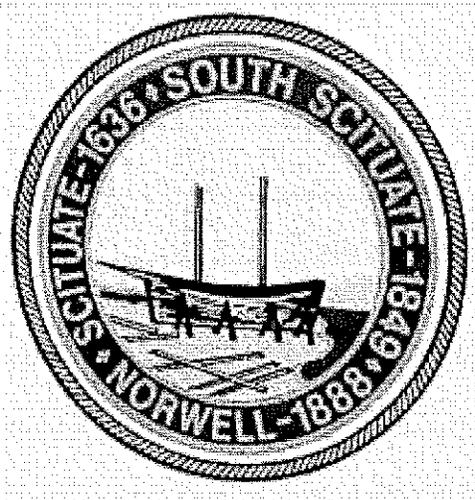


TOWN OF NORWELL MASSACHUSETTS

ZONING BYLAWS



NORWELL TOWN SEAL

By Town meeting vote of May 11, 1925, the present Norwell seal, designed by Selectman William J. Leonard, was adopted with its three dates surrounding a ship nearing completion and launching. As in an earlier seal, the vessel was a "pinkie" of which many were built on the North River between 1780 and 1820 for coasting trade and fishing. The design was based on a small model which Joseph Merritt, builder of the "Helen M. Foster" had made about 1888 and which is still preserved in that family.

As Amended to the Annual Town Meeting of May 2015

TOWN OF NORWELL ZONING BYLAWS

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ARTICLE I

ADMINISTRATION AND PROCEDURE

1100. Purpose and Authority (*Revised ATM 5/10/2004, Article 23*)

These regulations are enacted to promote the general welfare of the Town of Norwell, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the Town, and to increase the amenities of the Town, all, as authorized by, but not limited to, the provisions of the Zoning Act, M.G.L. Chapter 40A, as amended, and Section 2A of 1975 Massachusetts Acts 808. This Zoning Bylaw is enacted in accordance with the provisions of the Massachusetts General Laws, Chapter 40A, any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1200. Administration (*Revised ATM 5/10/2004, Article 24*)

1210. Responsibility. This Bylaw shall be enforced by the Inspector of Buildings/Zoning Officer, as Agent for the Board of Selectmen, who shall take such action as may be necessary to enforce full compliance with the provisions of this Bylaw and of permits and variances issued hereunder, including notification of non-compliance and initiation of legal action through the Town Counsel.

1220. Compliance Certification. Buildings, structures or signs may not be erected, substantially altered, moved or changed in use, and land may not be substantially altered or changed in principal use without certification by the Inspector of Buildings that such action is in compliance with then-applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a Building Permit or Certification of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

1221. Prior to the issuance of Certificate of Use and Occupancy, the designated street number will be affixed to the building or to a sign post, either of which is clearly visible from the public way or way from which the lot gets its frontage.

1230. Complaints and Fines. (*Revised ATM 5/3/1994; ATM 5/10/2004, Article 24*)

Whoever violates any provision of this Bylaw shall be subject to the following procedure, which will govern the enforcement of this Bylaw:

1. A complaint form, available at the office of the Building Inspector for the Town of Norwell shall be completed, signed and provided to the Zoning Officer for the Town.
2. Within fourteen (14) days of the receipt of said complaint by the Building Inspector's office, the Inspector of Buildings/Zoning Officer will investigate said complaint and respond to the complainant.

3. If the Inspector of Buildings/Zoning Officer determines that a violation of this Bylaw exists, a cease and desist order shall be issued to the party found in violation within fourteen (14) days of receipt of the complaint.
4. The cease and desist order shall name the party alleged to be in violation, shall describe the nature of the violation and shall reference the provision(s) of the Bylaw found to be in violation.
5. The cease and desist order shall be served upon the party found to be in violation by delivery in-hand to said party and/or by posting in conspicuous places upon the property where the violation is found to exist.
6. The party named in said order shall correct the violation described in said order within seven (7) days, said seven (7) days to be extended by the Inspector of Buildings/Zoning Officer if the violation cannot be corrected within that time.
7. Failure of the party named in the complaint to eliminate the violation within the time defined in paragraph six (6) shall result in the imposition of fines running from fifty (**\$50**) dollars to three hundred (**\$300**) dollars per day for each such day or portion thereof which the violation continues to exist as defined in paragraph six (6), in accordance with the following schedule: **Day No. 1: Fifty (\$50.00) Dollars; Day No. 2: One Hundred (\$100.00) Dollars; Day No. 3 Two Hundred (\$200.00) Dollars; Day No. 4 and each day thereafter Three Hundred (\$300.00) Dollars. (Revised ATM 5/10/2004, Article 24)**
8. If the party named in the complaint objects to the issuance of a cease and desist order or requires additional time to eliminate the violation beyond that granted by the Inspector of Buildings/Zoning Officer under Paragraph six (6) that party may appeal to the Zoning Board of Appeals for the Town of Norwell within seven (7) days which shall consider said appeal and issue an order relative to the same.
9. No fine will accrue during the pendency of any appeal to the Zoning Board regardless of the Board's ultimate disposition of said appeal.
10. **Non-Criminal Disposition of Violations of Zoning Bylaws.** The Inspector of Buildings/Zoning Officer shall have the duty to enforce the Town's Zoning Bylaw and may institute appropriate civil or criminal proceedings, or both, in the fulfillment of such duty. In addition, and as an alternative to such methods of enforcement, the Inspector of Buildings/Zoning Officer may, at his discretion, enforce the provisions of this Bylaw in the manner provided in Massachusetts General Laws, Chapter 40, Section 21D. *(ATM 5/10/2004, Article 25)*

1300. Board of Appeals

1310. Establishment. The Board of Appeals shall consist of three (3) members and **not more than five (5)** associate members *(ATM 5/6/1989, Article 46)* who shall be appointed by the Selectmen and shall act in all matters under this Bylaw in the manner prescribed by M.G.L. Chapter 40A and Chapter 41.

