) feet of a side or rear lot line of any new lot recorded or registered after the adoption of this by-law. (*Renumbered May 30, 1978, Amended May 13, 2014, May 12, 2015*)
- (F) Septic tank, leachfield, back-up area and access to said systems must be on the same building lot as the dwelling it serves, except that upon the recommendation of the board of health, the planning board may waive this requirement for an open space-residential development approved under Section XIV. (*Amended May 12, 1987, Amended February 26, 2008*)
- (G) For any lot created after the adoption of this section, the width of the lot between the property line where it borders the street right of way line and the nearest part of the principal building to be constructed on the lot shall be not less than fifty (50) feet. Lot width shall be the shortest distance between side lot lines, or for a corner lot, between the side lot line and the opposite lot line. (*Adopted May 21, 1991, amended May 15, 2012*)

2. Height Regulations:

- (A) The height of any structure in the Residential-Agricultural District shall exceed neither thirty-five (35) feet nor two and one-half (2 1/2) stories. This does not apply to a church or to public buildings. Except that the height of telecommunications facilities, towers and devices is governed by the restrictions set forth in the wireless telecommunications section of this by-law. (*Amended June 8, 1999*)
- (B) The height of any structure in a Business District or in a Business-Industrial District shall exceed neither thirty-five (35) feet nor three (3) stories. This does not apply to a church or to public buildings. Except that the height of telecommunications facilities, towers and devices is governed by the restrictions set forth in the wireless telecommunications section of this by-law. (*Amended June 8, 1999*)
- (C) In determining the height of structures a half (1/2) story is that portion of a structure under a sloping roof, the cubic contents of which are never more than half of those of the story below; if the cubic contents are greater than half, it shall be deemed a story. The calculations for determining the cubic contents of the space will extend vertically to the highest horizontal plane of the finished ceiling and horizontally to an imaginary line of a vertical wall set at five (5) feet (1524 mm), intersecting with the slope of the roofline. All dormers shall be part of this calculation. In no case shall such space be considered for occupancy unless it meets the minimum ceiling height and area requirements contained in the Massachusetts state building code. Limitations of height shall not apply to chimneys, ventilators, skylights, towers and spires when carried above roofs and to tanks, silos, and structures used for the generating of electric power for the Town of Princeton or the Princeton Municipal Light

Department so long as none of the aforementioned features are in no way used for living purposes. Except that the height of telecommunications facilities, towers and devices is governed by the restrictions set forth in the wireless telecommunications section of this by-law. (*Amended June 8, 1999 & May 10, 2005 & May 11, 2010*)

SECTION VII. GENERAL REGULATIONS:

1. Any building, use of building, or use of land not herein expressly permitted for the zone in which the building or land is located is hereby forbidden, except a building, use of building, or use of land legally existing at the adoption of this by-law, unless permission is obtained from the Board of Appeals as provided in Section VIII of this by-law.
2. Non-conforming Uses:
 - (A) This by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on this by-law or any applicable amendment thereto in accordance with the provisions of Section 5 of Chapter 40A, but shall apply to any change or substantial extension or structural change of such structure and to any alteration of a structure begun after the first (1st) notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure.
 - (B) Pre-existing non-conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals acting as a special permit granting authority, that such change, extension or alteration shall not be substantially more detrimental than the existing use to the neighborhood. In any case where the extension or alteration involves a business or industrial use in a residential zone, site plan review by the Planning Board pursuant to Section XII of this by-law shall be required. (*Amended June 8, 1999, April 2, 2002*)
 - (C) Construction or use under a building permit or special permit shall conform to any subsequent amendment of this by-law unless the construction or use is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
 - (D) Wherever a non-conforming use or structure has been abandoned or not used for a period of two (2) years or more it shall not be re-established and any future use shall conform to this by-law, unless otherwise authorized by the Board of Appeals acting as a special permit granting authority.
 - (E) The exemptions for lots for single and two-family residential use and for land shown on plans submitted under the Subdivision Control Law, as well as the waiver provision, all in section 6 of Chapter 40A, are included in the application of this Section VII.2.
 - (F) The provisions of this section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections twenty-nine (29) through thirty-three (33), inclusive, of Chapter 93, and to Chapter 93D of the Massachusetts General Laws. (*Amended May 30, 1978*)
3. Trailers and Mobile Homes:
 - (A) Trailers and mobile homes may be used for residential purposes in any district in the Town subject to permission of the Board of Appeals; except that if an occupied dwelling has been rendered uninhabitable, in the opinion of the selectmen, by fire or other catastrophe the owner may use a trailer

or mobile home as a residence on the same lot for a period not in excess of one (1) year. (*Amended May 30, 1978*)

(B) Trailer and mobile home camps or parks are not permitted in the Town. (*Amended March 7, 1972*)

(C) Trailer or mobile home shall mean any one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used with or without a permanent foundation. (*Amended March 7, 1972*)

4. Cellar Holes:

A cellar hole dwelling is allowed if it is intended as the basement of a residence but, such use has a time limit of three (3) years. This time may be extended for one (1) year periods by the Board of Appeals.

5. Parking:

No use of land for either residential or non-residential purposes in any type of district will be permitted which does not provide off-street parking adequate for its customary needs.

6. Unregistered and Junk Motor Vehicles:

(A) An unregistered motor vehicle is defined as any motor vehicle required to be registered by the laws of the Commonwealth of Massachusetts for operation on public ways and not so registered.

(B) A junk motor vehicle is defined as any motor vehicle not capable of being operated on public ways because of its being damaged or dismantled or its not containing parts necessary for such operation, or any major part of such vehicle.

(C) Not more than one unregistered motor vehicle shall be parked, stored, or otherwise placed in the open upon any lot, tract, or parcel of land for a period of more than six (6) consecutive months.

(D) No junk motor vehicle shall be parked, stored, or otherwise placed in the open upon any lot, tract, or parcel of land for a period of more than thirty (30) consecutive days.

(E) The above restrictions shall not apply to unregistered motor vehicles or junk vehicles parked, stored, or otherwise placed upon land permitted to be used for business purposes by duly licensed dealers in new or secondhand motor vehicles or to unregistered motor vehicles used principally for farming purposes, nor to unregistered motor vehicles which are in fact used for the maintenance of the property on which they are located. (*Amended March 7, 1972, Amended May 13, 2014, Amended May 12, 2015*)

SECTION VIII. ADMINISTRATION:

1. Enforcement:

The Inspector of Buildings in Princeton (or the Board of Selectmen if no Building Inspector has been appointed) shall enforce the provisions of this by-law and amendments thereto. He (they) and all other appropriate public officers shall be governed by and act in accordance with the applicable provisions of Chapter 40A Section 7 and this by-law. (*Amended May 30, 1978*)

(A) Penalty Clause:

Whoever violates any provision of this by-law may be punished by a fine not exceeding three hundred (\$300.00) dollars per violation. Each day such violation continues shall constitute a separate offense. *(Amended May 30, 1978, May 9, 1989, Renumbered April 2, 2002)*

2. Board of Appeals:

- (A) The Board of Appeals established under Section 1-C of Article VI of the warrant for the December 31, 1955 Town Meeting shall also act as the Board of Appeals under this zoning by-law, and for zoning purposes said Board shall be constituted and act in accordance with the applicable provisions of Chapter 40A and any amendments thereto. The Selectmen shall also appoint one or more associate members of the Board of Appeals pursuant to the provisions of Massachusetts General Laws, C. 40A ss 12 and C. 41 ss 81Z. *(Amended June 25, 1968, May 30, 1978)*
- (B) The Board of Appeals shall adopt such rules of procedure and exercise such powers and duties as are consistent with Chapter 40A of the General Laws and any amendments thereto. Such rules of procedure shall include provisions for submission of petition in writing, for advertising and holding hearings, for keeping records of proceedings, for recording the vote of each member upon each question, for setting forth the reason for each decision, and for notifying the parties at interest, including the Planning Board, as to each decision. The powers and duties of the Board of Appeals shall include the power to determine action in the cases set forth in paragraphs (C),(D), and (E) below, as well as any other applicable powers and duties specified in Chapter 40A, except as otherwise specified in this by-law. *(Amended May 30, 1978)*
- (C) The Board of Appeals shall hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Building Inspector (or the Board of Selectmen, if no Building Inspector has been appointed) acting as enforcement officer under this by-law. *(Amended June 8, 1999)*
- (D) The Board of Appeals acting as a special permit granting authority shall hear and decide requests for special permits as provided in Sections III.1.B., III.1.I, III.1.J, III.1.K., III.1.L., IV.1.J., VII.2.B., VII.2.D., VII.3.A. and VII.4. of this by-law. *(Amended May 30, 1978, May 21, 1991)*
- (E) The Board of Appeals shall hear and decide requests for variance from the terms of this by-law pursuant to and in accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 10. Variances for use are expressly permitted under this by-law provided the statutory requirements are met. *(Amended May 30, 1978)*
- (F) In carrying out the provisions of paragraphs (D) and (E) above, the Board may impose, as a condition of its decision, such restrictions as to manner and duration of use not otherwise prohibited by statute as will in its opinion safeguard the legitimate use of the property in the neighborhood and the health and safety of the public, and conform to the intent and purpose of this by-law, such restrictions to be stated in writing by the Board and made a part of the permit. *(Amended May 30, 1978)*

3. Special Permits:

- (A) Special permits shall be granted only following public hearings held as required under Chapter 40A, Section 9, and shall lapse unless substantial use or construction has commenced in the manner specified in said section 9 within two (2) years from the date of the grant. Accessory uses relating to scientific research and development, as specified in said section 9 shall be permitted upon the issuance of a special permit by the Board of Appeals acting as a special permit granting authority pursuant to said section 9. *(Amended April 2, 2002)*
- (B) No appeal, application or petition which has been unfavorably acted upon by the Board of Appeals or any Special Permit Granting Authority shall be acted favorably upon within two (2) years after the

date of final unfavorable action except in accordance with the applicable provisions of Chapter 40A, Section 16.

(C) The Planning Board shall act as the special permit granting authority for such developments and uses as may be assigned to the Planning Board under this Bylaw (*Amended May 30, 1978, June 8, 1999 & May 10, 2005, Amended May 13, 2014*)

(D) The Planning Board, when acting as the Special Permit Granting Authority shall have one (1) Associate Member. The Board of Selectmen and Planning Board shall appoint the Associate Member for a period of one (1) year. The Chairman of the Planning Board may designate an Associate Member to sit on the Board for the purpose of acting on a Special Permit Application in the case of absence, an 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. (*Adopted May 15, 2001*)

4. Chapter 40A:

Reference in this by-law to Chapter 40A shall mean Chapter 40A of the Massachusetts General Laws, as amended from time to time. (*Amended May 30, 1978, April 2, 2002*)

5. Site Plan Review:

The Planning Board shall act as the granting authority in connection with Site Plan Reviews required under this by-law. (*Amended May 10, 2005*)

SECTION IX. AMENDMENT:

This by-law may be amended from time to time at an annual or special town meeting in accord with the provisions of Section 5 of Chapter 40A.

SECTION X. DEFINITIONS:

In this Bylaw, 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 Bylaw. 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," and 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 this Bylaw.

Accessory apartment. See "Dwelling."

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

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

Agriculture: As defined in M.G.L. c.128A, "agriculture" includes farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering

operations, performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. When conducted on five or more acres of land, agriculture so defined is an exempt use under M.G.L. 40A, § 3.

Agricultural use, nonexempt: Agricultural use of property on less than five acres of land.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Attached single-family dwelling (“townhouse”): See “Dwelling.”

Auto filling or service station: A building or part thereof with not more than three service bays, where the principal activity is the sale of motor vehicle fuel and related products and services; or a car wash. All maintenance and service, other than minor service and emergency repairs, shall be conducted entirely within a building. For purposes of this Bylaw, auto filling or service station shall not include an auto repair shop or auto body shop.

Auto body shop: Establishment where the principal service is the repair and painting of automobiles, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, provided that all but minor repairs shall be conducted entirely within a building.

Auto repair shop: Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, not including an auto service station.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to more than four (4) boarders. Where four (4) or more unrelated individuals rent a dwelling, it shall be considered a boarding house.

