

Proposed additions are *in italics*.

ZONING BYLAW
For the Town of
CHARLEMONT, MASSACHUSETTS

As voted September 28, 1981, Town Meeting and approved by the Attorney General on January 6, 1982, and amended at the May 6, 1985 Town Meeting and approved by the Attorney General on June 6, 1985, and amended at the May 1, 1995 Town Meeting and approved by the Attorney General on September 5, 1995, and amended at the October 19, 1999 Town Meeting and approved by the Attorney General on February 28, 2000, *and amended at the June 2, 2008 Town Meeting and approved by the Attorney General on _____.*

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ARTICLE I - PURPOSE

The purpose of this Bylaw is to promote the health, safety, convenience, and general welfare of the residents of Charlemont and to do this in accordance with the goals of the Master Plan. This includes but is not limited to:

- a) conserving the value of land and buildings,*
- b) preventing the overcrowding of land and streets, and undue concentration of population to protect public health and safety;*
- c) conserving natural resources, open space and preventing the pollution of the environment;*
- d) maintaining the scenic value of the Mohawk Trail as an attraction for recreation and tourist activities;*
- e) facilitating the adequate provision of transportation, schools, parks, and housing;*
- f) preventing or mitigating fire, flood, panic and other dangers; and*
- g) minimizing light pollution.*

The intent of this Bylaw is to preserve and increase amenities by the promulgation of regulations to fulfill said purposes, in accordance with the provisions of Chapter 40A, M.G.L., and Article 89 of the Amendments to the Constitution.

ARTICLE II - ADMINISTRATION

Section 21 Enforcement

21.1 Zoning Bylaw Review. The Building Inspector shall administer and enforce the *Zoning Bylaw*. Buildings or Structures may be constructed, altered, or changed in use only upon certification by the Building Inspector that such action is in compliance with the then applicable Bylaw and that all necessary permits have been received from those agencies from which approval is required by Local, State and Federal law.

Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the State Building Code, and a Special Permit if required by this Bylaw, shall serve as such certification. Applications for such certification shall be made to the Building Inspector who shall determine whether the proposal is eligible to proceed, requires a Special Permit, or is not in compliance with the Bylaw.

Certain minor activities which do not require a permit under the State Building Code and are not regulated elsewhere in this Bylaw do not require certification under Section 21.1.

21.2 Penalty. Any person violating any of the provisions of this Bylaw may be fined not more than *Three Hundred Dollars (\$300)* for each offense. Each day that such violation continues shall constitute a separate offense.

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Section 22 Board of Appeals

22.1 *Members.* There is hereby established a Board of Appeals of three members and two associate members, to be appointed by the Selectmen, which Board of Appeals shall act on all matters within its jurisdiction under this Bylaw and chapter 40A of the General Laws in the manner prescribed by the said law and by this Bylaw.

22.2 *Variations.* *The Zoning Board of Appeals may grant petitions for dimensional variances from the terms of this Bylaw, with respect to particular land or structures pursuant to M.G.L. Chapter 40A, Section 10, as may be amended from time to time, only in cases where the Board finds all of the following:*

- a) *a literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or applicant;*
- b) *the hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located; and*
- c) *desirable relief may be granted without either:*
 - 1. *substantial detriment to the public good; or*
 - 2. *nullifying or substantially derogating from the intent or purpose of this Bylaw.*

The Zoning Board of Appeals does not have the authority to grant use variances in any district in Town.

22.3 *Appeals.* *The Zoning Board of Appeals shall hear and decide appeals from decisions of the Building Inspector.*

Section 23 Special Permits

23.1 *Special Permit Granting Authority.* Special permits shall be granted by the Planning Board only for proposals in compliance with the provisions of this *Bylaw*, and of *M.G.L. Chapter 40A*, and upon written determination by the Planning Board that the proposal will not have adverse effects which overbalance its beneficial effects on the town, as measured by the purposes of the *Bylaw*. In acting on *Special Permits* the Planning Board shall consider the *Special Permit Criteria* listed in Section 23.10.

23.2 Procedures.

The Planning Board encourages applicants to appear before the Board for a pre-submission meeting to discuss the project and to establish possible waivers to the submission requirements based on the scale and simplicity of the specific proposal. Special Permits shall be granted, denied, or issued with conditions by the Planning Board according to the provisions of Chapter 40A of the Massachusetts General Laws. An applicant for a Special Permit shall file a completed application with the Planning Board Clerk and the Town Clerk. The Town Clerk

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shall acknowledge receipt of the application by signing and dating the application. The application submitted to the Planning Board Clerk shall include ten (10) copies each of the Special Permit application. The Planning Board Clerk shall transmit copies of the application to the Planning Board, Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Highway Superintendent, the Fire Chief, the Police Chief and the Building Inspector. Town Boards and municipal officials shall have 35 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations or they may attend the public hearing(s).

23.3 Permit lapse. A Special Permit shall lapse 24 months after the date of granting of the permit if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun sooner except for good cause. The 24-month period shall be extended by the time required to pursue and await the determination of an appeal (referred to in Section 17 of Chapter 40A, M.G.L.).

23.4 SPGA Rules and Regulations. Pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws, the Planning Board may adopt rules relative to the issuance of Special Permits. The Planning Board's rules and regulations may relate to the size, form, content and style of the plans, fees, and procedures for submission and approval of such Special Permits, and shall not be inconsistent with the General Laws and provisions of this Bylaw. The Planning Board may from time to time amend these rules. Copies of the rules shall be on file and available for review at the office of the Town Clerk.