1320. Powers. The Board of Appeals shall have and exercise all the powers granted to it by M.G.L. Chapter 40A and Chapter 41 and by this Bylaw. The Board's powers are as follows:

1321. To hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw, in accordance with Section 1400.

1322. To hear and decide appeals or petitions for variances from the terms of this Bylaw with respect to particular land or structures **but not uses**. (*ATM 5/10/2004, Article 26*) Such variance shall be granted only in cases where the Board of Appeals 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 appellant.
- 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.
- 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.

1323. To hear and decide other appeals. Other appeals will also be heard and decided by the Board of Appeals when taken by:

- a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. Chapter 40A; or by
- b) The Metropolitan Area Planning Council; or by
- c) Any person including any officer or Board of the Town of Norwell or of any abutting town, if aggrieved by any order of decision of the Inspector of Buildings, in violation of any provision of M.G.L. Chapter 40A or this Bylaw.

1324. To Issue Withheld Building Permits. Building permits withheld by the Inspector of Buildings acting under M.G.L. Chapter 41, Section 81Y, as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.

1330. Public Hearings. The Board of Appeals shall hold public hearings in accordance with the provisions of M.G.L. Chapter 40A, Chapter 40B, and Chapter 41 on all appeals and petitions brought before it.

1340. Repetitive Petitions. Repetitive petitions for Special Permits, appeals and petitions for variances and applications to the Board of Appeals shall be limited as provided in M.G.L. Chapter 40A, Section 16.

1400. Special Permits

1410. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

1420. Criteria for Approval. In considering whether or not to grant a Special Permit under this Section of the Zoning Bylaws, the Board of Appeals shall not grant a Special Permit unless all of the following conditions are satisfied:

- a) The conduct of the proposed use will not be detrimental to the neighborhood and zoning district;
 - b) The conduct of the proposed use will not significantly alter the character of the zoning district; and
 - c) The conduct of the proposed use will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause.
 - d) If the proposed use will be located within the Aquifer Protection District, the conduct of such use will not cause any significant degradation of the quantity or quality of ground water supplies and further that ground water quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water at the downgradient property boundary. In making such determination the Board of Appeals may utilize the Information/Standards enumerated in paragraph (d) of Section 4352 of this Bylaw.
1430. Public Hearing. Special Permits shall only be issued following public hearings held within sixty-five (65) days after filing with the Special Permit Granting Authority an application, a copy of which shall forthwith be given to the Town Clerk by Applicant.
1440. Conditions. Special Permits may be granted with such reasonable conditions, regulations, or limitations as the Special Permit Granting Authority may deem necessary to serve the purposes of the Bylaw.
1450. Expiration. Special Permits shall lapse at the expiration of two (2) years from the date of approval (exclusive of time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17, from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.
- 1500. Site Plan Review (*Revised ATM 5/10/2004, Article 28*)**
1510. When Required. No structure shall hereafter be erected or externally enlarged by more than two hundred (200) square feet on any lot in any non-residential district (meaning thereby all districts under the Zoning Bylaws except Residential Districts A and B) and no use hereafter be established or expanded in ground area on any lot in any such district except in conformity with a site plan of such lot and structures proposed to be constructed on such lot bearing endorsement of approval by the Board of Appeals.
1520. Contents of Site Plan. Said site plan shall show among other things:
- a) All existing and proposed buildings and structures (showing front, side and rear elevation and layouts)
 - b) Signs
 - c) Parking spaces
 - d) Driveway openings

- e) Service areas
- f) Open uses
- g) All facilities for sewage, refuse and other waste disposal and for surface water drainage
- h) All landscape and screening features (such as fences, walls, planting areas and walks) on the lot
- i) Proposed site lighting
- j) Existing and proposed easements and/or rights of ways
- k) Existing conditions of the surrounding area to sufficiently determine the impact of the proposed project to the surrounding area; including, but not limited to, curb cuts, driveway openings, existing buildings, surrounding topography
- l) Drainage calculations stamped by a Registered Professional Engineer licensed by the Commonwealth of Massachusetts
- m) Parking and density calculations
- n) Documentation of curb cut approval by the Massachusetts Department of Public Works on State highways
- o) Statement and certification on the plan by the engineers certifying the site plan submitted complies to the Zoning Bylaws.

Failure to comply at the time of submission with the above requirements is grounds for denial of site plan approval for the lack of sufficient information.

1530. Procedure. (*Revised ATM 5/10/2004, Article 28*)

Any person desiring approval of a site plan under this paragraph shall submit said site plan to the Board of Appeals for action and, either simultaneously or forthwith thereafter, shall submit said plan (together with seven (7) copies) to the Planning Board. The Planning Board shall review the plan and, as appropriate, obtain technical review of the plan at the applicant's sole cost. The Planning Board shall prepare its report and recommendations regarding said plan and submit same to the Board of Appeals. The Board of Appeals shall not approve said plan unless and until it either has reviewed the Planning Board's report and recommendations or the applicant has provided evidence that forty-five (45) days have elapsed from the date that the plan first was submitted to the Planning Board without issuance of a report and recommendations. No building permit shall issue until the Board of Appeals has approved the plan. Furthermore, no building permit shall issue if the Planning Board has not provided the Board of Appeals with the Planning Board's report and recommendations and fewer than forty-five (45) days have elapsed after the plan was first submitted to the Planning Board.