Building: A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building height: The vertical distance from the finished grade to the highest point of the roof. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space. Additional height regulations may apply in some zoning districts; see section VI.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Child care (or day care) facility: A day care center or school-age child care program, as those terms are defined in M.G.L. c. 28A, § 9.

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

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, boathouse, game preserve, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

Cultural use (“cultural establishment”): A non-profit charitable museum, art gallery, library, facility or hall for live performing arts productions (“legitimate theatre”), or similar use.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. In this Bylaw, “dwelling” includes the following classes:

Detached single-family dwelling: A detached residential dwelling unit designed or intended or used exclusively as a single housekeeping unit for one family, with common cooking and living facilities.

Attached single-family dwelling (“Townhouse”): A residential building of at least three (3) but not more than six (6) one-family attached dwelling units, with sidewalls separated from other dwelling units by a fire wall or walls. Each townhouse unit may be owned by a separate owner and shall have individual at-grade access.

Two-family dwelling: A detached residential building designed or intended or used exclusively as the home or residence of two families. For purposes of this Bylaw, a two-family dwelling includes (1) a building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth, i.e., a duplex in which no part of one dwelling unit is over any part of the other dwelling unit, or (2) a house containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. A two-family dwelling does not include a detached single-family dwelling with an accessory apartment.

Multi-family dwelling: A building designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other and which may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

Mobile home: Any vehicle or object on wheels designed and constructed or reconstructed or added to by means of accessories or facilities to permit the use and occupancy thereof for human habitation; whether resting on wheels, jacks or other foundations and shall include the type of vehicle commonly known as a mobile home, which shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Accessory apartment: A dwelling unit subordinate in size and accessory to an owner-occupied, detached single-family dwelling. The apartment may be located within the single-family dwelling or in a building accessory thereto, such as an attached or detached garage or barn.

Earth removal: Extraction of loam, topsoil, sand, gravel, clay, glacial till, silt, rocks, boulders, ledge, and other earth materials pursuant to Section XX of these by-laws. (*Amended May 12, 2015*)

Educational use, nonexempt: Educational facilities not exempted from local regulation by M.G.L. c. 40A, § 3.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Exempt use. Any use for which communities are prohibited from requiring a special permit or otherwise restricting a use in any zoning district, except for reasonable dimensional controls that do not interfere with or obstruct such use, as defined in M.G.L. c.40A, § 3 or this Bylaw.

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Family day care home: Any private residence operating a licensed facility under M.G.L. c. 28A, § 9.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, § 3.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor area ratio (FAR): A mathematical expression determined by dividing total floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

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

Impervious: Any area impenetrable by surface water.

Institutional use: Public or private, non-profit facilities serving the general public, such as municipal, educational, religious, cultural or social uses.

Light manufacturing: Fabrication, assembly, processing, finishing work or packaging, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat or vibration; and with no outside storage of materials or finished goods.

Lot: A continuous parcel of land with legally definable boundaries.

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 lot with two (2) adjacent sides abutting upon streets or other public spaces.

Lot frontage: A lot line coinciding with the sideline of a street, which provides legal rights of vehicular access to the lot, said line to be measured continuously along a single street. (*Amended May 12, 2009*)

Lot line: A line dividing one lot from another or from a street or any public place.

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

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Mobile home: See "Dwelling."

Motel or 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. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Municipal facilities: Facilities owned or operated by the Town of Princeton.

Multi-family dwelling. See “Dwelling.”

Nursing home or rest home: An extended or intermediate care facility licensed by the Department of Public Health under M.G.L. c.111, § 71 to provide full-time convalescent or chronic care for hire, and may include a licensed adult day care center.

Personal service establishment: A facility providing personal services directly to consumers, such as hair salon, barber shop, dry cleaning, print shop, photography studio, and the like.

Private non-profit club or membership organization: Premises or buildings of a non-profit organization exclusively serving members and their guests for social, recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the use of the club membership and the purposes of such club.

Professional or business office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Repair shop: A building used for the repair of appliances, office equipment, bicycles, lawn mowers or similar equipment.

Research laboratory (“research and development”): An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast-food restaurant" or “drive-through restaurant.”

Restaurant, fast-food: An establishment whose principal business is the preparation of food from a limited menu and selling the same directly to the customer in a ready-to-consume state, using throw-away food packaging, with ordering and sales typically conducted at a counter or a drive-through and pick-up window.

Restaurant, drive-through: A restaurant from which patrons may receive food or beverages through a window or other fixed station while remaining in their vehicles; including fast-food restaurants, coffee shops, ice cream shops, and similar food establishments with drive-up windows.

Sandwich Shop, Deli, Coffee Shop: A food service establishment, which may be mobile, where food is prepared and sold at retail and may or may not be consumed on the premises, such as sandwiches, soups, salads, pizza, coffee or baked goods, or other individually proportioned food items. For purposes of the By-law, a sandwich shop, deli, or coffee shop may include a walk-up service window, but does not include a fast-food restaurant or a drive through restaurant. (*Amended May 10, 2016*)

Retail Store: A building for display and sale of merchandise at retail, such as the following, which will serve as illustrations only and are not to be considered exclusive: drug store, newsstand, food store, candy shop, dry goods and notions store, antique store or gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store. As used in this Bylaw, retail does not include adult entertainment establishments. A retail store may have one or more vendors within it and may occupy one building or a portion of a building.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." However, the following shall not be considered signs within the context of this Bylaw:

Flags and insignia of any government except when displayed in connection with commercial promotion.

Legal notices, or informational devices erected or required by public agencies.

Temporary devices erected for a charitable or religious cause, provided they are removed within seven (7) days of erection.

Temporary displays inside windows, covering not more than thirty (30) percent of window area, illuminated by building illumination only.

Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.

Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.

Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.

Address identification through numerals or letters not exceeding three (3) inches in height.

Sign area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matters shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

Solid waste disposal facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Princeton board of Health for processing, handling, treating, and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items, and sludge but not raw sewage, and similar waste items.

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, or a way 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: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, or mast for radio antenna or the like.

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the building inspector.

Two-family dwelling: See "Dwelling."

Wholesale trade: A business for the sale of commodities in quantity to retailers for resale or for further processing, including associated warehouse or outdoor storage and distribution facilities.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, front: A yard extending the full width of the lot and situated between the property line where it borders the street right of way line and the nearest point of the building. (*Amended May 15, 2012*)

Yard, rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot.

Yard, side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

(Section X - Amended February 26, 2008)

SECTION XI. EFFECTIVE DATE:

This by-law shall take effect as provided by Section 5 of Chapter 40A of the General Laws as amended.

(Amended June 8, 1999)

SECTION XII. SITE PLAN REVIEW:

1. Purposes: The purposes of site plan review are to promote and protect public health, safety, and the general and specific character of the town through the establishment of a project review procedure; to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the town; to regulate rather than prohibit uses through reasonable conditions that may be required by the planning board concerning design and location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety; and to minimize adverse effects on surrounding areas.
2. Applicability: The following types of activities and uses shall require site plan review by the planning board.
 - (1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
 - (2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.
 - (3) Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single-family or two-family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with a approved subdivision or cutting plan, or work pursuant to an earth removal permit.
 - (4) Any use requiring a special permit.
 - (5) Any use identified in the regulations of a zoning district as a use that is subject to site plan review.
3. Relationship to Other Permits and Approvals
 - (A) No building permit shall be issued for any development subject to this section, and no construction or site preparation shall be started, unless a site plan has been approved for it by the planning board, or unless 65 days lapse from the date of the submittal of the site plan without action by the board.
 - (B) No certificate of occupancy or certificate of zoning compliance shall be issued for any building subject to this section unless such building and all its related facilities have been completed according to the approved site plan. No activity subject to site plan review shall be conducted on the site unless, in the opinion of the building inspector, the development or approved phase thereof has been substantially completed according to the approved site plan, and unless the proposed activity was reviewed by the planning board during the site plan review process.

- (C) Approval of a site plan under this section shall not substitute for the requirement of obtaining a special permit or other permits or approvals required by this zoning bylaw and all applicable state and local regulating authorities.
- (D) Where site plan review is required because the proposed use requires a special permit from the planning board, the special permit and site plan review applications shall be a combined submission; the public hearing procedures shall be consolidated and conform to the requirements of section VIII(3); and the special permit decision shall incorporate the site plan review decision.

4. Procedures.

- (A) Prior to the commencement of any activity as set forth in section 2 above, the project proponent shall obtain site plan approval from the planning board. The planning board shall review and may request advice and comments from other town boards, and act upon the site plan, with such conditions as may be deemed appropriate, within sixty-five (65) days of its receipt, except when an extension is mutually agreed upon with the applicant, and notify the applicant of its decision. The decision of the planning board shall be upon a majority of those present and shall be in writing.
- (B) The applicant may request, and the board may grant by majority vote, an extension of the time limits set forth herein.
- (C) No deviation from an approved site plan shall be permitted without written planning board approval.

5. Planning Board Decision

- (A) The planning board shall approve a site plan only upon its determination that:
 - (1) For the type and location of the development and the land use(s) involved, the applicant could not reasonably alter the placement of buildings, the design of building form, access and egress points, drainage, grading, and other elements of the plan to:
 - (a) Improve the development's visual compatibility with the surrounding area;
 - (b) Reduce the visual impact of parking on views from the road or from surrounding properties;
 - (c) Improve the convenience and safety of vehicular and pedestrian movement within the site, considering the location of driveway openings in relation to traffic and/or adjacent streets and the adequacy and arrangement of parking and loading spaces;
 - (d) Minimize obstruction of scenic views from publicly accessible locations;
 - (e) Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
 - (f) Increase the protection of adjoining premises against detrimental uses by provision of stormwater management, sound and light barriers, preservation of light and air, and preservation of views when possible;
 - (g) Protect or improve water quality, or improve water conservation;

- (h) Reduce stormwater runoff through best management practices or increase groundwater recharge;
- (i) Reduce the number of removed trees of 6" or more in diameter at breast height (dbh); the length of removed stone walls, the area of wetland vegetation displaced, the removal of indigenous vegetation, the extent of stormwater flow increase from the site, the volume of cut or fill, soil erosion, or threat of air and water pollution; and
- (j) Increase the protection and enhancement of important, existing site features, natural or man-made.

(2) The proposed development:

- (a) Meets all applicable requirements of this Zoning Bylaw and other laws, including parking, loading, sign, and landscaping requirements;
- (b) Provides adequate stormwater management consistent with the functional design standards in the planning board's Subdivision Rules and Regulations;
- (c) Minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- (d) Minimizes contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, production or manufacture, storage, handling, or containment of hazardous substances;
- (e) Complies, where applicable, with any Overlay District in this Bylaw.

(B) Conditions. The planning board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.

(C) Denial. The planning board may deny site plan approval only if the applicant fails to provide sufficient information for the board to make the determinations required under subsection 5(A) above.

6. Performance Guarantee. As a condition of site plan review:

- (A) The planning board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the planning board, be posted with the town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder.
- (B) The planning board may also require that an amount be included for land restoration not having to do with the construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be confirmed or increased by the board.
- (C) The town may use the secured funds for their stated purpose in the event that the applicant does not complete all site improvements in a manner satisfactory to the planning board within two years from the date of approval, or the final date of the last extension of such approval, if any.

7. As-Built Plan. Upon completion of all work, an as-built plan and a letter of certification shall be submitted to building inspector by a registered professional engineer, registered architect, registered landscape architect or

registered land surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved site plan.

8. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the planning board upon the written request of the applicant.
9. Applications. The planning board may adopt reasonable procedures for the administration of site plan review, and impose reasonable administrative fees and technical review fees for site plan review.