23.5 Application Fee. A fee shall be collected by the Town Clerk at the time that an application for a Special Permit is submitted. Said fee shall reflect the cost of printing, advertising and mailing for the permitting process. Any additional reasonable expenses in excess of the filing fee, such as fees for outside consultants engaged by the Planning Board pursuant to Section 23.8 below shall be assessed to the applicant and must be promptly paid in order for the application to be heard and decided by the Special Permit Granting Authority. The Planning Board shall notify the applicant if additional expenses are expected to be assessed and the estimated cost of such expenses.

23.6 Waivers. Upon written request from the applicant prior to or as part of the filing of an application, the Planning Board may waive the submission of such materials, plans, studies, and analyses or parts thereof, as may not be needed for, or relevant to, consideration of the application, if the potential impact of the development is minimal in the opinion of the Planning Board. Such waiver shall be discussed and decided at a posted Planning Board meeting to allow for public input.

23.7 Reserved for Future Use

23.8 Review Process. The Planning Board will review the Special Permit application, giving consideration to the factors outlined in Section 23.10 Special Permit Criteria as they affect the Town and the neighborhood adjacent to and surrounding the site. It may require the applicant to provide additional information as necessary to complete its review. It may retain outside consultants, such as registered engineers, planners, designers, legal counsel, or other professionals, at the applicant's expense, to review the application and advise the Board

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regarding any or all aspects of the application. It may make recommendations for modifications to the project, subdivision proposal, or development as is appropriate to protect the Town. The Special Permit process will be conducted in accordance with the Rules and Regulations adopted by the Planning Board that are on file with the Town Clerk.

23.9 Public Hearing. After the opportunity for review by other boards has taken place (see Section 23.2), the Planning Board shall hold a public hearing under this section within 65 days after the filing of an application, in conformity with the provisions of M.G.L. Ch. 40A Section 9. The board shall make a decision on the application, and shall file a written record of the decision with the Town Clerk, all within 90 days following the closing of the public hearing. The board shall file the written decision with the Town Clerk within 14 days of the final vote or sooner as required to meet the 90 day maximum time frame.

23.10 Special Permit Criteria. In acting upon Special Permits, the Planning Board shall consider the following criteria:

- a) *The degree to which the activity, site plan, and building design are consistent with suitable economic development activities, including tourism, in Charlemont, as identified in the Master Plan.*
- b) *Capability of and cost to the Town to provide municipal services for the proposed use and premises, including police, fire, emergency services, and road maintenance and the ability of existing infrastructure to support the proposed use including but not limited to existing roads and bridges and their condition.*
- c) *Impact on the Town's school or other educational facilities and provision of housing for Town residents.*
- d) *Consequences of sound, light, odor, noise, traffic congestion, or other disturbances for abutting and other properties that may be impacted.*
- e) *Environmental impact of the proposal, including the degree to which the proposal results in water, air, noise or light pollution; topographic change; removal of mature trees or other botanical assets; removal of cover vegetation; risk of erosion or siltation; increased storm water runoff from the site; or displacement of natural habitats.*
- f) *Impact on existing traffic conditions and vehicular and pedestrian safety, particularly at intersections with the Mohawk Trail or Town roads.*
- g) *Degree to which the proposal is compatible with the character of the surrounding area and neighborhood.*
- h) *Degree to which the proposal preserves scenic views and historic, natural, and cultural resources through site design, landscaping and protection of resources.*

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- i) *Employment and fiscal consequences to the Town.*
- j) *Impact on agricultural or forestry operations or the productivity of the land for those uses.*
- k) *Degree to which proposed use is consistent with the purpose(s) of the zoning district.*
- l) *Capability of the Town or other public or private entities to provide water supplies, sewage treatment, and stormwater management.*
- m) *Other impacts on the Town including support of local products and businesses, protection of open space, provision of recreational opportunities for Town residents, and energy conservation.*

23.11 Conformance. When subsequent amendments to the Bylaw are adopted, operations or construction under a Special Permit shall conform to the Amendments unless substantial use or construction is commenced within six (6) months after issuance of the permit.

23.12 Amendment. The terms and conditions of any Special Permit approval may be amended in the same manner as required for the issuance of the original approval. Any enlargement, alteration, or construction of accessory structures not previously approved shall require an amendment.

Section 24 Site Plan Review

24.1 Purpose. Site Plan Review enables the Planning Board to review uses with significant impact within and on abutting properties. Public hearings, review standards and the authority to set reasonable conditions on the proposed development ensure that the development protects the environment, scenic qualities, and character of the neighborhood and the town and is designed in a manner that follows the goals of the Master Plan.

24.2 Applicability. Site Plan Review shall be required for the following uses:

- a) *for all non-residential or non-agricultural uses with frontage on the Mohawk Trail that create 5,000 square feet or more of enclosed floor area, require 10 or more parking spaces, or result in an area for parking of 2,000 square feet or greater; or*
- b) *for any other uses specified in the Use Regulation Schedule in Section 32.2 and for educational and religious uses that are exempt from local zoning pursuant to M.G.L. Ch. 40A Section 3.*

24.3 Procedures. The Planning Board encourages applicants to appear before the Board for a pre-submission meeting to discuss the project and to establish possible waivers to the submission requirements based on the scale and simplicity of the specific proposal. An

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applicant for Site Plan Review shall file a completed application with the Planning Board Clerk and the Town Clerk. The Town Clerk shall acknowledge receipt of the application by signing and dating the application form. The application submitted to the Planning Board Clerk shall include ten (10) copies each of an application form, site plan, and any narrative documents as outlined in the submittal requirements. The Planning Board Clerk shall transmit copies of the application to the Planning Board, the Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Highway Superintendent, the Fire Chief, the Police Chief, and the Building Inspector. These Town Boards and municipal officials shall have 35 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, or they may attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the site plan or unless the required time period for taking action on a site plan has lapsed without action from the Planning Board.