The Board of Appeals shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this section.

After receiving the report and recommendations of the Planning Board, the Board of Appeals shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this section.

1540. Criteria for Approval. In considering a site plan under this section, the Board of Appeals shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations for the district in which it is located, such factors as the following:
1541. The protection of the district in which the site is located and adjoining district against detrimental, offensive, or incompatible uses or structures on the site;
1542. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land; and
1543. The adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.
1550. Implementation and Expiration. (*Revised ATM 5/10/2004, Article 29*)

Within fifteen (15) days after approval of any site plan, the Board of Appeals shall file an endorsed copy of said plan in the office of the Town Clerk. Within one (1) year of the date of site plan approval, the applicant shall have completed the work described on the plans as approved *and substantial use thereof shall have commenced* unless the Board of Appeals grants an extension of the time as it shall deem necessary to carry the site plan into effect. In each such instance where an extension is granted, the Board of Appeals shall certify to the Town Clerk that it has granted an extension of time and the date on which the extension is to lapse.

1560. As-Built Plans. Prior to the issuance of a Certificate of Occupancy, the owner shall provide as-built plans to the Town. The plan shall be prepared and stamped by a Registered Land Surveyor or a Professional Engineer of the Commonwealth of Massachusetts certifying that the site plan has been built according to the approved plan and submitted to the Building Inspector. Such certification shall also include that the surface and subsurface drainage discharge has been installed according to the approved site plan. Field reports by the design engineer may be requested by the Building Inspector during construction for prior approval of changes from the approved site plan.
1570. Regulations; Fees. (*Added ATM 5/20/2004*) The Zoning Board may adopt and from time to time amend reasonable regulations, including reasonable administrative fees and technical review fees, for the administration of site plan review.

1600. Applicability

1610. Municipal Uses. None of the requirements of this Zoning Bylaw shall apply to any municipal purpose or use authorized by vote of the Town, unless otherwise specified (e.g., Section 2310).
1620. Other Laws. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this Bylaw shall control.

1630. Conformance. Construction or use under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within 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.
1640. Non-Conformancy. The lawful use of any structure or land existing at the time of enactment or subsequent amendment of this Bylaw may be continued although such structure or use does not conform with provisions of the Bylaw, subject to the following conditions and exceptions.
1641. Abandonment. A non-conforming use which has been abandoned or discontinued for a period of two (2) years or more shall not be reestablished and any future use shall conform with this Bylaw.
1642. Alteration, Reconstruction, Extension or Structural Changes to Lawfully Pre-Existing Non-Conforming Structures and Uses. (*ATM 5/10/2004, Article 30; Replaced ATM 5/14/2007, Article 9*)

Single or Two-Family Residential Structures. The Inspector of Buildings, in accordance with M.G.L. Chapter 40A, Section 6, may issue a building permit to allow an alteration, reconstruction, extension or structural change to a lawfully pre-existing non-conforming single or two-family residential structure, provided that the alteration, reconstruction, extension or structural change meets the following criteria:

- a. **Dwellings on Non-Conforming Lots Equal to or Greater than One Acre**. Alterations, reconstruction, extension or structural change that complies with all current setback, building coverage, and building height requirements provided that such alteration, reconstruction, extension, or structural change does not increase the footprint of the dwelling by more than fifty (50%) percent, and further provided that the lot non-conformity is limited to lack of frontage and/or failure to meet standards set forth in Sections 2431, 2432, 2450(a), 2450(b), and 2450(c).
- b. **Other Structures on Non-Conforming Lots Equal to or Greater than One Acre**. The gross floor area of sheds and other outbuildings shall not exceed ten (10%) percent of the main dwelling's gross floor area as determined by the data on file in the Assessor's Office. Said sheds and other outbuildings shall meet all current setback requirements and be no taller than the dwelling.

Decks shall meet all current setback requirements.

Pools shall meet all current setback requirements

- c. **Main Dwellings on Non-Conforming Lots of Less than One Acre**. Alteration, reconstruction, extension or structural change that complies with all current setback, building coverage and building height requirements provided that such alteration, reconstruction, extension or structural change does not increase the footprint or roofline of the dwelling.
- d. **Other Structures on Non-Conforming Lots of Less than One Acre**. The gross floor area of sheds and other out-buildings shall not exceed ten (10%) percent of the main dwelling's gross floor area as determined by the data on file in the Assessor's Office, provided that such

ten (10%) percent shall be cumulative to include the gross floor area of existing sheds and other outbuildings.

Decks shall meet all current setback requirements.

Pools shall meet all current setback requirements.

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. (*ATM 5/14/2007*)

1643. Restoration. Necessary repairs and rebuilding after damage by fire, storm or similar disaster are hereby permitted provided they are accomplished without undue delay and do not substantially change the character or size of the buildings nor the use to which they were put prior to such damage.