(Section XII – Amended February 26, 2008)

SECTION XIII. WIRELESS TELECOMMUNICATIONS BY-LAW:

1. Purpose:

The purpose of this by-law is: to provide for a special permitting process for the siting of Wireless Communications Facilities while minimizing potential damage and adverse visual impacts on adjacent properties, residential neighborhoods, vistas and areas of historic or high scenic value; to allow the provision of necessary wireless communications services in an orderly way; to reduce the need for new facilities; to minimize the height of facilities; and to require the use of stealth facilities. It is the explicit preference to have more Wireless Communications Facilities that have less visual impact than to have relatively few Wireless Communications Facilities with larger individual visual impact. *(Amended April 2, 2002)*

2. Definitions:

- **DISTANCE**: shall be measured on a horizontal plane.
- **FAA**: shall mean the Federal Aviation Administration.
- **FCC**: shall mean the Federal Communications Commission.
- **HEIGHT**: shall be the distance measured from the mean finished ground level at the base to the highest point on the structure.
- **NON-RESIDENTIAL STRUCTURE**: Buildings, grain silos, water towers and other similar structures, but not including houses, apartments or any building used for human habitation.
- **STEALTH FACILITY**: shall mean any newly constructed or installed building, building feature, or structure designed for the purpose of hiding or camouflaging Wireless Communications Devices, Facilities and Towers, including but not limited to church steeples, flag poles, historic-replica barns, silos, water towers, bell towers, etc.
- **WIRELESS COMMUNICATIONS BUILDING**: A building or structure used to house mechanical and electrical equipment as an accessory to a Wireless Communications Facility used by a commercial telecommunications carrier to provide telecommunications or data services.
- **WIRELESS COMMUNICATIONS DEVICE**: Any antenna, dish, appurtenance, wiring or equipment used by a commercial telecommunications carrier to provide telecommunications or data services. This term does not include Towers.
- **WIRELESS COMMUNICATIONS FACILITY**: Any and all materials, equipment (other than customer premises equipment) buildings, Towers, devices and structures including Stealth Facilities used by a commercial telecommunications carrier to provide telecommunications or data services.
- **TOWER**: Any equipment mounting structure used primarily to support transmission and reception equipment and Wireless Communications Devices and that measures twelve (12) feet or more in height and is used by a commercial telecommunications carrier to provide telecommunications or data services.

3. Exemptions:

The following shall be exempt from this by-law:

- (A) Amateur radio towers used solely by a federally licensed amateur radio operator.
 - (B) Wireless communications structures and Devices used expressly and exclusively for television reception.
4. General Guidelines:
- (A) No Wireless Communications Facility shall be erected, constructed, or installed without a special permit from the Planning Board.
 - (B) Wherever feasible, Wireless Communications Devices shall be located on existing Towers, on existing Non-Residential Structures or within Stealth Facilities, minimizing proliferation of new Towers.
 - (C) A Special Permit for a Tower or Stealth Facility may be conditioned on the requirement that the structure be built so that it is able to accommodate devices operated by another carrier with little or no modification.
 - (D) Wireless Communications Buildings shall be no larger than four hundred (400) square feet and ten (10) feet high, shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to the particular site. *(Amended April 2, 2002)*
 - (E) Stealth Facilities, Wireless Communication Devices, Facilities, Towers and Buildings may be allowed in any zoning district subject to a grant of a Special Permit by the Planning Board provided that they conform to the requirements set forth in this by-law. Wireless Communications Devices are allowed only on Non-Residential Structures. Stealth Facilities must be consistent with the character of the neighborhood. *(Amended April 2, 2002)*
 - (F) All owners and operators of land, used in whole or in part, for a Wireless Communications Facility, and all owners and operators of such Wireless Communications Facility may, as a condition of the special permit by required to permit other FCC licensed commercial entities seeking to operate a Wireless Communications Facility, to install, erect, mount and use compatible wireless communications equipment and fixtures on the equipment mounting structure on reasonable commercial terms provided that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing Wireless Communications Facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communications equipment or fixtures.
 - (G) Wireless Communications Facilities may be located on the same lot as other structures or uses lawfully in existence.
 - (H) All Wireless Communications Facilities shall be Stealth Facilities that effectively camouflage or conceal the presence of a Tower and antennae. *(Amended April 2, 2002)*
5. Siting and Height Requirements:
- (A) Setbacks
 - (1) The minimum distance from the base of a Tower, including Towers within Stealth Facilities, to any property line, road, right-of-way or building used by people shall be at least one and one-half (1 ½) times the height of the Tower to ensure an adequate fall zone. *(Amended April 2, 2002)*

- (2) The setbacks for the Wireless Communications Building shall comply with the setback requirements for the zoning district.
 - (3) A Tower shall be setback a minimum distance of five (5) times the tower height from abutting and neighboring residential dwellings or proposed dwellings in an already permitted subdivision or public roadways except that this distance may be reduced if the Planning Board finds that reduction in the setback distance would not be significantly more detrimental (visually and aesthetically) to the neighborhood than alternative proposals.
(Amended April 2, 2002)
- (B) It is presumed that the maximum allowed height of a Tower is seventy-five (75) feet, unless the applicant demonstrates that a greater height is required to allow for provision of the wireless communications services or unless the Planning Board finds that co-location on said Tower is both practical and preferable. Stealth Facilities must meet all dimensional restrictions for buildings and structures as required in the applicable sections of the Town of Princeton Zoning By-laws unless the Planning Board finds that the visual and aesthetic impacts on the neighborhood would not be significantly more detrimental than alternative proposals. If a Height greater than seventy-five (75) feet is essential the applicant shall demonstrate with substantial evidence that services cannot be provided with multiple lower Wireless Communications Facilities or alternative technologies such as repeaters or micro-cells. *(Amended April 2, 2002)*
- (C) Communications Devices located on an existing structure shall not exceed ten (10) feet in height above the roofline of the structure and the total height of the existing structure and the device may not exceed seventy-five (75) feet, unless the Planning Board finds that a greater height is essential to the proper functioning of the wireless communication services to be provided by the applicant at such location. For structures where it is difficult to determine the roofline, such as water tanks, the height of the Communications Devices shall not exceed ten (10) feet above the highest point of the structure. *(Amended April 2, 2002)*
- (D) Towers shall be sited off ridgelines and where their visual impact is the least detrimental to valuable historic and scenic areas. Consideration shall be given to historic and scenic areas listed in the Town Open Space and Recreation Plan, Master Plan, and Massachusetts Landscape Inventory, M.G.L. C.131, s. 39A; conducted by Massachusetts Dept. Of Environmental Management, 1982.
- (E) No new Towers shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing Non-Residential Structure or Tower can accommodate the Applicant's proposed Wireless Communications Device; said demonstration may include the following:
- (1) No existing Tower or Non-Residential Structures are located within the geographic area required to meet the applicant's engineering and height requirements.
 - (2) Existing Towers or non-residential structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed Wireless Communications Device.
 - (3) The fee, costs, or contractual provisions required by the owner in order to share an existing wireless communication structure or to adapt an existing structure for use are unreasonable. Unreasonable shall be defined as exceeding the cost of building a new structure.
 - (4) The applicant demonstrates that there are other limiting factors that render existing structures unreasonable or not feasible.
- (F) Clustering of several Wireless Communications Facilities on an individual lot may be allowed if the Planning Board finds that the visual and aesthetic impact on surrounding residential neighborhoods or

dwellings would not be significantly more detrimental than having only a single Wireless Communications Facility.

6. Design Requirements:

- (A) Towers must be of the monopole type. No Tower shall be placed or constructed that uses a lattice-type construction which requires three (3) or more legs or guy wire supports or both. (*Amended April 2, 2002*)
- (B) There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.
- (C) Wireless Communications Devices and Towers shall be enclosed in Stealth Facilities. If the Stealth Facility is to appear as a tree, it shall contain substantial and dense foliage. (*Amended April 2, 2002*)
- (D) All Wireless Communications Devices and Towers, which are not fully enclosed in Stealth Facilities shall be colored, molded, and/or installed to blend into the supporting structure and/or the landscape and shall be constructed out of non-reflective materials. All Wireless Communications Devices shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets and residences.
- (E) All building mounted Wireless Communications Devices shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that match and/or blend with those of the building.
- (F) The Wireless Communications Facility shall be fenced to control access. Fencing shall be compatible with the scenic character of the town.
- (G) No Wireless Communications Facility shall be constructed to a height that requires aircraft lighting or special painting to enhance visibility. No Tower shall be artificially lighted.
- (H) There shall be a maximum of one parking space for each Tower to be used in connection with maintenance of the site and not to be used for the storage of vehicle or other equipment.
- (I) The access road and parking area surface shall be constructed of gravel or other non-bituminous material to maintain a rural character.
- (J) Existing on-site vegetation shall be preserved to the maximum extent possible.
- (K) Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.
- (L) The Wireless Communications Facility shall not generate noise in excess of thirty-five (35) dBA at the property line. (*Amended April 2, 2002*)
- (M) All network interconnections shall be via underground land lines.

7. Application Process:

Application for a Special Permit for siting Wireless Communications Facilities shall be filed in accordance with established rules and regulations and in addition:

- (A) TO SITE A NEW TOWER OR A TOWER WITHIN A STEALTH FACILITY, the applicant shall submit:

- (1) Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40', or 1"=200', where appropriate, on as many sheets as necessary which shows the following:
 - (a) North arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.
 - (b) Name and address of landowner and name and address of abutters.
 - (c) Property lines and location of permanent structures or buildings, within five hundred (500) foot radius of proposed Tower and/or Facility. (*Amended April 2, 2002*)
 - (d) Existing (from a topographical survey completed within two (2) years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of two (2) foot intervals and spot elevations at base of all the proposed and existing structures. (*Amended April 2, 2002*)
 - (e) Vegetation to be removed or altered.
 - (f) Plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.
 - (g) Delineation of wetlands, if any.
 - (h) Location of Tower and/or Facility, including supports, if any.
 - (i) Plans for anchoring, attaching and supporting the structure and devices, including specifications of hardware and all other building material.
 - (j) Plans for accessory buildings.
 - (k) Layout and details of surfacing for access road and parking.
 - (l) Amenities such as lighting, fencing, and landscaping.
 - (m) Eight (8) view lines in a one to three mile radius of the site, beginning at true north and continuing clockwise at forty-five (45) degree intervals, plus additional view lines from any historic, scenic, or other prominent areas of Town determined by the Planning Board. View lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level, five (5) feet above grade, which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing view lines with the Facility in place. (*Amended April 2, 2002*)
- (2) A map showing the areas covered/served by the proposed wireless communication structure and device of different signal strengths, and the interface with adjacent service areas. The applicant shall also provide a master plan showing the applicant's intended completed coverage of the town including any coverage that may be provided by Wireless Communications Facilities in surrounding towns. (*Amended April 2, 2002*)

- (3) A locus map at a scale 1"=1000' (or whatever is necessary to show where in the proposed tower is sited), which shall show streets and landscape features.
- (4) A description of the soil and surficial geology at the proposed site.
- (5) A narrative report written by the carrier and licensed professional engineer which shall:
 - (a) Describe the justification of proposed site.
 - (b) Include a draft of the contract between the structure/building owner and the applicant, if appropriate.
 - (c) Describe the structure and the technical, economic and other reasons for the Facility design.
 - (d) Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
 - (e) Demonstrate that the Tower or non-residential structure to which the device will be mounted has the structural integrity to support such device.
 - (f) Describe actions to be taken if electromagnetic radiation from the Facility should exceed levels designated by the FCC.
 - (g) Describe the projected future needs of the carrier, and how the proposed Wireless Communications Facility fit with future projections to serve the town and adjacent towns.
 - (h) Describe leasing agreement should another carrier desire to co-locate.
 - (i) Describe special design features to minimize the visual impact of the proposed Wireless Communications Facility.
 - (j) Applicant shall provide copies of all information submitted to Massachusetts Department of Public Health, Radiation Control Program for 105 CMR 122, including initial filing and ongoing monitoring. *(Amended April 2, 2002)*
 - (k) A graph showing the calculated cumulative power densities proposed and potential maximum from all transmitters at six (6) feet and sixteen (16) feet above ground level plotted by foot from zero (0) to two-thousand (2000) feet from the tower location. Power Density shall be in units of $\mu\text{W}/\text{cm}^2$. *(Amended April 2, 2002)*
 - (l) A drawing to scale showing: 1.) Radial distance lines to two-thousand (2000) feet centered on the Wireless Communications Facility location; 2.) Location of property boundaries per assessors map for parcel containing the Wireless Communications Facility and abutting parcels; 3.) The calculated cumulative power densities proposed and potential maximum from each antenna sector at six feet above ground level. This is plotted with three (3) or more constant value lines showing power density regions in the low, medium and high portions of the calculated range. Power Density shall be in units of $\mu\text{W}/\text{cm}^2$. *(Amended April 2, 2002)*
- (6) Proof of approval of all other necessary permits needed for construction and operation.