24.4 Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for site plan approval within 90 days of the public hearing. Notice and posting of the public hearing shall comply with the provisions of M.G.L. Chapter 40A, Section 11, regarding notice for public hearings. To the extent permitted by law, the public hearing should be coordinated with any other public hearing required for a special permit or definitive subdivision plan.

24.5 Required Contents of a Site Plan. All site plans shall be prepared by a registered architect, land surveyor, landscape architect or professional engineer and shall contain the information outlined in Appendix A.

24.6 Decision. The Planning Board will make a decision which requires a simple majority vote. The Planning Board's action shall consist of either:

- a) Approval of the site plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this Zoning Bylaw;*
- b) Approval of the site plan subject to conditions, modifications, requirements or restrictions as the Planning Board may deem necessary to ensure compliance with the Zoning Bylaw; or*
- c) Denial of the site plan based upon specific findings that: (i) the applicant failed to provide information required by this Zoning Bylaw necessary to adequately review the application; or (ii) that the project is inconsistent with the requirements of this Zoning Bylaw and no conditions, modifications, requirements, or restrictions can be imposed pursuant to 24.6 b) that would ensure compliance with this Zoning Bylaw.*

24.7 Administration. The Planning Board may adopt and from time to time amend regulations for the submission and approval of site plans. The Planning Board may waive any of the requirements for site plan submittal and approval if the simplicity or scale of the project warrants such action. The Planning Board may also request any additional information it should

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need to render a decision. For large or complex projects, the Planning Board shall have the right to retain outside consultants, such as registered engineers, planners, designers, legal counsel, or other professionals, to advise the Board regarding any or all aspects of the site plan. The applicant shall be responsible for the costs of such advice. The Board may also require the posting of a Bond, or other security satisfactory to the Board, to assure compliance with the approved site plan and stated conditions for approval. Site Plan approval shall lapse within one year unless substantial use or construction has commenced however, such time period may be extended if necessary to pursue or wait for a determination of an appeal in accordance with M.G.L. Chapter 40A Section 17.

24.8 Compliance with Other Bylaws. The site plan shall comply with any zoning bylaws for parking, loading, dimensions, environmental controls and all other provisions of this chapter. Before approval of a site plan, the Planning Board may request that the applicant make modifications in the proposed design of the project to ensure that the above criteria are met.

24.9 Standards for Review. The following criteria and guidelines shall be used by the Planning Board in evaluating the Site Plan and all information submitted as part of the application:

- a) *The site plan conforms to all appropriate provisions of the Zoning Bylaw.*
- b) *The site plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site including off-street parking and loading needs.*
- c) *The architectural design, lighting, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town of Charlemont.*
- d) *The site plan shows adequate measures to prevent pollution of surface or groundwater and to minimize erosion, flooding and sedimentation; it includes a stormwater management plan prepared in accordance with good engineering, hydrologic and pollution control practices.*
- e) *The proposed development, to the extent feasible:*
 1. *is integrated into the existing landscape and relates harmoniously to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity;*
 2. *provides a solar and wind orientation that encourages use of renewable energy and energy conservation*
 3. *minimizes obstruction of scenic views;*
 4. *preserves unique natural or historical features;*
 5. *minimizes removal of trees, vegetation, and soil and grade changes,*
 6. *maximizes open space retention; and*

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7. *screens objectionable features from neighboring properties and roadways through trees, shrubs and other landscaping features to constitute a visual buffer as well as a buffer for noise, light and odor.*

The above criteria and guidelines shall apply to educational and religious uses set forth in G.L. c.40A, §3 only to the extent that they are reasonable regulations concerning the bulk and height of structures, and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

Section 25 Validity

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

Section 26 Applicability

Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

Section 27 Amendments

These Bylaws may be amended from time to time in the manner described in *M.G.L. Chapter 40A*.

Section 28 Associate Member to the Planning Board

The first person serving as an associate member to the Charlemont Planning Board shall be appointed to serve until the next Town election pursuant to M.G. L. Chapter 41, Section 11. Thereafter, the associate member shall be elected to serve for a term of three (3) years.

The chairperson of the Charlemont Planning Board may designate the associate member to sit on the Board for the purposes of acting on a Special *Permit* application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

ARTICLE III - GENERAL REGULATIONS

The following regulations shall apply throughout the Town of Charlemont and to all land uses, unless otherwise specified herein.

Section 31 Pre-existing Uses, Structures and Lots

31.1 Continuation and Restoration Any use of structure, whether conforming to this Bylaw or not, may be continued if that use of structure was lawfully existing at the time that

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it became nonconforming, and may be restored if destroyed by fire or other accidental or natural cause, but if discontinued for more than 24 months or abandoned, subsequent use shall comply with this Bylaw.