1650. Isolated Lots. Any increase in lot areas, frontage or yard requirements of this Bylaw shall not apply to a legally created lot for single-family (and two-family) residential use in Residential Districts A and B not meeting current requirements, provided that the applicant documents that: (*Amended ATM 5/14/2007, Article 16*)

- a) At the time such increased requirement became applicable to it, the lot
 - 1) Had at least five thousand (5,000) square feet of lot area and fifty (50) feet of frontage on a street; and
 - 2) (*ATM 5/9/2005, Article 34*) Said lot was not held in common ownership with any adjoining land; and
 - 3) Conformed to then-existing dimensional requirements; and
- b) The lot is not to be used for hotel, motel or nursing home use. Such non-conforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.

1700. General

1710. Court Appeal. Any person aggrieved by a decision of the Board of Appeals or any Special Permit Granting Authority, whether or not previously a party to the proceeding, or any municipal officer or board may, as provided in M.G.L. Chapter 40A, Section 17, appeal to the Superior Court or to the Land Court by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk.

1720. Amendment. This Bylaw may be amended in accordance with the procedure described in M.G.L. Chapter 40A, Section 5.

1730. Severability. (*ATM 5/10/2004, Article 31*) In the event that any section of this Bylaw or part thereof shall for any reason be held or declared to be illegal or otherwise unenforceable, such holding or declaration shall not affect the legality or enforceability, of any other section or part thereof.

ARTICLE II
DISTRICT REGULATIONS

2100. Establishment of Districts

The Town is hereby divided into the following districts:

- Residential Districts A and B
- Business Districts A, B and C
- Saltmarsh Conservation District (Overlay District)
- Flood Plain, Watershed and Wetlands Protection District (Overlay District)
- Aquifer Protection District (Overlay District)
- Wireless Facility (Overlay District) (*Voted STM 12/8/1997, Article 3*)
- Village Overlay District (*Voted ATM 5/25/1999, Article 14*)
- Adult Entertainment Overlay District (*Voted STM 12/17/2001, Articles 1 and 2*)
- Open Space Residential Design (OSRD) (*Voted with 2/3 vote ATM 5/12/2008*)

All zoning districts are shown on “Zoning Map, Town of Norwell, September 1959, revised June 21, 1972, March 20, 1980, March 9, 1981, December 30, 1985 and further revised on December 8, 1997, May 25, 1999 and December 17, 2001 and revised July 2007” which are filed in the Town Clerk’s Office and is made a part hereof, and are described in ARTICLE VI of this Zoning Bylaw.

2200. Use Requirements

2210. Application. No building or structure shall be erected, and no premises shall be used, except as provided in Section 2300, District Use Regulations.

2220. Classification. Where an activity might be classified under more than one of the following uses, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

2300. District Use Regulations

2310. RESIDENTIAL DISTRICTS

2311. Permitted Residential Uses

- a) One-family detached dwellings and associated outbuildings, with not more than one such dwelling located on any lot;
- b) Conversion of a dwelling existing on April 10, 1952 to a two- or three-family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided further that the lot appurtenant to said dwelling has an area per family unit for at least half that required for a single-family unit.

2312. Permitted Community Service Uses

- a) Municipal buildings conforming to area and setback requirements and properly landscape screened.
- b) Public utility buildings directly needed to provide services to the townspeople, which conform to area and setback requirements and which are properly landscape screened, but not including business offices, repair garages or outside storage areas.
- c) Cemetery.
- d) Educational and religious uses exempt from zoning prohibition by M.G.L. Chapter 40A, Section 3.
- e) Other institutional, educational, recreational, philanthropic or religious buildings or use, provided such building or use is not a business undertaking, but not including one, the chief activity of which is a service (1) to delinquent criminal, mentally deficient or mentally deranged persons, or (2) customarily carried on as a business.

2313. Permitted Accessory Uses.

- a) An office of either a doctor, or a dentist, or a lawyer, provided that the principle use is residential and the business is conducted in the dwelling by the person residing on the premises and involves not more than two **agents, servants or employees, including the resident doctor, dentist or lawyer.** (*Amended 5/10/2004, Article 32*)
- b) Agricultural pursuits (and buildings necessary to such pursuits) in accordance with M.G.L. Chapter 40A, Section 3 as amended.
- c) Customary house occupations, conducted within the dwelling, such as insurance, or real estate, craft manufacturing, dressmaking, millinery, hair dressing, preparing food for sale, mail order businesses, the taking of not more than four (4) boarders or lodgers at any one time, and the like, conducted by a person residing on the premises and involving not more than two (2) additional operatives; and provided that such occupations and uses are not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibration or other causes.
- d) Service businesses provided that (1) the business is conducted by a resident occupant; (2) the business is conducted principally away from the premises; (3) the business is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other cause; and (4) there is no display of goods visible from the street.

2316. Uses Requiring a Special Permit from the Board of Appeals. (*Revised ATM 5/3/1994*)

- a) The business uses enumerated in Sections 2313(a) through (c), inclusive, but not meeting the requirements in Section 2313(a).
- b) Accessory scientific uses (see Section 4310).
- c) A private club managed and controlled by the membership, but not including one whose chief activity is a service customarily carried on as a business. However, the foregoing shall not prohibit the customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs, and the like.
- d) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four (24) months or longer at the time of application. For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling. Such Special Permit shall be granted only if:
 - 1) The owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one of more persons (a) directly related to the owner by blood, marriage, adoption or (b) sixty (60) years of age or more;
 - 2) Exterior alterations will not change the appearance of the main dwelling as a single-family residence;
 - 3) The Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, having soils suitable for replacement on-site disposal system;
 - 4) Occupation of the accessory dwelling unit as a separate dwelling will require a Special Permit. This permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling;
 - 5) In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this Bylaw, including but not limited to the following:
 - a. Maximum number of occupants;
 - b. Maximum number of rooms;
 - c. Modification of driveway or parking spaces to provide adequate off-street parking.