- (7) After the application is submitted, and not more than fourteen (14) days before the public hearing, the applicant shall arrange to fly a minimum two (2) foot diameter balloon at the site of the proposed wireless communication structure at the maximum height of the proposed installation. The date and location of the flight shall be advertised at least fourteen (14) days, but not more than twenty-one (21) days before the flights, in a newspaper with a general circulation in the town. *(Amended April 2, 2002)*
- (B) To encourage the siting and design of Wireless Communications Facilities with minimal visual impact, the applicant is required to comply with Section XIII.7.A. above except that the Planning Board may waive some or all of said requirements for applications that meet one of the following conditions: *(Amended April 2, 2002)*
1. Located on an existing Wireless Communications Facility at a height lower than an existing Wireless Communications Device. If the Wireless Communications Facility is a Stealth Facility, the stealth appearance must be maintained. *(Amended April 2, 2002)*
 2. Located in a Stealth Facility where the Stealth Facility is an exact replication of an existing structure. *(Amended April 2, 2002)*
 3. Located in a Stealth Facility constructed to replicate surrounding tree types where the Stealth Facility is no more than twenty (20) feet above the existing foliage and no part of the Wireless Communications Facility below the existing foliage is visible from any existing structure or roadway. *(Amended April 2, 2002)*
 4. Wireless Communications Facilities proposed lower than the surrounding foliage and deemed by the Planning Board to have minimal visual impact. This would include alternative technologies such as micro-cells. *(Amended April 2, 2002)*
- (C) The above information shall be submitted along with the regular application form to the following: one (1) copy to the Building Inspector, one (1) copy to the Fire Chief, one (1) copy to the Chief of Police and three (3) copies to the Planning Board.
- (D) Actual drive test measurements must be performed and simulations of coverage must incorporate this information. This shall be submitted prior to or at the public hearing. This may be waived if the Planning Board determines that it is not necessary. *(Adopted May 15, 2001)*
8. Approval:
- (A) The Planning Board may grant a Special Permit for Wireless Communications Facilities, only upon the findings required by Mass. Gen. Laws C. 40A, s. 9, the Town of Princeton's Zoning By-law for Special Permits, and the following:
- (1) That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of this by-law have been met.
 - (2) That the size and height of the structure is the minimum necessary.
 - (3) That adverse impact on adjacent properties, residential neighborhoods, historic structures or scenic views is minimized to the extent possible. *(Renumbered April 2, 2002)*
 - (4) That there will be no nuisance or serious hazard associated with the use. *(Renumbered April 2, 2002)*
 - (5) For a Tower, that there are no feasible and preferable alternatives to the location, including co-location. *(Renumbered April 2, 2002)*

- (B) Any expansion or extension of Wireless Communications Facilities, or construction of new or replacement Towers or Facilities shall require an amendment to the Special Permit.
- (C) Any Special Permit granted under this section shall automatically lapse within one (1) year of the date of the grant, not including the time required to pursue or await the termination of an appeal, if construction is not complete and substantial use has not commenced, except for good cause.

9. Conditions of Use:

- (A) The applicant shall be required to maintain and keep in good repair all Facilities, Devices and Towers. The applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and structure and to cover the removal of the Facility in the event of non-operation (Refer to Section XIII.9.C.). An access road may include existing town roads not designed for heavy traffic. The amount of the surety shall be subject to the approval of an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts hired by the town. *(Amended April 2, 2002)*

- (B) Regulatory Compliance:

- (1) Certification, by an independent test consultant, stipulating that the Wireless Communications Facility is in compliance with the FCC, shall be conducted within ten (10) days of completion of construction of the Facility and filed with the Building Inspector.
- (2) Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the Special Permit Holder, and shall be reviewed by a licensed professional engineer hired by the town. Federal Communications Commission (FCC) for radio frequency emissions monitoring locations, no less than three (3) locations within a one (1) mile radius of the base of the personal wireless communications facility. The monitoring locations will be determined by the Planning Board. These sites will be used for annual certification to demonstrate compliance with current FCC standards for radio frequency emissions. *(Amended May 15, 2001, April 2, 2002)*
- (3) If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six (6) months or earlier if a more stringent compliance schedule is included in the regulation.
- (4) Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner's expense.
- (5) If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within one hundred twenty (120) days.

- (C) Removal and Repair:

- (1) An applicant must execute a covenant with the Planning Board agreeing to remove, within ninety (90) days of notice from the Planning Board, the Wireless Communications Facility not in operation for a period of six (6) months, unless the reason for non-operation is the result of major damage.
- (2) If the Facility is not removed within ninety (90) days, the town will remove said Facility at the owner's expense. The annual maintenance bond shall cover the cost of removal and may

be used for this purpose. In the event the amount of surety is insufficient to cover the costs of removal, the town may place a lien upon the property to cover the difference in cost.

- (3) In the event of major damage, repair must begin within six (6) months of damage. Major damage shall mean damage to the Facility caused by no fault of the owner or operator.

10. Fee Structure:

In addition to the town special permit filing fees, the applicant shall pay any additional cost of retaining professional services, including those referenced in Section XIII.9.A., & B., if such services are deemed necessary by the Planning Board. The applicant may be required to pay reasonable fees for professional review of the applicant's proposal by a professional or radio frequency engineer, attorney or other qualified professional. (*Amended April 2, 2002*)

11. Severability:

If any section of this by-law is ruled invalid, such ruling will not affect the validity of the remainder of the by-law.

(*Section XIII - Adopted June 8, 1999*)

SECTION XIV. OPEN SPACE-RESIDENTIAL DESIGN

1. Purposes. The purposes of the open space-residential design (OSRD) bylaw are to protect open space, agricultural and forestry land, viewsheds, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources, in a manner not inconsistent with the goals of the Princeton Master Plan; to protect the value of real property; encourage creative, environmentally sensitive design as the preferred form of residential development; and to encourage more efficient development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision.
2. Applicability. In the RA District, a special permit for OSRD is required from the planning board for any development of a tract of land, or contiguous tracts of land under common ownership or control, resulting in five (5) or more residential lots or five (5) or more dwelling units.
3. Developments shall not be segmented to avoid compliance with this section. Divisions of land that would cumulatively result in an increase by five or more residential lots above the number existing twenty-four months earlier shall be subject to the requirements established herein. However, the provisions of this section shall not apply to the construction of five (5) or more dwelling units on lots in existence as of the effective date of this section, or to the conversion of an existing structure into five or more dwelling units. Nothing in this section shall prohibit an applicant from proposing an OSRD with less than five (5) lots or five (5) dwelling units, provided that the proposal substantially complies with the requirements herein.
4. Relationship to Subdivision Control. A subdivision plan is not required for an OSRD, but an applicant proposing an OSRD subdivision shall submit the same to the planning board in accordance with the planning board's subdivision rules and regulations.
5. Permitted Uses. An OSRD may include the following uses:
 - (A) Detached single-family dwelling.
 - (B) Open space, conservation areas or recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
 - (C) Agricultural, equestrian and horticultural uses.
 - (D) Accessory recreational amenities for residents of the OSRD, such as a tennis court or playground.

6. Dimensional Regulations.

- (A) The maximum number of dwelling units in an OSRD shall be determined in accordance with section 7 below.
- (B) The planning board may waive the minimum dimensional requirements that normally apply to lots in RA District in order to maximize the open space area or facilitate a desired arrangement of buildings and other amenities, and may permit more than one dwelling on a lot in an OSRD, except as follows: Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD unless the planning board makes a written determination that such reduced lot(s) or frontage on the other streets will further the goals of this section.
- (C) The minimum distance between any dwelling unit in the OSRD and an abutting lot outside of the OSRD shall be one hundred (100) feet. (*Amended May10, 2016*)
- (D) No building shall exceed the maximum height regulations in section VI.
- (E) Unless waived by the planning board, all other dimensional requirements of the RA district shall apply.

7. Base Maximum Number of Dwelling Units. The base maximum number of dwelling units allowed in an OSRD shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

8. Common Open Space Requirement. The OSRD must provide at least 50% of the total area of the site as common open space to be protected in perpetuity, unless the Planning Board approves a smaller percentage, but in no event less than 30%. The common open space shall have no structures, parking, private yards, patios, sanitary waste disposal facilities or gardens restricted for the exclusive or principal use by residents of individual dwelling units. The common open space shall not be further subdivided, and a notation to this effect shall be placed on the plan of record, which shall be recorded at the Registry of Deeds. The following standards apply to the common open space in an OSRD:

(A) Use, Shape and Location

- (1) Common open space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses.
- (2) To the maximum extent feasible, the open space shall be undisturbed, unaltered and left in its natural or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area. Not more than ten percent (10%) of the open space may be covered by gravel roadways, pavement or structures accessory to the dedicated use or uses of the open space. However, principal or accessory structures and access roads essential to an agricultural use are exempt from this limitation.
- (3) The percentage of the open space that is wetlands normally shall not exceed the percentage of the site that is wetlands. However, the applicant may include a larger percentage of wetlands in such open space upon demonstrating that such inclusion promotes the purposes of this section, subject to approval by the planning board.
- (4) Wherever feasible, the common open space shall be contiguous and linked as a unit, and linked to other existing open space.

- (5) Underground utilities or shared septic systems to serve the OSRD site may be located within the common open space.
 - (6) Existing or proposed utility easements shall not be counted as common open space unless approved by the planning board.
 - (B) Ownership. Any proposed common open space within an OSRD shall be conveyed in accordance with the provisions of M.G.L. c.40A, § 9. Open space shall either be conveyed to (a) the Town of Princeton for park or open space use, (b) a non-profit organization the principal purpose of which is the conservation of open space, or (c) a corporation or trust owned or to be owned by the owners of the lots or residential units within the OSRD. Such ownership shall pass with conveyance of the lots or residential units. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or the Conservation Commission under M.G.L. c.184, ss.31-33 shall be recorded providing that such land shall be kept in perpetuity in an open or natural state. Wherever possible, existing trails shall be kept open for limited recreational use.
9. Pre-Submission Meeting. Applicants are encouraged to meet with the planning board prior to applying for a special permit. The purposes of a pre-application review are to minimize the applicant's costs for engineering and other technical experts and to solicit guidance from the planning board at the earliest possible stage in the planning and permitting process. At the request and expense of the applicant, the planning board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.
10. Design Process. At the time of the application for a special permit under subsection 11 below, applicants must demonstrate to the planning board that the following design process was carried out by a registered Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.
- (A) Site Analysis. The first step in the design process is to identify the natural, scenic and cultural features on the site and surrounding it, to analyze the design implications of these features, and to evaluate the site in its larger context by identifying physical, cultural and transportation connections to surrounding land uses and activities. Wherever possible, site and context features shall include areas identified by the planning board during the pre-submission meeting.
 - (B) Open Space. The second step in the design process is to identify the open space to be preserved on the site. The open space should include the most sensitive and noteworthy resources of the site, be contiguous, and where appropriate, serve to extend neighborhood open space networks.
 - (C) Development Envelope. The third step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. To the maximum extent feasible, the proposed area of disturbance shall consist of land outside the areas identified under (A) above. The location of dwelling units should account for proximity to common open space and other amenities, including community buildings for use by residents of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.
 - (D) Lot and Easement Lines. The fourth step is to identify the approximate location of lot and easement lines, where applicable.
11. Special Permit Procedures.
- (A) General. The special permit application, review and decision procedures shall be in accordance with this section and section VIII(3) of this Bylaw, and M.G.L. c.40A, § 9. Where a development requires a special permit under this section and any other section in which the planning board has been designated to serve as special permit granting authority, the special permit applications may be

combined into a single submission and the planning board may grant a single special permit that addresses all applicable requirements.