31.2 Nonconforming Uses. Any use or structure not conforming with the Bylaw may be continued if the use or structure was lawfully existing at the time it became nonconforming, subject to the following:

As provided in *M.G.L. Chapter 40A, Section 6*, a nonconforming single or two family dwelling may be altered, extended, *or reconstructed*, provided that doing so does not increase the nonconforming nature of said structure. Additions and accessory buildings which are associated with existing residences that are nonconforming by reason of being closer to lot boundaries than is permitted by these Bylaws may be built as close, but not closer, to the lot boundaries than the existing residence. Other nonconforming structures or nonconforming uses of structures or land may be extended or changed to another nonconforming use only if granted a Special Permit by the Planning Board, upon the Board's determination that the extension or change of use will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

31.3 Nonconforming Lots. Requirements for lot size, frontage, and front, side, and rear yards shall not apply to a lot for single-family or two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with other adjoining land, conformed to the then existing requirements, and had less than the requirements of this Bylaw but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

31.4 Conformance with Bylaw Amendments. Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

Section 32 Use Regulations and Zoning Districts

32.1 General Use Regulations and Establishment of Districts

No building or structure shall be constructed, and no building, structure or land, or plan thereof shall be used for any purpose or in any manner other than for one or more uses hereinafter set forth as permissible.

a) Establishment of Districts. *For the purposes of this Bylaw, the Town of Charlemont is hereby divided into the following districts:*

1. *Village Center District (VC)*
2. *East Charlemont Village Center District (EVC)*

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3. *Rural Residential District (RR)*

- b) *Location of Districts.* *The boundaries of each of the said districts are hereby established as shown, defined and bounded on a map entitled "Town of Charlemont Official Zoning Map". The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw.*
1. *Where the boundary lines are shown upon said map within the street lines of public and private ways, the centerline of such ways shall be the boundary lines.*
 2. *Where the boundary lines are shown upon said map approximately on the location of a property, lot, or boundary line, and the exact location of the property, lot or boundary line is not indicated by means of dimensions shown in figures, then the property or lot line shall be the boundary line.*
 3. *Boundary lines located outside of such street lines and shown approximately parallel thereto, shall be regarded as parallel to street lines, and dimensions shown in figures placed upon said map between such boundary lines from such street lines shall govern; such distance being measured at right angles to such street lines unless otherwise indicated.*
 4. *In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, or by the scale of said map.*

c) *Purpose of Districts.*

1. *The purpose of the Village Center District is to maintain the character of the historic village center as a mix of residential and commercial uses at greater density.*
2. *The purpose of the East Charlemont Village Center District is to encourage mixed use development at a greater density in the East end of town where commercial development already exists.*
3. *The purpose of the Rural Residential District is to maintain the town's historic pattern of rural settlement at lower density characterized by a scattering of residences and few small businesses throughout expanses of fields, forests, hillsides, and scenic views.*

32.2 Use Regulations. *No building or structure shall be erected or land used except as permitted in this section and all other sections of this Zoning Bylaw. Not more than one principal structure or principal use may be allowed on a lot in the Rural Residential District. More than one principal structure or principal use on a lot may be allowed in the Village Center and East Charlemont Village Center District provided that all the dimensional requirements of*

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Section 33.1 can be met and a Special Permit is granted by the Planning Board. For example, in the East Charlemont Village Center District there can be two principal structures with two different uses on one lot provided that: (i) the lot has a minimum square footage and frontage of 70,000 sq. ft. and 200 feet respectively; (ii) that each building meets all Yard Dimension setbacks and Maximum Height requirements; (iii) that the Maximum Lot Coverage of 50% is not exceeded for all structures, parking area(s), drives, walkways, etc.; and (iv) that a Special Permit is granted by the Planning Board pursuant to Section 23.

The following Description of Uses and the Use Table list land uses and their permit or review requirements by the Planning Board.

a) Description of Uses

1. Uses Allowed By Right in All Districts (no Special Permit required).

Single and Two-Family Dwellings

Accessory Apartments

Bed and Breakfast establishments up to 6 rooms

Forestry and Agricultural Uses on lots greater than 5 acres

Commercial Greenhouses on lots greater than 5 acres

Farmstands

2. Uses Prohibited in All Districts.

Drive-Through Restaurants

Junkyards, Dumps and Landfills

Mobile Homes except for temporary ones (24 months) and Mobile Home Parks

Electric Generating Facilities (other than Solar, Wind, Biomass or Hydroelectric facilities)

All other uses not listed above or in the Use Table below

b) Use Table

Symbols employed in the following Use Regulations Schedule shall have the following meaning:

Y – Yes, the use is permitted by right in that Zoning District

N – No, the use is not permitted in that Zoning District

SP – The use may be permitted if a Special Permit is granted by the Planning Board

SPR – Site Plan Review required that may modify some features of the project

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USES	<i>Village Center District</i>	<i>East Charlemont Village Ctr. District</i>	<i>Rural Residential District</i>
<i>Residential Uses</i>			
<i>Temporary Mobile Home (see Section 42.2)</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Multi-Family Dwelling (more than 2)</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Conversion of an Historic (50 years or older) Industrial or Commercial Structure for Residential Use</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Apartments on the Upper Floors of Commercial Structures</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Agricultural, Forestry & Recreational Uses</i>			
<i>Agricultural Uses including Piggeries on a lot equal to or less than 5 acres</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Commercial Greenhouse(s) on a lot equal to or less than 5 acres</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Community Services</i>			
<i>Commercial Recreation</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Public Utility Facility not exempted from zoning regulation by M.G.L. Ch.40A</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Wireless Communication Facility</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Community Service (cont.)</i>			
<i>Other Educational Uses not exempted from zoning regulation by 40A S.3</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Family Day Care Home for more than six (6) children or adults</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Nursing Home</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Public or Private Parking Lots 10 or more</i>	<i>SP</i>	<i>N</i>	<i>SP</i>
<i>Cemetery</i>	<i>N</i>	<i>N</i>	<i>SP</i>
<i>Business/Commercial Uses</i>			
<i>Business, Professional Offices up to 5,000 sq ft of enclosed floor area</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Business, Professional Offices with greater than 5,000 sq. ft. of enclosed floor area</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Banks</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>ATM, stand-alone</i>	<i>SP</i>	<i>N</i>	<i>N</i>
<i>ATM attached to commercial building</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Restaurant, other</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Commercial Motor Vehicle Sales for more than 5 vehicles</i>	<i>N</i>	<i>SP</i>	<i>N</i>
<i>Commercial Motor Vehicle Sales for 5 or less Vehicles</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Laundry, Laundromat</i>	<i>SP</i>	<i>N</i>	<i>N</i>