2317. Prohibited Home Occupations. (*Revised ATM 5/3/1994; Revised 5/15/2001*)

The following uses shall be prohibited:

1. Ambulance service

2. Automobile, truck, trailer, small engine or boat repair; automobile, truck, trailer, or boat parts sales, washing or detailing service on site
3. Veterinary services, principally at home
4. Health salons, gyms and tanning salons
5. Restaurants, taverns
6. Junk, salvage or storage yards
7. Tow truck services
8. Laundry, laundromat, and/or dry cleaning services
9. Photo developing as primary use
10. Sales of firearms and/or ammunition
11. Body Art Establishments or Establishment (*ATM 5/15/2001. See Article V Definitions*)
12. Medical Marijuana Treatment Center or similar facility (*ATM 5/6/2013. See Article V Definitions*)

2318. Common Driveways (*ATM 5/15/2005, Article 17*)

I. **Purpose.** To minimize curb cuts onto public ways and minimize paved surface area, while maintaining safe access to residential lots for year-round residential traffic and emergency vehicle access.

II. **Definitions**

A. Common Driveway. A Common Driveway shall mean a driveway that is designed to serve a minimum of two (2) residential lots or a maximum of three (3) residential lots and for which one of the permits provided for below has been issued and taken final effect.

B. Private Way. A Private Way shall mean any way that is not a Common Driveway or a Public Way.

C. Public Way. A Public Way shall mean a way duly accepted by Town meeting pursuant to M.G.L. Chapter 82.

III. **Types of Permits**

A. Building Permit Common Driveway: Up to 100 Feet in Length. The Building Inspector may issue a Building Permit Common Driveway permit to allow a common driveway, as of right, provided that the Building Inspector is satisfied that all of the requirements set forth below are satisfied:

- i. The common portion of the driveway shall not exceed one hundred (100) feet in length;
- ii. The common driveway shall not serve more than two (2) residential lots;
- iii. The common driveway application and plan shall conform to all of the requirements set forth below under Section IV, Standards and Criteria, subsections i-x; and
- iv. A fee of one hundred (\$100) dollars was duly paid with the application.

B. Special Permit Common Driveway: 100 Feet to 300 Feet or for 3 Lots. A Common Driveway Special permit may be issued by the Planning Board to allow a common driveway of between one hundred (100) feet to three hundred (300) feet or to serve up to three (3) residential lots, with a common driveway length of not more than three hundred (300) feet, provided that the Planning Board is satisfied that all of the requirements set forth below are satisfied:

- i. The common portion of the driveway shall not exceed three hundred (300) feet in length;
- ii. The common driveway shall not serve more than three (3) residential lots;
- iii. The common driveway application and plan shall conform to all of the requirements set forth below under Section IV, Standards and Criteria; and
- iv. A fee of five hundred (\$500) dollars was duly paid with the application, plus the applicant(s) shall pay for the cost of legal notices and mailings and shall pay for the cost of technical engineering review of the plan and drainage calculations by the Planning Board's engineering consultant.

IV. **Standards and Criteria for Common Driveways**

- i. Application Form. The applicant(s) for a common driveway shall execute an application form supplied by the Building Inspector or the Planning Board, as appropriate.
- ii. Assent of all Owners to the Application. The application form shall be signed by all of the owners of record for all of the residential lots to be served by the proposed common driveway.
- iii. Minimum Setback from Property Lines. All portions of the common driveway shall be set back a minimum of twenty-five (25) feet from any adjoining property line, other than one property line for each of the residential lots to be served by the driveway.
- iv. Minimum Setback from Other Ways. The common driveway shall be located a minimum of fifty (50) feet from any existing driveway or public or private way (except for an existing driveway that is to be eliminated and revegetated).
- v. Zoning Compliance Requirement. All of the residential lots to be served by the common driveway shall conform to all applicable zoning requirements, including

minimum frontage and area requirements, and the common driveway shall access over the legal frontage of at least one of the lots to be served by the driveway. The common driveway shall access from the way common to each of the lots that it serves. The common portion of the common driveway shall not be used to calculate lot area for any of the lots served by it. (*Revised ATM 5/13/2008*)

- vi. Sole Means of Access. The lots to be served by the common driveway shall each use the common driveway as the sole means of access.
- vii. Minimum Design and Construction Requirements. The common portion of the common driveway shall satisfy all of the following requirements:
 - a) It shall intersect with a public way.
 - b) It shall have corner radii of twenty-five (25) feet at the point of intersection with the public way.
 - c) It shall satisfy the minimum required stopping distance. The minimum required stopping sight distance shall be calculated under the Stopping Sight Distance of the American Association of State Highway and Transportation Officials, "A Policy on Geometric Design of Highways and Streets 2001," 4th edition, based on the 85th percentile speed of the major roadway. The 85th percentile speed shall be determined from an acceptable engineering speed study with a minimum of twenty (20) speed observations in each direction.
 - d) It shall satisfy the minimum required intersection sight distance. The minimum required intersection sight distance shall be measured a minimum of fifteen (15) feet from the edge of pavement along the centerline of the proposed roadway. For all calculations, the height of the driver's eye shall be considered to be 3.75 feet above the road surface and the height of the object shall be considered to be 0.50 feet above the road surface in accordance with AASHTO policy.
 - e) It shall have a minimum grade of one (1%) percent and a maximum grade of seven (7%) percent.
 - f) It shall have a minimum paved width of sixteen (16) feet and a maximum paved width of eighteen (18) feet.
 - g) It shall be constructed with an initial minimum six (6) inch gravel borrow base course, with M.030.1 Type B gravel and ninety-five (95%) percent compaction; that shall be followed by a minimum six (6) inch processed gravel base course, M1.03.1, ninety-five (95%) percent compaction; and shall be topped by two (2) courses of Massachusetts D.P.W. Type 2-1 bituminous concrete, which shall have a total minimum thickness of three (3) inches and have a one-quarter (1/4) inch per foot crown.
 - h) It shall have a two (2) foot wide gravel shoulder on each side, consisting of the same twelve (12) inch gravel base as the driveway.
 - i) The two (2) foot wide shoulders shall be free of any above-ground structures, buildings and other obstructions, including, but not limited to, trees, shrubs,