- (B) Application Requirements. The special permit application shall include an OSRD concept plan and a Yield Plan in accordance with the requirements herein. The size, form, number and contents of the required plans and any supplemental information shall be in accordance with planning board regulations.
- (C) Sources of Data. The concept and Yield Plans may be prepared from existing data such as deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotos, soil maps or soil conservation survey, Department of Environmental Protection (DEP) Wetlands Conservancy Program maps or other wetland maps as may be on file with the Princeton Conservation Commission, or federal, state or local maps of wildlife habitat and supporting landscapes. While it is not necessary to verify all site constraints prior to preparing a Concept Plan, they should be represented as accurately as possible in order to avoid significant changes to the Concept Plan in subsequent applications for approval of a site plan or a subdivision plan. The applicant shall bear the risk of any such changes.
- (D) Required Information for OSRD Concept Plan. The concept plan shall be a schematic representation of the proposed OSRD, with sufficient detail about existing and proposed conditions to enable the planning board to understand the nature, scope and impacts of the project being proposed and to be able to respond to the applicant's proposals in an informed manner. The concept plan shall include scaled drawings prepared by a registered landscape architect. The concept plan shall incorporate the OSRD design process outlined in subsection 10 above and account for the minimum design standards of subsection 13 below. At minimum, the concept plan shall provide the following information:
 - (1) The location of the proposed development;
 - (2) The size of the proposed site in acres;
 - (3) An existing conditions inventory and an analysis of site and context features identified during the OSRD Design Process;
 - (4) The total number and approximate locations of the proposed buildings, dwelling units and/or lots, and the approximate size of each in square feet;
 - (5) The acreage and proposed use(s) of permanent open space;
 - (6) A statement on the disposition or manner of ownership of the proposed open space;
 - (7) The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanent open space;
 - (8) The approximate location of proposed roadways;
 - (9) A general description of how drainage and wastewater will be handled, including a soils statement and the general area of the site to be used for stormwater management facilities;
 - (10) A general description of the applicant's plans for site improvements, including mitigation of noise, odor or visual impacts arising from the operation of a package treatment plant, where applicable; and
 - (11) Sufficient detail of the proposed area(s) of disturbance and built and natural features to enable the planning board to make the required determinations under section G below.

- (E) Required Information for a Yield Plan. The purpose of the Yield Plan is to demonstrate the maximum number of lots that could be developed on the site under a conventional plan. The Yield Plan shall comply with the planning board's subdivision rules and regulations for a preliminary plan. It is the applicant's burden to submit reasonable proof that the number of lots in the Yield Plan could meet the engineering and design specifications required for a conventional plan. The total number of lots in the OSRD shall be determined by the planning board, based upon its review and determination of the applicant's Yield Plan.
- (F) Site Alterations. After a OSRD special permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the tract of land proposed for a OSRD until the application has been reviewed and approved or denied as provided by these regulations.
- (G) Decision.
- (1) The planning board shall grant a special permit for an OSRD with any conditions, safeguards, and limitations necessary to ensure compliance with this section, only upon finding that:
- (a) The conceptual design and layout of the proposed OSRD is superior to a conventional development in preserving open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;
 - (b) The OSRD provides for a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 - (c) The OSRD furthers the goals and policies of the Princeton Master Plan and the purposes of this section.
- (2) Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval for any construction. The special permit is a preliminary approval, intended to give guidance to the applicant for the development of definitive subdivision plan or the site plan, and to determine whether the applicant's submittal meets the objectives of this section. Any subsequent application for an OSRD definitive plan shall comply with all material aspects and conditions of the special permit granted hereunder.
- (3) The planning board may deny a special permit if it determines that:
- (a) The application does not provide sufficient information; or
 - (b) The application does not comply with the provisions of this Bylaw, which finding shall be set forth in detail in a written decision; or
 - (c) The site is not suitable for an OSRD and would be more appropriate for a conventional plan. If the planning board denies the special permit under this subsection, the applicant may submit a conventional subdivision plan or a plan for a division of land in accordance with the planning board's Subdivision Rules and Regulations.

12. Definitive Plan Procedures. Following issuance of a special permit for an OSRD, the applicant shall submit an OSRD definitive plan to the planning board. For an OSRD that does not require approval under the subdivision control law, the definitive plan shall be a site plan review submitted to the planning board in accordance with section XII. An OSRD that involves a subdivision of land must be submitted to the planning board for approval under the planning board's subdivision rules and regulations.
- (A) The planning board may approve a definitive plan that substantially complies with the special permit granted under section 10(G) above and meets all of the following additional requirements for common facilities, operations and maintenance:
- (1) Each unit and the OSRD as a whole shall be served by a private water supply and privately owned and maintained on-site sewage disposal or treatment systems. Notwithstanding the requirements of section VI(1)(F) of this Bylaw, an approved on-site sewage disposal or treatment system serving more than one dwelling unit may be located on land owned in common by the owners of the residential units in the OSRD, subject to requirements of the Princeton board of Health and Title 5 of the Massachusetts Environmental Code or approved in accordance with the requirements of Department of Environmental Protection Groundwater Discharge Permit Program.
 - (2) To ensure that common open space and common facilities will be maintained properly, each OSRD shall have a residents association in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments properly recorded at the registry of deeds or the Land Court. As part of the definitive plan submission, the applicant shall supply copies of such proposed instruments to the planning board.
 - (3) There shall be not more than two (2) off-street parking spaces for each dwelling unit in an OSRD, excluding covered or enclosed parking spaces in garages, and suitable parking to serve any open space uses as determined by the planning board.
- (B) The planning board may conditionally approve an OSRD definitive plan that does not substantially comply with the special permit. A conditional approval shall identify where the plan does not substantially comply with the special permit, identify the changes required to bring the plan into compliance with the special permit, and require the special permit to be amended within a specified time. The public hearing on the application to amend the special permit shall be limited to the significant changes identified in the planning board's conditional approval. These are the only considerations that the planning board may take into account in deciding whether to amend the special permit.
- (C) The planning board may disapprove a definitive plan for failure to comply with the special permit or for failure to meet the OSRD design standards in subsection 13 below. The definitive plan will be considered not to comply with the special permit if the planning board determines that any of the following conditions exist:
- (1) Any increase in the number of buildings or dwelling units;
 - (2) A significant decrease in acres of common open space; or
 - (3) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation.
13. Minimum Design Standards. An OSRD definitive plan shall address the following design standards and any supplemental design regulations or guidelines adopted by the planning board under subsection 15.

- (A) Landscape Preservation. Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree removal and grade changes. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The location and orientation of individual building sites shall be such as to maintain maximum natural topography and limit the removal of trees with four inches or more of diameter at breast height (dbh). Topography, viewsheds, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as elements that can be changed to follow a particular development scheme.
 - (B) Roadway Design. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
 - (C) Cultural Resources. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized.
 - (D) Architectural Design. In scale, massing, height, exterior materials and roofline articulation, residential buildings in an OSRD shall be compatible with surrounding residential areas.
 - (E) Buffer Areas. An OSRD that abuts residentially zoned or residential developed property shall provide a buffer area of at least 100 feet to the property line of adjacent homes. Within the buffer area, no vegetation will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the OSRD, except that roads or driveways necessary for access and egress to and from the site may cross such buffers. The planning board may waive buffer requirements when it determines that a smaller buffer will suffice to accomplish the objectives of this section. The planning board may also approve the inclusion of buffer area within the area provided as common open space under section 7 above.
 - (F) Drainage. The planning board shall encourage and may require the use of non-structural stormwater management techniques, such as swales, and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
 - (G) Common/Shared Driveways. A common or shared driveway shall serve not more than four single-family dwelling units unless the planning board determines that a common driveway serving more than four units will further the purposes of this section.
 - (H) Pedestrian Circulation. Where appropriate, walkways should be provided within the OSRD to link residences with parking areas, recreation facilities and open space, and adjacent land uses.
14. Public Benefit Incentives. The planning board may authorize an increase in the number of dwelling units determined under section 7 above, as follows: for each additional ten percent (10%) of the site set aside as common open space (over and above the required 50%), the number of units may be increased by 10%, but in no event shall the additional units exceed 30% of the base maximum number of dwelling units.
15. OSRD Regulations and Design Guidelines. The planning board may adopt rules, regulations and guidelines to administer this section, following a public hearing.
16. Severability. If any portion of this section is declared to be invalid, the remainder shall continue to be in full force and effect.

(Section XIV - Adopted February 26, 2008)

SECTION XV. BACKLOT DEVELOPMENT

1. Purposes. The purposes of the backlot development bylaw are to protect views from the road, open space, agricultural and forestry land, viewsheds, wetlands and wildlife corridors, and historical and archeological resources, in a manner consistent with the goals of the Princeton Master Plan; to encourage environmentally sensitive design; and to reduce the number of curb cuts on existing streets.
2. Applicability. In the Residential-Agricultural District, the planning board may grant a special permit for backlot development pursuant to the regulations hereunder. As used in this Bylaw, backlot development is a development on a tract of land or contiguous tracts of land under common ownership or control, resulting in the creation of at least two but not more than five lots. The single-family dwellings in a backlot development shall be set back from the road, on lots that may have reduced frontage or area, with permanently protected open space separating dwellings from the road or in other locations on a parcel. Backlot development is intended as an alternative to a conventional division of land into "Approval Not Required" lots under M.G.L. c.41, § 81P. A backlot development shall be exempt from section XIV of this Bylaw.
3. Permitted Uses. A backlot development may include the following uses:
 - (A) Single-family detached dwellings and uses accessory thereto.
 - (B) Open space, conservation areas, or passive recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
 - (C) Agricultural, equestrian and horticultural uses.
4. Dimensional Regulations; Maximum Number of Dwelling Units.
 - (A) The maximum number of dwelling units shall be the number of lots that could be created on the site under a conventional ANR plan plus one additional lot. There shall be not more than one dwelling unit per lot.
 - (B) The applicant shall demonstrate the number of conventional ANR lots that could be created on the site under the Area and Yard Regulations in section VI(1) of this Bylaw. The applicant shall have the burden of proof with respect to the design and engineering standards for such lots.
 - (C) Upon determining the number of conventional ANR lots that could be created on the site, the planning board may authorize a reduction in minimum lot frontage or lot area, or both, in order for the applicant to create the number of backlot development lots allowed under subsection (A) above in a manner consistent with the purposes of this section.
 - (D) Backlot development lots may have reduced lot frontage on the public way, or the planning board may waive lot frontage provided that any lot without frontage has an access easement over abutting property by way of the common driveway serving the development, in accordance with subsection 5(B) below. However, no lot shall have less than 50% of the minimum lot area required in the Residential-Agricultural District unless a further reduction is necessary to achieve the purposes of this section.
 - (E) Irregular lot shapes are permitted in a backlot development when, in the opinion of the planning board, they further the purposes of this section.
 - (F) No lot in a backlot development shall be further divided or reduced in area. The planning board shall require deed restrictions to assure these requirements.
 - (G) The planning board may authorize a reduction in yard setbacks on a backlot development lot when such reduction furthers the purposes of this Bylaw, except that side and rear yard setbacks shall not be waived on a lot abutting an existing residential lot with an existing residence.

5. Minimum Requirements and Design Standards. The planning board may grant a special permit to waive certain dimensional or other requirements of the applicable zoning district in exchange for the protection of open space, stone walls, mature trees and scenic views. To be eligible for an backlot development special permit, an backlot development shall meet the following minimum requirements:

(A) All dwellings in a backlot development shall be set back at least 300 feet from the road unless the planning board approves an alternative setback plan that meets the purposes of this section. Except for land used for roadway, driveway or emergency access shown on the plan, all contiguous land within 250 feet of the public right of way shall be protected in perpetuity and either conveyed to the Town of Princeton to be under the care and control of the Princeton Conservation Commission, to a charitable non-profit conservation organization acting pursuant to M.G.L. c40, Sec 8C for open space or conservation purposes, or to a corporation or trust owned or to be owned by the owners of the lots or residential units within the backlot development. Such ownership shall pass with conveyance of the lots or residential units. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or Conservation Commission under M.G.L. c.184, ss.31-33 shall be recorded providing that such land shall be kept in perpetuity in an open or natural state. The open space shall:

- (1) Remain as naturally existing woods, fields, meadows or wetlands, and maintained in accordance with good conservation practices;
- (2) Not be disturbed by land clearing, grading or alteration for any construction or improvements required to serve the development, except for the construction of the roadway or driveway providing access and utility connections to the dwellings;
- (3) Not be used for detention or retention ponds that may be necessary for the construction of any improvements shown on the plan. However, the planning board may waive this requirement if it determines that the integrity and significance of the open space and the public benefits of the open space are not compromised, and that the open space conforms to the purposes of this section. In no event shall permanent clearing for drainage improvements or utilities, including detention and/or retention ponds, exceed 5% of the open space in an backlot development.