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<i>USES</i>	<i>Village Center District</i>	<i>East Charlemont Village Ctr. District</i>	<i>Rural Residential District</i>
<i>Movie Theaters</i>	<i>SP</i>	<i>SP</i>	<i>N</i>
<i>Other Theaters</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Motels</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Hotels, Inns</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Building Materials, Sales & Storage</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Retail Store(s) – Building less than 5,000 sq. ft. of enclosed floor area</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Retail Store(s) – Building 5,000 to 10,000 sq. ft. of enclosed floor area</i>	<i>SP</i>	<i>SP</i>	<i>N</i>
<i>Self-Storage Facility greater than 5,000 sq. ft</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Kennels</i>	<i>N</i>	<i>N</i>	<i>SP</i>
<i>Conversion of an Historic (50 years or older) Structure(s) on one lot to a mix of Retail, Offices, Restaurants, Studios, or Residential Uses within the footprint of the Historic Structure(s)</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>

<i>Industrial Uses</i>			
<i>Recycling facility 5,000 sq. ft. or less enclosed in a building</i>	<i>N</i>	<i>N</i>	<i>SP</i>
<i>Manufacturing, Processing & Laboratories</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Artisan Studios</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Freight or Transportation Facilities</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Gasoline Station</i>	<i>SP</i>	<i>N</i>	<i>N</i>
<i>Automotive Repair Garages</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Solar, Wind, Biomass, or Hydro Electric Generating Facilities (See Footnote ¹)</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
<i>Quarrying, Gravel Mining & Earth Removal</i>	<i>N</i>	<i>N</i>	<i>SP</i>
<i>Sawmill</i>	<i>N</i>	<i>N</i>	<i>SP</i>
<i>Bulk Storage, Warehousing >10,000 sq ft</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>

32.3 Reserved for Future Use

32.4 Accessory Scientific Uses

Uses accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Planning Board, provided that the Board finds that the proposed accessory use does not substantially derogate from the public good.

¹ – Solar panels attached to a principal or accessory structure which provide electricity on-site are considered an accessory use and are allowed By-right.

Proposed additions are *in italics*.

Section 33 Dimensional Requirements and Alternative Development Procedures

A structure shall be erected or used, or a lot shall be changed in size or shape, only in conformity with the following requirements:

33.1 Dimensional Schedule.

Districts	Minimum Lot Area in sq. ft.¹	Minimum Lot Frontage in feet	Yard² Dimensions			Maximum Height in feet	Maximum Lot Coverage⁴
			Front in feet³	Side in Feet	Rear in feet		
<i>Village Center (VC)</i>	45,000	150	20	15	20	35	70%
<i>Rural Residential (RR)</i>	70,000	200	50 ⁵	50	50	35	35%
<i>East Charlemont Village Ctr. District (EVC)</i>	70,000	200	75	50	50	35	50%

¹The required lot area for any multi-family dwellings shall be increased for each dwelling unit in excess of two by 15,000 sq. ft. in the VC District and by 20,000 sq. ft. in the RR and EVC Districts. The required lot area for motels and campgrounds shall be increased for each two motel guest units or campground sites in excess of two by 30,000 sq. ft. in the RR and EVC Districts.

²Fences may be located within the front, side, or rear yard provided that they are set back from the property line by at least two (2) feet with the finished side facing towards the exterior of the property.

³The Board of Appeals, after a hearing, may reduce the required front yard to a distance not less than the front yard of an existing abutting structure located within 100 feet of the common property line if the lot size or topography is such that a hardship would result from enforcement of the front lot requirements. (EXISTING LANGUAGE MOVED FROM SECTION 33.3)

⁴ Lot Coverage -- The area of a lot occupied by structures, walkways, drives, parking or other impervious or semi-pervious surfaces.

⁵Front Setback for properties along the Mohawk Trail (Route 2) shall be 100 feet as measured from the property line or Street Line.

33.2 Reserved for Future Use

33.63 Cluster Development. The Planning Board may grant a Special Permit for cluster development on parcels containing five times the minimum lot size or more, as authorized by Section 9 or chapter 40A. Usual lot area and frontage requirements shall not apply

Proposed additions are *in italics*.

to individual lots. If open space equal to 30% or more of the cluster area is reserved, the Planning Board may grant a Special Permit for an increase of up to 20% above the otherwise applicable density.

Section 34 Environmental Controls

34.1 Screening. Open storage and loading or service areas shall be screened from any adjacent residence or public way by planting or opaque fencing not inconsistent with neighborhood character.

34.2 Hazard. No use shall be allowed which would create hazard due to explosion, fire, or other similar causes. Other potentially hazardous conditions shall be fenced, covered, or otherwise rendered safe.

34.3 Erosion Control. The Building Inspector may require for any proposed development that site design, building design, and construction procedures be modified so as to protect soil from erosion or excessive uncontrolled surface water runoff. No grading or construction shall take place on slopes in excess of 25% except under Special Permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface runoff, or other environmental degradation. To ensure compliance with these requirements, the Building Inspector or Planning Board may require topographic data prior to acting upon an application for a permit.