plantings and utility poles. If vegetated, then the shoulders shall be mowed a minimum of three (3) times per growing season.

- j) A Common Driveway shall have permanent signage, which shall satisfy all of the requirements of the Highway Surveyor as to size, materials and siting, at the intersection of the common driveway with the public way and the signage shall state the name of the public way and the numbers of the houses that are served by the common driveway. In addition, the common driveway shall be provided with signage, at each point where it branches off to an individual driveway. The signage shall list the individual addresses of all of the properties served by the individual driveway, together with an arrow indicating the direction of the individual driveway.
 - k) The Common Driveway shall be provided with an easement area of sufficient size to allow for adequate snow storage to serve the common portion of the driveway. This easement area shall be clearly marked and kept free of obstructions during snow season and shall be constructed with a six (6) inch gravel base, which may be loamed and seeded, provided that the area shall be mowed at least three times per growing season. The required size of the easement area shall be determined by the Building Inspector under Section III.A and by the Planning Board under Sections III.B and III.C.
 - l) The Common Driveway and all necessary appurtenances, including utilities, shoulders, signage, turnouts, turn-arounds and snow storage areas, shall be clearly delineated on the engineered plan and shall be within the easements to be conveyed between and among the owners of the lots that are to be served by the Common Driveway.
- viii. Engineered Plan Requirements. The applicant(s) shall provide an engineered plan, together with the application, that shall satisfy all of the following criteria and contain all of the following information:
- a) The plan shall be based upon a ground survey.
 - b) The plan shall be signed and stamped by a Registered Land Surveyor and a Registered Professional Engineer.
 - c) The plan shall include a North point.
 - d) The plan shall include a title block that lists the names and addresses of all owners of record of the residential lots to be served by the common driveway and the name, address and telephone number of the Surveyor and Engineer.
 - e) The Assessing Map reference for the residential lots to be served by the common driveway.
 - f) Existing and proposed boundary lines, dimensions and areas of the residential lots to be served by the common driveway, with all bounds keyed into the Massachusetts grid system and at least two boundary points coordinated with the Massachusetts grid system shown on the plan, with at least one of the boundary points corresponding to a physical permanent monument placed on the ground.

- g) Existing lines of streets, ways, driveways and easements on the subject property, with labels as to whether the ways are private or public and the purpose of the easements.
 - h) The zoning classification for the property and the location of any zoning district boundary that may lie within the locus.
 - i) The plan shall show the proposed location of the common driveway, the proposed locations of the private driveways off of the common driveway and the locations of the respective dwellings and all accessory structures that are to be afforded access via the common driveway.
 - j) The plan shall provide cross-section detail that shows the required gravel and paving specification.
 - k) The plan shall show the location of and provide details for the required signage.
 - l) The plan shall show the location, size and type of mailboxes, if any, that shall be used to serve the residential lots and they shall be sited together on the left-hand side of the common driveway, upon entering from the adjacent way, to avoid interfering with turns into the driveway and shall in all respects conform to the requirements of the United States Postal Department, which shall control in the event of a conflict with the Bylaw.
 - m) The plan shall show the location of any pole, wall, fence, significant tree or obstruction.
 - n) The plan shall show the location of any existing structure or building located on the residential lots to be served and the side, rear and front yard setback dimensions, including building envelopes, for each.
 - o) The plan shall include a certification by the designing engineer that all structures and buildings conform to applicable zoning requirements.
 - p) The plan shall show the location of any structure, or building, including driveways, walls, and poles within one hundred (100) feet on each side of the layout of the common driveway, at the point at which it intersects with the public way.
 - q) The plan shall include a certification by the designing engineer that the location of the common driveway provides for adequate sight distances, using the most recent standards published by the American Association of State Highway and Transportation Officials, both for stopping distance and the applicable intersection.
- viii. Required Documentation. The applicant(s) also shall provide the following documentation, together with the application:
- a) **Easements.** Proper draft easements shall be delivered with the application which provides a permanent right of access to, from and over the common

driveway for all of the owners of the residential lots to be served by the common driveway. All owners of record and mortgagees of record shall assent to each such easement and the easements shall be recorded before any building permit or occupancy permit issues.