(B) Except as provided below, dwellings in a backlot development shall be served by a single common driveway. The driveway need not cross the designated frontage of all lots in the development. However, the driveway must cross the designated frontage of at least one such lot except where the planning board has waived lot frontage, in which case the common driveway shall cross abutting property. The abutting property may be the open space under subsection 5(A) above or a lot created for a residence that existed on the tract of land prior to the special permit application.

No dwelling unit in a backlot development shall be served by an individual driveway unless the planning board determines that one additional driveway is necessary for public safety and serves the purposes of this section.

The following regulations shall apply to common driveways:

- (1) The centerline intersection with the street centerline shall not be less than 60 degrees;
- (2) A minimum cleared width of 12 feet shall be maintained over the entire length of a common driveway serving three or fewer dwellings; or 16 feet for a common driveway serving more than three dwellings.
- (3) The common driveway shall be paved in accordance with the planning board's rules and regulations unless the planning board approves a gravel driveway, which shall have a

minimum roadway surface of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown;

- (4) The driveway shall be located entirely within the boundaries of the lots being served by the driveway, except when the driveway crosses abutting property in a back-lot development proposal;
 - (5) Proposed documents shall be submitted to the planning board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest; and where applicable, lots in a back-lot development without frontage on the public way shall have suitable access easements.
- (C) A backlot development located adjacent to land in active agricultural or forestry use shall preserve a continuous buffer along the perimeter of at least 100 feet, unless waived by the planning board in order to further the purposes of this section.
- (D) Notwithstanding the requirements of section VI(1)(f), lots in a backlot development may be served by a shared septic system, subject to applicable state laws and regulations and the regulations of the board of health.
6. Transfer Parcel. The planning board may approve a density bonus to allow not more than two additional dwelling units in a backlot development if the applicant proposes to protect in perpetuity a separate parcel of land (“transfer parcel”) of at least two acres in size in the RA District, subject to the following requirements.
- (A) The transfer parcel shall be:
 - (1) Determined by the planning board to be of special importance because of its visual prominence or relationship to scenic vistas, ecological significance or fragility, value as agricultural or recreational land, or because it is identified in the Princeton Open Space and Recreation Plan;
 - (2) Not wetlands, as defined in M.G.L. c. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
 - (3) Conveyed to the Town of Princeton, to be under the care, custody and control of the Princeton Conservation Commission or to a charitable non-profit conservation organization, acting pursuant to MGL C. 40, Sec. 8C for open space or conservation purposes, provided that the parcel is subject to a perpetual conservation or agricultural restriction pursuant to M.G.L. c.184, ss. 31-33.
 - (B) The planning board may approve reductions in minimum lot area in order to accommodate density bonus dwellings in a backlot development in exchange for preservation of an approved transfer lot.
7. Procedures. The special permit application, review and decision procedures shall be in accordance with this section, section VIII(3) of this Bylaw and M.G.L. c.40A, § 9. The planning board may grant a special permit for a backlot development only upon finding that the application complies with the purposes of this section. In making its decision, the planning board shall consider the degree to which the application, viewed in its entirety:
- (A) Addresses the goals of the Princeton Master Plan.
 - (B) Protects adjoining premises against detrimental or offensive uses.

- (C) Protects open space, farmland, historic resources, or views from the road.
 - (D) Provides more environmental or aesthetic benefits than the alternative of a conventional division of land.
 - (E) Makes adequate provisions for water supply, disposal of sanitary sewage, storage and disposal of refuse and solid wastes resulting from the uses permitted on the site, and drainage and retention of surface water.
8. Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval or endorsement of any division of land nor any construction. The special permit is a preliminary approval, authorizing the applicant to submit an Approval Not Required plan or a plan requiring approval under the Subdivision Control Law, M.G.L. c.41, §§ 81K-81GG, that complies with all material aspects and conditions of the special permit granted hereunder. The ANR or subdivision plan shall be submitted to the planning board in accordance with the planning board's subdivision rules and regulations.

(Section XV - Adopted February 26, 2008)

SECTION XVI. RURAL PRESERVATION OVERLAY DISTRICT:

1. Purposes. The purpose of the Rural Preservation Overlay District (RPOD) is to preserve scenic vistas now available on Princeton's roads, minimize the number of driveway cuts onto scenic roads, reduce the number of mature trees removed during the development process, and maintain Princeton's rural character. Where the overlay district imposes more stringent standards than those set forth in the underlying district, the overlay district shall control. Uses available in the underlying district otherwise are available in the overlay district.
2. District Boundary: The boundary of the RPOD is set back 300 feet from the center line layout of the following streets: Gregory Hill Road and Sterling Road to Forslund Road and Hubbardston Road from Allen Hill Road to Gates Road.
3. Applicability. The following activities shall require site plan approval by the Planning Board under section XII of this bylaw:
 - (A) Construction of any building, principal or accessory;
 - (B) A change in existing topographical features of more than two feet;
 - (C) Clearing in excess of one-quarter acre of ground area, in aggregate;
 - (D) The alteration of more than 2,000 square feet of earth or the removal of more than 2,000 square feet of natural vegetation;
 - (E) Creating any impervious surface area of more than 500 square feet; or
 - (F) Construction of a driveway to serve a structure not within the RPOD.
4. Use Regulations. Uses within the Rural Preservation Overlay District shall be limited to those permitted in the underlying district(s). Uses that are prohibited in the underlying district(s) are also prohibited in the Rural Preservation Overlay District.
5. Procedures. No building permit shall be issued for construction or alteration of a building, and no site alteration or removal of vegetation as set forth above shall take place, until the Planning Board has approved a site plan for such activities pursuant to section XII. Applications for site plan approval in the RPOD shall be submitted in accordance with section XII and the rules and regulations of the Planning Board.

6. Decision. The Planning Board may approve the site plan or approve the plan with conditions. In making its decision, the board shall consider the extent to which the proposed plan maintains Princeton's rural character by:
 - (A) Minimizing unreasonable departure from the character and scale of buildings in the vicinity, as viewed from public ways;
 - (B) Appropriately screening structures and driveways by plantings, topography, or other means as viewed from public ways;
 - (C) Minimizing disruption of woods and scenic views as seen from public ways;
 - (D) Minimizing the number of curb cuts on public ways;
 - (E) Preserving the natural grades, vegetation and unique features of the site and minimizing the removal of mature trees and the length of removed stone walls;
 - (F) Locating principal structures, to the extent feasible, downgrade from the ridgeline so that building silhouettes do not visibly intersect the ridgeline or exceed the elevation of the ridgeline as viewed from any public way.

7. Conditions. The Planning Board may impose reasonable conditions in granting site plan approval, including but not limited to:
 - (A) Required landscaping or plantings to mitigate the removal of existing vegetation associated with the proposed activity;
 - (B) Maintenance or reconstruction of stone walls;
 - (C) Appropriate siting of proposed buildings to minimize visibility from public ways;
 - (D) Location of curb cuts for driveway access;

(Section XVI - Adopted February 26, 2008)

SECTION XVII SPECIAL RESIDENTIAL USE REGULATIONS:

1. Accessory Apartment

- A) Purposes
The purposes of the Accessory Apartment bylaw are to provide small dwelling units to rent without adding to the number of buildings in the Town or substantially altering the appearance of the Town; to provide alternative housing options; and to enable owners of detached single-family dwellings larger than required for their present needs to share space and the burdens of homeownership.

- B.) Procedures
Application for a Special Permit may be made in accordance with Section VIII(3) of this Bylaw and M.G.L. c40A, Section 9. In any district in which an accessory apartment is allowed by Special Permit, the Planning Board, serving as the Special Permit Granting Authority as set forth in the regulations of the applicable zoning district, may grant a Special Permit for an accessory apartment provided that all of the following conditions are met.
 - (1) A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition (if any) shall be submitted, showing the location of all buildings, septic systems

wells, and parking. For an accessory apartment, a plot plan conforming to these requirements shall satisfy the requirement for a Site Plan under Section XII.

- (2) The accessory apartment shall be located within a single-family dwelling or in an accessory structure on the same lot, such as an attached garage or a detached garage or barn, and shall clearly be subordinate to the single family dwelling. *(Amended at Annual Town Meeting May 13, 2014).*
- (3) The accessory apartment shall not exceed 900 square feet or one-third of the resulting gross living area of the structures, and shall not contain more than two bedrooms. *(Amended at Annual Town Meeting May 13, 2014).*
- (4) The applicant shall be an owner occupant of the premises. As part of the special permit application, the owner shall certify in writing that he or she is, and shall remain, an occupant of either the principal single-family dwelling or the accessory apartment.
- (5) Not more than one accessory apartment shall be permitted on a lot.
- (6) The exterior appearance of the buildings shall remain, to the extent practicable, that of a single-family dwelling. Unless otherwise required by the Massachusetts State Building Code, any new exterior stairs and any new entrance needed to provide primary or secondary means of egress for the accessory apartment shall be located on the side or rear of the buildings.
- (7) There shall be at least one additional off street parking space to serve the accessory apartment. *(Amended at Annual Town Meeting May 13, 2014)*
- (8) The septic system serving the accessory dwelling shall meet current Title V regulations and the regulations of the Princeton Board of Health.
- (9) Upon filing the application for a special permit for an accessory apartment, the Applicant shall forward a copy of the application to the Princeton Historical Commission.
- (10) The Special Permit shall provide that in the event that the title to the lot is transferred to a new owner, or the owner-occupant ceases to reside on the premises, the Special Permit expires automatically and the new owner(s), if they desire to make use of an accessory apartment on the premises, shall be required to file a new application for a Special Permit in accordance with this bylaw. *(Amended at Annual Town Meeting May 13, 2014)*
- (11) Any accessory apartments in existence at the time of adoption of this bylaw and which are not entitled to protection pursuant to M.G.L. c 40A §§6 or 7 or Section VII.2 of this Bylaw, must be brought into compliance with the requirements of this section by filing an application for Special Permit and satisfying the procedures and requirements set forth herein. Fines shall be levied in accordance with Section VII. 1. (A) of this bylaw if the owner of an existing accessory apartment fails to apply to the Planning Board for a special permit for an accessory apartment before December 31, 2010.

C) Other

No construction shall commence without issuance of a building permit by the Building Inspector, and there shall be no use or occupancy of the accessory apartment until the Building Inspector has issued a certificate of occupancy.

(Section XVII – Adopted May 12, 2009)

SECTION XVIII: HOME OCCUPATIONS

Purpose and Intent. Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Princeton should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that have no visibility to or impact on the neighborhood. In addition, some business activities within the residential agricultural district may be desirable even if they have limited visibility or impact, provided there is a permitting procedure in place that ensures that any impact on the neighborhood will be minimal and regulated and ensures that the integrity of the residential/agricultural district is maintained.

The purpose of this bylaw is to regulate the two categories of home occupations that are permitted in the residential/ agricultural district: those that are permitted as of right under Section III. 1. (G)(a) of the Zoning Bylaws of Princeton and those that are permitted only upon issuance of a special permit under Section III.1.(G)(b) of the Zoning Bylaws of Princeton. The intent of this bylaw is to ensure that any home occupation conducted in the residential/ agricultural district is compatible with surrounding permitted uses, does not adversely affect property values, and does not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

1. Types of Home Occupations. In this Bylaw, home occupations are regulated according to those permitted as of Right, those allowed only by Special Permit, or those considered unregulated home offices.