Section 35 Parking and Loading Requirements

35.1 Parking Requirements. All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated on the premises entirely off-street, other than in a required front yard. Normally this will require two parking spaces per dwelling unit, one parking space per motel guest unit, one space per employee, one space per 150 square feet of retail floor space.

35.2 Parking Areas for 10 or More Vehicles. The following shall apply:

- a) Their use shall not require backing onto a public way.
- b) There shall be not more than one entrance and one exit from such lots per 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, arrangements shall be made for shared egress.
- c) Such lots *shall* be required to be screened from any abutting residential use *or from a public way or street* by dense shrubs and trees or opaque fencing not inconsistent with the neighborhood character. *Screening shall be provided by a four-foot wide planting strip maintained with densely planted shrubs four (4) feet high or greater or by a fence not less than four (4) feet high.*

Proposed additions are *in italics*.

- d) *Parking lots for ten (10) or more cars shall contain or be bordered within five (5) feet by at least one (1) tree per five (5) cars. The interior of parking lots with more than twenty (20) spaces shall be landscaped to provide shade and visual relief by planting at least one shade tree in a curbed soil plot or peninsula for each ten (10) parking spaces. Trees shall be of two-inch caliper or larger and at least fifteen (15) feet in height. Trees planted within the parking area, shall be planted in curbed soil plots providing not less than forty (40) square feet of unpaved soil area per tree.*
- e) *Parking lots shall be designed so as not to direct drainage onto adjacent properties through the use of swales, retention areas and other drainage methods to control storm water runoff.*
- f) *All required parking areas, except those serving single-family residences, shall be paved, or be constructed of oil and stone at a minimum, and have bumper or wheel guards where necessary for safety reasons or to prevent damage to structures.*
- g) *The above requirements may be waived for existing parking areas when there is a change of use upon the issuance of a Special Permit from the Planning Board using the following criteria (instead of the criteria listed in Section 23 Special Permits): the parking area will serve the public convenience, will not endanger public safety and will not be detrimental to the neighborhood in which it is proposed to be located. The Planning Board must find that all the criteria will be met in order to grant a Special Permit.*
- h) *To the maximum extent feasible, parking should be accommodated to the side or rear of the lot and parking areas shall comply with the setback requirements for the zoning district in which they are located, as defined in Section 33.1, Dimensional Schedule.*
- i) *Lighting fixtures in parking areas shall be pedestrian in scale, shall require full cut off fixtures, and shall not use mercury vapor lamps.*

35.3 Loading Requirements. Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, or by change of use of existing structures. Facilities shall be sized and arranged so that no trucks need back onto or off a public way, or be parked on a public way, or be parked on a public way while loading, unloading, or waiting to do so.

Proposed additions are *in italics*.

Section 36 Sign Regulations

36.1 On-Premise signs. Any dwelling or its accessory uses may have a single sign of not more than four square feet. Any non-residential premises may have a single on-premises sign of not more than eighteen square feet. In special instances, the Planning Board may issue a Special Permit for more than the number of signs herein before specified *provided they* have an aggregate total of not more than sixty four square feet, upon the Board's determination that the sign will serve the informational needs of the public, will not obscure the legibility of existing signs on adjacent premises, will not obstruct *the* sight distance of traffic on the highway, will chiefly identify the local business rather than standard product brand names, *will* employ minimum wording to enhance legibility, and *will be* consistent with a rustic and rural character. The Special Permit shall specify the size and location of the sign(s) and impose other terms and regulations as the Planning Board may deem to be in the public interest. *Any lighting of a sign shall be external and shall require cut off or downlighting fixtures.* Internal signs serving a business or premises which are not visible from the road or adjoining premises and not intended to be viewed from a road are exempt from the provisions of Section 36.1.

36.2 Off-premise Sign

Off-premise signs (signs with content not relating exclusively to the premises they are on) *shall be allowed only by Special Permit and shall be not more than 4 square feet in size. Such signs shall be permitted only for purposes of directing traffic from a main road to town businesses located on side roads. Signs shall be constructed of wood and shall be consistent with the rustic and rural character of the Town. Joint applications from businesses interested in co-locating signs may be permitted, provided that individual business signs may be no greater than 4 square feet and the aggregate total of the combined signs may not exceed 16 square feet. Signs shall be located outside of the right-of-way so as to pose no obstruction to traffic or sight lines.*

36.3 General Sign Regulation. No sign shall flash or display movement. No sign shall be placed or erected near a Town street intersection in such a manner as to be a hazard to the safe flow of traffic.

ARTICLE IV - SPECIAL REGULATIONS

The following regulations apply only to special locations or to special uses, as specified below.

Section 41 Multi-family Dwellings

Special Permits authorizing multi-family dwellings shall be granted by the Planning Board only for proposals complying with the locational and density requirements of Article III, and if the Planning Board determines that the following are met:

- a) No structure shall be closer to another or to a side or rear lot line than its building height.

Proposed additions are *in italics*.

- b) Site design shall minimize topographic changes and removal of existing trees or other important natural features.
- c) Visibility of parking area from public ways shall be minimized through use of building placement, topography, or vegetative screening.
- d) Lot size shall be not less than required in section 33.1.

Section 42 Temporary Mobile Homes and Campgrounds

42.1 Special Permits for Campgrounds. Special Permits for campgrounds shall be granted only on parcels in the EVC and RR Districts which are at least 10 acres in size and which have received approval from the Board of Health.

42.2 Special Permits for Temporary Mobile Homes and Trailers. A Special Permit may be granted for a temporary mobile home or trailer for the purpose of living quarters only if it is being placed on a lot of a residence destroyed by fire or other natural disaster or for the purposes of constructing a new home for a period not to exceed twenty-four (24) months while the residence is being rebuilt or built. Any such mobile home shall be subject to the provisions of the State Sanitary Code, Title 5.