- b) **Homeowners Association Trust Requirement.** A Homeowners Association Trust draft document shall be delivered with the application that provides for:
- i. Mandatory membership by all owners of the residential lots to be served by the common driveway;
 - ii. Operation and maintenance of the common portion of the common driveway, including snow and ice removal, regular and extraordinary maintenance and repairs; and maintenance and replacement of signage and maintenance of the shoulders and sight distances;
 - iii. Jointly and several liability for all owners for the cost of the required maintenance and repairs; and
 - iv. A mechanism for dispute resolution.
- c) **Restrictive Covenant Running to the Town.** A restrictive covenant, running in favor of the Town of Norwell, shall be recorded against all lots to be served by the common driveway, providing that:
- i. Access to and use of the common driveway shall be limited to the specific residential lots shown on the plan;
 - ii. The common driveway shall not be offered for acceptance as a public way;
 - iii. Further division prohibited (the lots served by the common driveway shall not be further divided so as to create any additional building lots).
- ix. **Building Permit Requirements.** No building permit for a dwelling to be served by a common driveway shall issue until:
- a. **Common Driveway Plan Approved.** The required common driveway plan has been approved by the Building Inspector and, in the case of a special permit driveway, until after the Planning Board has approved the plan and until the after applicable appeal period has expired without an appeal having been taken or, in the case of an appeal, until after the appeal has been terminated in the applicant's favor;
 - b. **Easements Recorded.** The required easements have been properly executed by all owners and mortgagees of record and then duly recorded and that evidence of recording has been provided to the Building Inspector and, in the case of a special permit driveway, to the Planning Board; and
 - c. **Homeowners Association Executed and Recorded.** The required Homeowners Association Trust document, duly executed by the necessary parties, including all

owners and mortgagees of record, has been duly recorded and evidence of recording has been provided to the Building Inspector and, in the case of a special permit driveway, to the Planning Board. The required proof that the necessary parties have executed the document shall include a letter from a licensed attorney, indicating the attorney has researched the title for the affected land and that identifies and certifies the identity of all owners and mortgages of record for the affected land that is to be served by the common driveway and that is to be burdened by the requirements set forth under the Homeowners Association Trust document and further certifies that all of said owners and mortgagees of record have duly assented to the Homeowners Association Trust document.

- d. **Adequate Surety for a Driveway that Exceeds 100 Feet.** Adequate surety shall be posted by the applicant(s) to guarantee completion of the common portion of the driveway, for any driveway for which the common portion exceeds one hundred (100) feet.

- x. Occupancy Permit Requirements. No occupancy permit for any dwelling to be served by the common driveway shall issue until the common driveway has been fully constructed in accordance with the engineered plan to the satisfaction of the Building Inspector.

- xi. Drainage Calculations Required for a Driveway that Exceeds 100 Feet. No plan for a driveway that has a common length that exceeds one hundred (100) feet shall be approved, unless engineered drainage calculations are provided to the Planning Board and unless the Planning Board is satisfied that the plan, based upon peer review, provides sufficient drainage control measures that will result in no increase in runoff onto property other than onto one of the lots to be served by the common driveway. The required surety shall ensure that the drainage plan be installed.

- xii. Snow Storage Required for a Driveway that Exceeds 100 Feet. No plan for a driveway, which has a common length that exceeds one hundred (100) feet, shall be approved, unless the Planning Board determines that the plan provides for adequate storage areas for snow.

- xiii. Turn-Out Areas Required for a Driveway that Exceeds 100 Feet. No plan for a driveway that has a common length that exceeds one hundred (100) feet shall be approved, unless the Planning Board, after consulting with the Fire Chief, determines that sufficient turn-out areas are provided for every fifty (50) feet or a great number of feet to be determined by the Planning Board in its discretion, but not to exceed seventy-five (75) feet, to allow an oversized pickup truck to pull off the driveway and allow an emergency vehicle to pass. Such turn-out areas shall be paved and shall be kept clear of vegetation, snow, parked vehicles and other obstructions at all times and shall have signage approved by the Highway Surveyor that indicates: "No Parking" and "This area shall be kept free of snow, vehicles and all obstructions."

- xiv. Turn-Around Area Required for a Driveway that Exceeds 100 Feet. No plan for a driveway that has a common length that exceeds one hundred (100) feet shall be approved unless the Planning Board, after consulting with the Fire Department, determines that a sufficient turn-around area is provided at the end of the common

driveway to allow emergency vehicles to turn around. The turn-around shall be an integral part of the common driveway and constructed and paved accordingly.

- xv. Adequate Surety Required for a Driveway that Exceeds 100 Feet. The Planning Board shall require that adequate surety be posted to guarantee satisfactory completion of the common driveway, if the common portion of the driveway exceeds one hundred (100) feet, before the special permit issues.
- xvi. The Common Driveway Shall Have Signage that Sets Forth the Street Numbers. A common driveway shall have a street sign at the intersection of the common driveway with the public way. The sign shall state the name of the public way and shall set forth the street numbers of the dwellings served by the common driveway. All of the dwellings served shall use the same public way as its legal address and conform to all 911 requirements. The signage shall be designed and erected in accordance with the requirements of the Highway Surveyor.

V. Procedures

- 1. An application for a common driveway permit under Section III.A shall be filed with the Building Inspector, together with ten (10) copies of the application and the proposed plan and the required filing fee, which shall be in the amount of one hundred (\$100) dollars. A copy of the application and the plan shall be distributed to the: 1) Board of Health; 2) Conservation Commission; 3) Fire Chief; 4) Highway Surveyor; 5) Planning Board; 6) Police Chief; and 7) Water Department. The Building Inspector shall act on the application within thirty (30) days of determining that the application is complete. The Building Inspector shall notify the applicants, in writing, if he determines that the application is not complete.
- 2. An application for a common driveway special permit under Section III.B shall be filed with the Planning Board together with twelve (12) copies of the application and the proposed plan, the required filing fee of five hundred (\$500) dollars and the required review fee established by the Planning Board. A copy of the application shall be distributed to the: 1) Board of Health; 2) Building Inspector; 3) Conservation Commission; 4) Fire Chief; 5) Highway Surveyor; 6) Police Chief; and 7) Water Department. The Planning Board shall notice and hold a public hearing and render its decision in accordance with the requirements set forth under M.G.L. Chapter 40A, Sections 9 and 11. The Planning Board shall notify the applicants in writing if the application is incomplete and, if the application is determined to still be incomplete thirty (30) days after it is filed, it shall be denied without prejudice.