(A) Home Occupations Permitted as of Right under Section III.1.(G) (a) of this Bylaw:

- (1) Home-based Office: A home office providing services, which may include services to clients on the premises, including but not limited to medicine, law, engineering, fine or domestic arts and crafts, software development, insurance, notary public, real estate broker, appraiser, surveyor, accountant, tax preparer, clerical services, tutoring, financial advisor, consultant and similar services.
- (2) Home Farm Stand: The sale of products raised and grown on the premises of an agricultural use on less than five acres of land. (A farm stand associated with agriculture on five or more acres is exempt under M.G.L. c.40A, Section 3.)
- (3) Home Business Workshop: the business or shop of a painter, carpenter, landscaper, electrician, computer technician, hairdresser or similar trade, which may include crafting products or providing services to clients on the premises.

(B) Home Occupations Allowed Only by Special Permit under Section III.1.(G)(b) of this Bylaw:

- (1) Bed and breakfast with transient overnight lodging having not more than three guest rooms, with guest meals limited to breakfast prepared in a central kitchen and no cooking facilities located in individual guest rooms or suites. Rooms used for lodging in a bed and breakfast shall not be used as long-term rental units or apartments.
- (2) Home Specialty Retail: the sale to customers at the premises of specialty products made on the premises, including but not limited to dressmaking, home baking or catering, or arts and crafts; or collector's items, such as antiques, books, art work and similar products.

(C) Unregulated Home Offices. This bylaw does not regulate a home office in a residential dwelling or accessory building in which a resident works solely on personal, family or household matters; or does ancillary work for a business or profession that is conducted off-site; or conducts a business that does not employ non-resident workers on the premises or receive non-resident customers or clients on the premises, provided that such occupation does not violate subsection 2(G) below. Such uses, which are invisible and inoffensive to adjacent properties, are deemed to be a normal part of a residential use.

2. General Regulations for Home Occupations. In any zoning district, a home occupation listed as a permitted use under Subsections 1(A) and (B) above must comply with all of the following requirements:

- (A) Except for a Home Farm Stand, the occupation shall be conducted within a detached single-family dwelling or in an accessory building attached to a single-family dwelling, and occupy an area not exceeding twenty-five percent (25%) of the gross floor area of the dwelling.
 - (B) The occupation must be operated by the resident occupant of the dwelling or a member of the resident's family, and may employ not more than one (1) person on site who is not a resident therein.
 - (C) There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises, except for a sign not exceeding the display area permitted in Section III. 1. (H) (b).
 - (D) Any exterior storage of materials or equipment or business related parking shall be so located and screened, through location, grade or landscaping as to be invisible from and inoffensive to adjacent properties and public ways.
 - (E) Not more than one (1) commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 lbs. or have more than two (2) axles.
 - (F) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.
 - (G) No occupation shall be conducted that, in the opinion of the planning board, could be unreasonably hazardous or incompatible with the quiet enjoyment of residential neighborhoods by other residents because they:
 - (1) Utilize chemical, biological, radiological or explosive materials or processes which are potentially dangerous; or
 - (2). Present a danger of pollution to the environment or injury to plant or animal life in the vicinity (such as auto repair shops and similar occupations).
3. Home Occupations by Special Permit. A home occupation allowed by Special Permit under Subsections 1.(B)(1)-(2) above shall require a special permit from the Planning Board. It shall comply with all of the requirements of Subsection 2 above, except as provided herein, and with the additional requirements set forth in this Subsection.
- (A) In its discretion, in a special permit proceeding, the Planning Board may
 - (1) Allow a home occupation employing not more than three (3) persons on site who are not residing on the premises.
 - (2) Allow a home occupation located in a detached accessory building, such as a barn or detached garage.
 - (3) Allow a home occupation exceeding twenty-five (25%) of the gross floor area of the dwelling where the home occupation is conducted in an attached or detached accessory building.

(Amended at the Annual Town Meeting May 13, 2014)
 - (B) The Planning Board may grant a Special Permit only upon determining that the use will not create a hazard, disturbance to any abutter, or injury to the neighborhood, will not create unsightliness visible from any public way or neighboring property and will not substantially impair the quiet enjoyment of the neighborhood by other residents.

- (C) A home occupation authorized by Special Permit may not be transferred to a different operator without a new Special Permit. The Planning Board may require that the occupation be subject to compliance review by the Building Inspector at periods specified in the Special Permit. Such permit may be revoked by a majority vote of the Planning Board at any time after notice and hearing, upon the Board's determination that the terms of the Special Permit are being violated.
 - (D) In its discretion, the Planning Board may impose additional conditions and limitations as necessary to protect abutting properties and the public.
 - (E) Although Site Plan Review under Section XII is required in all applications for special permits the Planning Board may, in appropriate cases under this Section, where no significant alteration of the residential character of the property is proposed, waive those submission requirements of Section XII which it deems unnecessary and unduly burdensome, given the scale of the proposal and the impact on the neighborhood. The Planning Board may adopt by regulation a reduced application fee for Site Plan Reviews required under this Section.
4. Enforcement. Home occupation uses shall be enforced as follows:
- (A) A certificate of Use and Occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of any home occupation, except for unregulated home offices under subsection 1(C) above.
 - (B) The Building Inspector shall enforce these provisions and any person may request enforcement where a violation is believed to exist, as provided in M.G.L. c. 40A, Section 7, and if dissatisfied with the outcome, an aggrieved person may bring an appeal to the Planning Board for hearing and action as provided in M.G.L. c.40A, Section 8.
 - (C) For home occupations requiring a Special Permit under Subsection 1.(B) above, applicants are required to file an application for Special Permit and satisfy the procedures and requirements set forth herein. Fines shall be levied in accordance with Section VII. 1. (A) of this bylaw if the owner of an existing home occupation regulated under Subsection 1(B) above fails to apply to the Planning Board for a special permit before December 31, 2011.

(Section XVIII - Adopted May 11, 2010)

SECTION XIX: Village Overlay District

From the northerly edge of Stagecoach Road as far north as the Business District on the westerly side of Worcester Road exists or may be extended, to the back of all lots existing at the time of enactment of this Section XIX that have frontage on Worcester Road. *(Adopted at Annual Town Meeting May 13, 2014)*

1. Purpose. The purpose of the Worcester Road Village Overlay District (“VOD”) is to encourage by special permit mixed residential and compatible business uses with a layout and architectural style that is consistent with Princeton’s history and character, set back from Worcester Road with internal pedestrian traffic, as an alternative use and pattern of land development. The VOD will support three goals outlined in the Master Plan: preserve the rural character of Princeton, provide alternative housing, and enhance economic development.
2. Relationship to Other Bylaw Provisions.
 - A. Where the VOD requirements and design standards are different from those set forth in the Zoning Bylaws for the underlying districts, the VOD requirements and design standards shall control for any development under this Section XIX.
 - B. Except as may be specifically provided in this Section XIX, any structure or use in the VOD shall comply with all requirements of the Zoning Bylaws.

3. VOD Boundary. The boundary of the VOD is from the northerly edge of Stage Coach Road along the westerly side of Worcester Road as far north as the Business District on the westerly side of Worcester Road exists or may be extended, to the back of all lots existing at the time of enactment of this Section XIX that have frontage on Worcester Road.
4. Objectives. The VOD is a flexible zoning tool designed to meet the following objectives:
- A. Encourage a “smart growth” form of business development set back from Worcester Road, rather than a sprawl style of development typified by strip malls.
 - B. Encourage mixed residential and compatible business uses in the same structures and on the same parcels so that there will be more businesses within Princeton available to provide goods and services to residents of Princeton.
 - C. Create a traditional New England village character and land use pattern with mixed residential and compatible business uses.
 - D. Provide opportunities for greater density and intensity of use than are otherwise allowed under the Zoning By-Laws.
 - E. Require that all development within the VOD be designed in a manner that is consistent with Princeton’s Colonial and Nineteenth Century architectural styles.
5. Permitted Uses.
- A. Uses as of Right.
 - 1. Any use permitted in a Rural-Agricultural District.
 - 2. Any use permitted in a Business District, provided that the use is located only in the underlying Business District.
 - B. Uses requiring a Special Permit from the Planning Board under this Section XIX and site plan approval under Section XII of the Zoning Bylaws.
 - 1. A residential use combined with one or more of the following business uses in the same building or on the same parcel:
 - a. retail store
 - b. restaurant, pub, coffee shop, or other similar uses serving food or beverages, but not with a drive through window
 - c. business, professional office, bank or other similar uses
 - d. museum, art gallery, craft store, or other similar uses
 - e. health care clinic, doctor’s office, dentist’s office, optician, or other similar uses
 - f. bakery, brewery, or other similar uses
 - g. service establishment, but not a gas station, automotive repair, body shop or similar facility, provided that the proposed activities in the service establishment will not be offensive, injurious, or noxious because of noise, vibration, smoke, fumes, dust,

odors, danger of explosion, or other characteristics detrimental to an area with mixed residential and business uses.

- h. place of business of caterer, confectioner, decorator, dressmaker, mortician, craftsman, member of a building trade, or other similar uses
- i. gymnasium, health club, or other similar indoor recreational uses

When a residential use is combined with a business use as provided in this Section 5.B.1, the residential use shall not be on the ground floor and shall comprise not more than 75% of the gross floor area of a building. There shall be not more than two bedrooms in any residential unit in a building.

- 2. Hotel, motel, rooming house, boarding house, ski lodge or other similar uses, provided that the building has no more than 20,000 gross square feet.
- 3. Light manufacturing, research laboratory, or other similar uses, provided that the proposed activities will not be offensive, injurious, or noxious because of noise, vibration, smoke, fumes, dust, odors, danger of explosion, or other characteristics detrimental to an area with mixed residential and business uses, and further provided that the building has no more than 40,000 gross square feet.
- 4. Retirement home, assisted care facility, extended care facility, nursing home, hospice or other similar uses, provided that the building has no more than 40,000 gross square feet.

6. Requirements.

- A. **Multiple Buildings.** More than one principal building (and more than one use in a principal building) may be located on a parcel by special permit.
 - 1. No principal building shall be located in relation to another principal building on the same parcel, or on an adjacent parcel, so as to cause danger from fire.
 - 2. All principal buildings on a parcel shall be served by access ways suitable for fire, police, and emergency vehicles.
 - 3. Multiple principal buildings on the same parcel shall be accessible via pedestrian walkways connected to the required parking for the premises and to each principal building.
- B. **Building Size.** No building shall have a footprint of more than 10,000 square feet.
- C. **Ground Coverage.** The ground coverage of all buildings and parking lots on a parcel shall not exceed 75% of the total area of the parcel. The ground coverage of all roadway and driveway areas and associated sidewalks and pedestrian ways shall be excluded from this requirement.
- D. **Setbacks.**
 - 1. All parking areas shall be set back a minimum of 30 feet from the edge of the right of way for Worcester Road.
 - 2. All buildings shall be set back a minimum of 60 feet from the edge of the right of way for Worcester Road.