Section 43 Timber Harvesting

Reserved for Future Use

Section 44 Cell Towers

PURPOSE

The purpose of these regulations is: 1) to minimize the adverse impact of wireless communications towers, antennas, and facilities on Charlemont’s unique community character and natural amenities; 2) to minimize the overall number and height of such facilities; 3) to regulate the siting of towers in an effort to aid the provision of communication services; 4) to also ensure that no discrimination occurs with competing providers.

DEFINITION

A WIRELESS COMMUNICATION FACILITY; as used in this title, shall be defined in the same manner as in Title 47, United States Code, Section 332(c) (7) (C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communication services, enhanced specialized mobile radio and any other wireless services licensed by the FCC and unlicensed wireless services.

CONDITIONS

- a. To the extent feasible, wireless communication facilities shall be placed on existing structures, including water tanks, towers and electrical transmission lines, or concealed within church spires, barn cupolas, and the likes.
- b. To the extent feasible they shall be co-located to minimize impact to the community and the environment.

Proposed additions are *in italics*.

- c. The height of any portion of the facility shall be limited so that it is no more than 30% higher than the height of any forest canopy within 1,000 feet.
- d. The height of any portion shall be limited so that no light is required by regulation;
- e. To the extent feasible, the design of the facility shall minimize the visual impact on the community and the environment. The Planning Board may impose reasonable conditions to ensure this result, including painting, landscaping, and screening.
- f. All facilities shall be maintained in good order and repair, including rust and failing paint.
- g. All wireless communication facilities which have not been used for their intended purpose for two years shall be dismantled and removed at the owner's expense. The carrier shall have one (1) year to complete restoration of the land and removal of the facility.
- h. Any new tower or mono-pole shall not be erected nearer to a property line than a distance equal to twice the vertical height of the structure, nor shall it be allowed nearer than 800 feet to any existing residential structure;
- i. No advertising devices shall be allowed on any wireless communication facility.
- j. A bond will be posted for the removal, maintenance, or abandonment of the facility.
- k. Clearing shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources; which will minimize marring and scarring of landscape of silting or wet lands;
- l. That no lighting be used on any portion of the facility unless required by code;
- m. That facilities not be located on ridge lines whenever possible.

REGULATIONS

- a. Adhere to all wetland regulations imposed by the Charlemont Conservation Commission.
- b. Adhere to all state and federal protection acts.
- c. That facilities be monitored and security of facilities be maintained.

SUBMITTAL REQUIREMENTS

All special permit applications for wireless communication facilities shall be made and filed in compliance with the procedural requirements of MGL Chapter 40A Section 9. In addition, five copies of the following information, professionally prepared, must be submitted for an application to be considered complete:

- a. A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed facility, streets, topography, landscape features, and structures within 1,000 feet;
- b. A detailed site plan and elevations at a scale of 1" = 10' or larger;
- c. Color renderings and/or photographs of the visual impact of the proposed facility from a minimum of three lines of sight locations, with more locations if required by the Planning Board;
- d. Technical specification of the proposed facility, for structural integrity and potential capacity for the carriers, prepared by a Massachusetts registered professional engineer.
- e. A description of technical, economic, and other reasons for the proposed location, height and design;
- f. In the event the Planning Board determines that circumstances necessitate expert technical review, that expense shall be paid by the applicant;

EXEMPTIONS The following types of wireless communication facilities are exempt from this section:

- 1. Amateur radio towers used in accordance with the terms of any amateur radio service license by the FCC, provided that;
 - a. the tower is not used or licensed for any commercial purpose,
- 2. Satellite dishes and antennas for residential uses.

Proposed additions are *in italics*.

PERFORMANCE GUARANTEES AND FEES:

1. Towers and Personal Wireless Service Facilities shall be insured by the owner(s) against damage to the persons or property. Annual proof of said insurance, shall be filed with the Town Clerk.
2. Applicant, upon obtaining a permit, shall obtain a financial surety sufficient to cover the cost of removal of the facility and the redemption of the landscape as defined under CONDITIONS; g, should the facility cease to operate.
3. A filing fee of \$200 shall be submitted with the application to cover the cost of processing and notification.

ARTICLE V - DEFINITIONS

In this Bylaw the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Accessory Apartment - An additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a pre-existing single-family home. An Accessory Apartment may also be located in an accessory structure such as a garage or barn provided there is no expansion of square footage of the accessory structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided and parking shall be to the side or rear of the principal structure to the maximum extent possible.

Accessory Building - A structure such as a garage, shed, or outbuilding which does not contain housekeeping facilities and whose purpose is incidental or subordinate to the primary purpose of the property.

Artisan Studio: the working space of a practitioner of a handicraft or art requiring special skills, such as handweaving, pottery-making, glassblowing, leatherworking or sculpting.

Building - A structure enclosed within exterior walls or firewalls, built and 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.

Building Height - The vertical distance from the mean finished grade of *the* adjoining ground to the highest point of the roof for flat or shed roofs, the deck line for mansard roofs, or the mean height between eaves and ridge for gable, hip, or gambrel roofs. Not included are spires, cupolas, antennae, or other parts or structures which do not enclose potentially habitable floor space.

Cottage Industry - Any customary home occupation, including professional offices, conducted by a resident of the premises in a room or rooms of a dwelling or accessory building, with no more than two (2) employees and requiring no significant exterior changes to the structure.

Proposed additions are *in italics*.

Campground - *Premises used for travel trailers, campers, tenting or for temporary overnight facilities of any kind where a fee is charged.*

Cluster Development - A residential development in which buildings and accessory uses are clustered together into one or more groups separate from adjacent property and other groups within the development by intervening open land.

Dwelling - Any structure, including mobile homes, containing one or more dwelling units.

Dwelling Unit - A building or portion of a building providing kitchen and living quarters for a single housekeeping unit.

Home Based Business - *Any customary home occupation, including professional offices, conducted by a resident of the premises in the dwelling or accessory building.*

Kennel - *A structure or parcel of land used for the harboring or care of five (5) or more dogs that are more than six (6) months old, whether maintained for breeding, boarding, sale, training, hunting or other purposes. There may be retail sales of animals to pet stores or puppy brokers or boarding for a fee. Kennels must be located on a lot five (5) acres or greater. In addition, the location on the parcel where the dogs are harbored or exercised must be set back 150 feet from each lot line to minimize the impacts to neighbors from noise and odors. The harboring or care of four (4) dogs or less is not considered a Kennel for the purposes of Charlemont's Zoning Bylaw.*

Lot - A continuous parcel of land in single ownership, with legally definable boundaries.

Lot Coverage - The area of a lot occupied by structures, walkways, drives, parking or other impervious or semi-pervious surfaces.

Lot Frontage - *The boundary of a lot coinciding with a street line provided that there must be both rights-of-access and potential vehicular access across that boundary to a potential building site and the street is a public or private way and has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Charlemont Subdivision Regulations currently in effect. The street must be a way which the Town Clerk certifies is maintained and used as a public way; a way shown on an approved and endorsed subdivision plan in accordance with the Subdivision Control Law which approval has not been rescinded by the Planning Board and which has either been constructed in accordance with the approved Definitive Plan or is properly secured pursuant to the Subdivision Control Law; or a way in existence at the time the Subdivision Control Law was adopted by the town. The way in existence at the time the Subdivision Control Law was adopted by the town shall have, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic and utilities for the proposed use of the land abutting the way. Lot frontage shall be measured continuously along one street line between side lot lines or, in the case of corner lots, between one side lot line and the midpoint of the corner radius. The portion of a lot fronting on a discontinued road, or a road which is not continuously constructed to a*

Proposed additions are *in italics*.

point beyond the border of the subject lot, does not constitute frontage for purposes of Approval Not Required Plans.

Mobile Home or Trailer - Any vehicle or object *designed as a dwelling unit* whether resting on wheels, jacks, or other foundation having no motive power and which permits its transportation as a complete unit. It shall contain complete electrical, plumbing, and sanitary facilities. This definition shall not include those vehicles known as camping or travel trailers or motor homes.

Multi-Family Dwelling – *A building containing a minimum of three (3) and a maximum of eight (8) dwelling units.*

Parking Lot, Public or Private – *A stand-alone lot designed solely for parking, whether publicly or privately owned, which is not accessory to or in common ownership with an existing business or industrial use.*

Single-Family Dwelling – *A building consisting of a single dwelling unit.*

Street Line – *The dividing line between the street right of way and the lot as determined by deeds and plans recorded at the Registry of Deeds, and other records establishing the boundaries of ways. Where no line is thus legally established, then a line parallel with and twenty-five feet from the centerline of the traveled way shall constitute the street line.*

Structure - A combination of materials assembled at a fixed location to give support or shelter such as a building, framework, retaining wall, fence, sign, or the like.

Two-Family Dwelling – *A building containing two dwelling units.*

Wireless Communication Facility - *Defined in the same manner as in Title 47, United States Code, Section 332(c) (7) (C), as they may be amended now or in the future, includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communication services, enhanced specialized mobile radio and any other wireless services licensed by the FCC and unlicensed wireless services.*

Proposed additions are *in italics*.

APPENDIX A

The Site Plan submission shall contain information necessary to enable the Planning Board to conduct an informed review. The Planning Board may waive any of the requirements for site plan submittal and approval if the simplicity or scale of the project warrants such action. All site plans shall be prepared by a registered architect, land surveyor, landscape architect or professional engineer and shall be on standard sheets of 24 inches by 36 inches and prepared at a scale of 1"=40 feet or finer. The site plan shall contain the following:

- a) *Name of project, boundaries, locus map(s) showing site's location in Town, date, north arrow and scale of plan;*
- b) *Name(s) and addressees) of the owner(s) of the land, the developer (if applicable), and/or their designee;*
- c) *Name, title, and address of person(s) who prepared the plan;*
- d) *Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line;*
- e) *All existing lot lines, easements and rights of way;*
- f) *Location and use of buildings and structures within 300 feet of the site;*
- g) *Location and use of all existing and proposed buildings and structures, including approximate height and floor area;*
- h) *Location of wetlands on site and within 300 feet of the property line;*
- i) *The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities and refuse- and other waste-disposal methods;*
- j) *Location and date of all registered "perc" tests or proposed sewer hook-up;*
- k) *Location of all proposed new lot lines;*
- l) *Existing and proposed topography at a two-foot contour interval for the proposed grading and landscape plan;*
- m) *Location of proposed public and private ways on the site;*
- n) *Location and size of proposed parking and loading areas, driveways, walkways, access and egress points;*
- o) *The location and a description of proposed open space or recreation areas;*
- p) *Size and location of existing and proposed sign(s);*
- q) *Surface drainage strategy that prevents increased drainage off-site or pollution;*
- r) *Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings;*
- s) *Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;*
- t) *A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;*
- u) *Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and cleanup procedures;*
- v) *Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;*

Proposed additions are *in italics*.

- w) *Estimated average daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within the site.*