3. Adjacent residences. All parking areas shall be set back a minimum of 30 feet, and all buildings shall be set back a minimum of 50 feet, from the edge of any parcel adjacent to the VOD that is used for a single family residence.
 4. Within a parcel in the VOD, there shall be a distance of at least 20 feet between buildings on the parcel.
 - E. Height. The top of the roof line of any building shall be no more than 40 feet from ground level. If the building is constructed on sloping land, the height of the top of the roof line shall be measured on the up slope side of the building.
7. Design. The overall goal of design for the VOD is to present the appearance of a traditional New England village center, using elements that reflect the colonial and nineteenth century architectural history of Princeton.
- A. The criteria in Section XII of the Zoning By-Laws and in the Rules and Regulations of the Planning Board shall be applied in a manner consistent with the overall goal of design for the VOD.
 - B. Walls and Fences. Designs may include fieldstone walls. Designs may include split rail fences, picket fences, or similar sight-pervious fences. There shall be no chain link fences, barbed wire fences, or similar structures visible from Worcester Road or from any parcel adjacent to the VOD that is used for a single family residence. There shall be no sight-impervious fences such as stockade fences or board and batten fences except as may be necessary to provide a sight or sound barrier for any parcel adjacent to the VOD that is used for a single family residence.
 - C. Sound barrier. Design shall include a reasonable sound barrier for any parcel adjacent to the VOD that is used for a single family residence for noise generated by any non-residential use in the proposed development in the VOD.
 - D. Parking. No more than one-third of the required parking for a use shall be located between the building for that use and Worcester Road.
8. Procedures. No building permit shall be issued for construction or alteration of a building or parking area, and no site alteration or removal of vegetation shall take place, until the Planning Board has issued a special permit pursuant to this Section XIX, and approved a site plan pursuant to Section XII. Applications for site plan approval in the VOD shall be submitted in accordance with Section XII and the Rules and Regulations of the Planning Board.
9. Decision. The Planning Board may impose reasonable conditions in granting VOD approval. In making its decision, the Planning Board shall consider the extent to which the proposed plan maintains Princeton's rural agricultural character by:
- A. Locating principal structures to the extent reasonably feasible so that they do not front on Worcester Road.
 - B. Minimizing the number of curb cuts on Worcester Road.
 - C. Encouraging foot traffic within the VOD.
 - D. Minimizing the impact of the proposed uses on any parcel adjacent to the VOD that is used for a single family residence including reasonable restrictions on the hours of operation for non-residential uses in the VOD.
 - E. Appropriately screening delivery areas, service entrances, and dumpsters by plantings, topography, or other means when viewed from Worcester Road and when viewed from any parcel adjacent to the VOD that is used for a single family residence.

- F. Providing for landscaping or plantings.

(Amended at the Annual Town Meeting May 12, 2015)

SECTION XX: EARTH REMOVAL

- 1. Purpose. The purpose of this bylaw is to regulate the removal of earth materials in a manner that maintains the rural-agricultural character of the Town while permitting landowners to make reasonable and responsible use of their property without having a significantly adverse impact on neighbors, the environment, and the roads and infrastructure of the Town. Upon completion of the removal of earth materials, all disturbed areas shall be graded and re-vegetated and the land shall be in reasonable condition for the uses allowed in the zoning district in which the land is located.
- 2. Earth Materials. As used in this bylaw, earth materials include but are not limited to loam, topsoil, sand, gravel, clay, glacial till, silt, rocks, boulders, and ledge.
- 3. Applicability. This bylaw applies to the removal of earth materials from land in any zoning district with the following exceptions:
 - A. Incidental removal of no more than 400 cubic yards in connection with:
 - (i) Excavation for buildings and structures for which a building permit has been issued;
 - (ii) Excavation and site work for driveways and parking areas;
 - (iii) Excavation for installation or replacement of septic systems; and
 - (iv) Excavation in connection with landscaping
 - B. Road construction by the Town or the Commonwealth.
 - C. Road construction or site preparation pursuant to an approved plan for a subdivision.
- 4. Requirements.
 - A. Site Plans. An application for a special permit for removal of earth materials shall include before and after site plans prepared by a registered land surveyor with two foot contour intervals for the entire area from which the applicant seeks to remove earth materials. The site plans shall address the following:
 - (i) No earth materials shall be removed to a grade below street level within 50 feet of the edge of the property line next to the street unless the Planning Board specifically finds that such lower grade is consistent with the purpose of this bylaw.
 - (ii) No final slope shall be created steeper than 1:3 unless the Planning Board specifically finds that such steeper slope is consistent with the purpose of this bylaw.
 - (iii) No earth materials shall be removed within 50 feet of adjacent property unless the Planning Board specifically finds that such removal is consistent with the purpose of this bylaw.
 - (iv) Except when earth materials are removed in connection with the creation of a pond in accordance with permits from the Conservation Commission and the Commonwealth, there

shall be a minimum of six feet between the bottom of the proposed excavation and the spring high water table.

- (v) The site plans shall show the location of any temporary structures, and the location of access for vehicles and equipment used during earth removal operations.

B. Operational Plans. An application for a special permit for removal of earth materials shall include an operational plan that addresses the following:

- (i) Operating only during week days between the hours of 8:00 a.m. and 4:00 p.m., unless the Planning Board specifically finds that different days and hours of operation are consistent with the purpose of this bylaw.
- (ii) Visually screening operations from adjacent residences.
- (iii) Phasing of earth removal, grading and re-vegetation so that no more than three acres shall be exposed and worked at one time.
- (iv) Stockpiling of top soil and loam.
- (v) Grading and re-vegetation upon the completion of each phase.
- (vi) Drainage, erosion and siltation control.
- (vii) Dust control on the site, and on the first 500 feet on the route taken by trucks when leaving the site.
- (viii) Type and size of equipment to be used on site and to haul earth materials from the site
- (ix) Measures to shake loose earth materials from trucks before leaving the site.
- (x) Proposed routes that trucks will follow when hauling earth materials from the site.
- (xi) Daily number of trips by trucks hauling earth materials.

C. Applicants are encouraged to meet informally with the Planning Board prior to applying for a special permit for removal of earth materials. The purposes of a pre-application review are to minimize the applicant's costs for engineering and other technical experts and to solicit guidance from the Planning Board at an early stage in the planning and permitting process. For smaller projects, the Planning Board in its discretion may make reasonable modifications in the information required for site plans and operational plans provided that such modifications are consistent with the purpose of this bylaw.

D. Except in a business-industrial district, no screening or crushing of earth materials shall be allowed on site.

E. Explosives shall not be used in earth removal operations unless the Planning Board specifically finds that such use of explosives is necessary and is consistent with the purpose of this bylaw.

F. No top soil or loam shall be removed from the site unless the remaining stockpiled top soil and loam is sufficient to provide a minimum of 6" of top soil and loam to spread over the disturbed areas for re-vegetation.

G. The applicant shall post a bond of \$10,000, or such other amount as the Planning Board may determine is reasonably necessary, as surety for the implementation of the plans and the grading and

re-vegetation of the site following the conclusion of removal of earth materials. Upon a determination by the Building Inspector that removal has ceased and that the site has been graded and re-vegetated in accordance with the plans, the bond shall be released.

- H. In addition to the Town special permit filing fees, the applicant may be required to pay the reasonable fees for professional review of the applicant's proposal by a registered engineer, registered landscape architect, or other qualified professional retained by the Planning Board to review the applicant's plans.

5. Procedures.

- A. Prior to the commencement of earth removal operations, the applicant shall obtain a special permit from the Planning Board acting as the special permit granting authority pursuant to M.G.L. Ch. 40A sec. 9. The Planning Board shall review the application and the plans, and shall request advice and comments from the Highway Superintendent as to the likely impact of the plan on the roads and infrastructure of the town. The Planning Board may request advice and comments from other Town boards.
- B. The Planning Board may impose reasonable conditions to insure that the proposed removal of earth materials is consistent with the purpose of this bylaw.
- C. A special permit to remove earth materials shall be valid for one year and may be extended without a public hearing for successive one year periods upon a determination by the Planning Board that the removal operations have been conducted in accordance with the approved plan. A special permit shall not be extended if there has been no removal of earth materials for two years.
- D. After plans for removal of earth materials have been approved, there shall be no material deviations from the approved plans without written approval from the Planning Board which may require a public hearing.
- E. The Building Inspector shall enforce this bylaw and any special permit issued or extended pursuant to this bylaw.

(Adopted at the Annual Town Meeting May 12, 2015)

SECTION XXI: ADULT ENTERTAINMENT

- 1. Purpose. The purpose of this by-law is to provide for a special permitting process for the location of Adult Entertainment Facilities within the Town. The special permitting process shall address and mitigate the secondary effects of Adult Entertainment Facilities. Secondary effects of Adult Entertainment Facilities have been associated with increased crime, adverse impact on public health, adverse impact on business climate, adverse impact on the property values of residential and business property, and adverse impacts on the quality of life.

It is not the purpose or intent of this by-law to impose a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials, that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts.

Adult Entertainment Facilities in the Town shall comply with all applicable state and federal laws and regulations. It is not the purpose or intent of this by-law to legalize the sale, rental, distribution, or exhibition of pornographic, obscene or other illegal materials or activities.

2. Applicability. This by-law applies to any facility offering any adult entertainment (“Adult Entertainment Facility”), including but not limited to adult bookstores, adult motion picture theatres, adult video stores, adult paraphernalia stores, and establishments which display live nudity for its patrons.
3. Requirements. An Adult Entertainment Facility shall be located only in a business-industrial district, and shall meet the following requirements:
 - a. All parking areas shall be set back a minimum of thirty (30) feet from the edge of the public right of way.
 - b. All buildings shall be set back a minimum of one hundred (100) feet from the edge of the public right of way.
 - c. All buildings shall be set back a minimum of one hundred (100) feet from the side and rear lot lines.
 - d. All buildings shall be a minimum of five hundred (500) feet from adjacent residential buildings.
 - e. All buildings shall be a minimum of fifteen hundred (1500) feet from:
 - i. any school;
 - ii. any library;
 - iii. any church, synagogue, or place of religious services;
 - iv. any licensed daycare center.
 - f. All parking areas shall be illuminated with downward and inward directed lighting.
 - g. All buildings and parking areas shall have reasonable sound barriers from any adjacent parcel that is used for residential purposes.
 - h. All buildings and parking areas shall have reasonable visual barriers from any adjacent parcel that is used for residential purposes.
4. Hours of Operation. Adult Entertainment Facilities shall not operate before noon and shall cease operations not later than midnight.
5. Procedures. Any person seeking to operate or construct an Adult Entertainment Facility shall first obtain a special permit from the Planning Board acting as the special permit granting authority pursuant to M.G.L. c.40A, §9, M.G.L. c.40A, §9A, and Section VIII (3) of the Zoning By-laws of the Town. Applications shall include a site plan as provided in Section XII of the Zoning By-laws of the Town. The Planning Board shall review the application and plan, and shall request comments from the Board of Selectmen and the Chief of Police. The Planning Board may request comments from other Town boards.
 - a. Applications for a special permit shall include the name and address of the legal owner of the Adult Entertainment Facility, together with the names and addresses of all persons having any direct or indirect ownership or security interest in the facility. In the event that the petitioner is a corporation, partnership, trust, or other corporate entity, the name and address of any person who has a direct or indirect ownership or beneficial interest in the entity shall be included.
 - b. Applications for a special permit shall include the name and address of the operator of the Adult Entertainment Facility.

- c. No special permit shall be issued to any person, or to any corporate entity associated with any person, who has been convicted of violating the provisions of M.G.L. Ch. 119 §63 or M.G.L. Ch. 272 §28, or to any other person or entity prohibited by M.G.L. Ch. 40A §9A from receiving a special permit.
- d. The Planning Board may impose reasonable conditions to insure that the location and operation of the proposed Adult Entertainment Facility is consistent with the purpose of the Zoning By-laws of the Town.
- e. A special permit shall be valid for two years and may be extended on written request without a public hearing for successive two year periods upon a determination by the Planning Board that the operation of the Adult Entertainment Facility has been conducted in accordance with the special permit.
- f. A special permit shall terminate if there has been no operation of the Adult Entertainment Facility for six months, if there is a change in the operator of the Adult Entertainment Facility, or if the Adult Entertainment Facility or land on which the Adult Entertainment Facility is located is sold.
- g. There shall be no material deviations from approved plans without written approval from the Planning Board which may require a public hearing.
- h. A special permit shall remain exclusively with the petitioner and shall not run with the land. Any new owner or operator of an Adult Entertainment Facility must obtain a special permit before commencing or continuing operations.
- i. Adult Entertainment Facilities shall comply with all other provisions of the Zoning By-Laws of the Town. To the extent that the provisions of this Section XXI may conflict with other provisions of the Zoning By-laws of the Town, the provisions of this Section XXI shall apply.
- j. The Building Inspector shall enforce this by-law and any special permit issued or extended pursuant to this by-law.

(Adopted at the Annual Town Meeting May 10, 2016)

Amendments and Adoptions approved as indicated.

A true copy, ATTEST:

Lynne F. Grettum,
Town Clerk

May 2016