2320. BUSINESS DISTRICT A (ATM 5/6/2013)

The following table classifies uses within the Business District A. (Y) is allowed by-right, (N) is not allowed, and (SP) indicates the use is allowed by Special Permit. (gsf) is gross square feet (including all office and storage areas).

Mixed-use buildings that contain both non-residential and residential uses are allowed as indicated in the use table.

For businesses that contain two or more of the uses listed below the more restrictive permit requirement applies.

Uses not identified within the table are prohibited.

	Type	Use	Permitted
2320.1	Residential¹		
2320.1.1		One-Family dwelling with associated outbuildings	Y
2320.1.2		One-Family dwelling (above non-residential)	Y
2320.1.3		Two-Family dwelling	N
2320.1.4		Two-Family dwelling (above non-residential)	Y
2320.1.5		Multi-Family	N
2320.1.6		Multi-Family (3 dwellings max or 1 dwelling per 15,000 square feet of lot area to a maximum of 6 units, whichever is greater - above non-residential) ²	SP
2320.1.7		Assisted Living / Nursing Home	SP
2320.2	Commercial		
2320.2.1		Convenience Stores 0-5,000 gsf >5000 gsf	Y N
2320.2.2		Pharmacies 0-5,000 gsf >5000 gsf	SP N
2320.2.3		Cafés	Y
2320.2.4		Art Galleries	Y
2320.2.5		Banks 0-5,000 gsf >5000 gsf	Y N
2320.2.6		Grocery Stores	SP
2320.2.7		Private Club ³	Y
2320.2.8		Business or Professional Offices	Y
2320.2.9		Retail Sales and Services 0-5,000 gsf 5,001-12,000 gsf	Y SP
2320.2.10		Personal Services 0-5,000 gsf >5000 gsf	SP N
2320.2.11		Restaurants (drive-thru service prohibited-see general provisions 2320.5.1)	SP
2320.2.12		Outdoor seating associated with Restaurants or Cafés subject to	SP

		applicable licensing requirements	
2320.2.13		Movie House (maximum of two screens)	SP
2320.2.14		Liquor Stores 0-5,000 gsf >5000 gsf	SP N
2320.2.15		Outdoor Markets subject to applicable licensing requirements	SP
2320.2.16		Indoor Recreational Facilities	SP
2320.2.17		Body Art Establishment	N
2320.2.18		Hotel/Inn (10 rooms maximum)	SP
2320.2.19		Motel	N
2320.2.20		Gasoline and Service Stations	N
2320.2.21		Automobile Sales and Repair	N
2320.3	Community Service		
2320.3.1		Municipal Buildings	Y
2320.3.2		Public Utility Buildings	SP
2320.3.3		Cemetery	Y
2320.3.4		Protected Uses under M.G.L ch.40A s.3	Y
2320.3.5		Other institutional, educational, recreational, philanthropic or religious use ⁴	Y
2320.2.6		Medical Marijuana Treatment Center or similar facility	N
2320.4	Accessory Uses/ Home Occupations⁵		
2320.4.1		Insurance Services	Y
2320.4.2		Real Estate	Y
2320.4.3		Artist/Craft Manufacturing	Y
2320.4.4		Hair Dressing	Y
2320.4.5		Mail Order	Y
2320.4.6		Service Business ⁶	Y
2320.4.7		Bed and Breakfast Inn (4 lodgers max)	Y
2320.4.8		Other	SP
2320.5	General Provisions		
2320.5.1		Drive-thru windows associated with any use	N
2320.5.2		Drive-up ATMs associated with any use	N
2320.5.3		Outdoor Storage (excludes short term retail display)	N
2320.5.4		Operation of a Business between the hours of 2:00 a.m. and 5:00 a.m.	SP

¹ Use indicates the maximum number of dwellings allowed on a lot.

² The SPGA may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the maximum number of occupants, maximum number of rooms, modification of driveway or parking spaces to provide adequate off-street parking, etc.

³ Provided that the club is managed and controlled by the membership and whose chief activity is not a service customarily carried on as a business. Customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs and the like shall not be prohibited.

⁴ Provided that such building or use (1) is not a business undertaking, (2) is not one where the chief activity is to service delinquent, criminal, or mentally ill persons, or (3) is not customarily carried on as a business.

⁵ Provided the use is conducted by a person residing at the premises and the use is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes.

⁶ The business shall be conducted principally away from the premises.

2330. BUSINESS DISTRICT B

2331. Permitted Residential Uses. Conversion of a dwelling existing on March 14, 1963 to a two- or three-family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided further that the lot appurtenant to said dwelling has an area per family unit of at least half that required for a single-family unit.

2332. Permitted Community Service Uses. Educational, religious, agricultural, horticultural and floricultural uses exempt from zoning prohibition by M.G.L. Chapter 40A, Section 3.

2333. Permitted Business Uses

- a) Retail stores, salesrooms or service establishments, the principal activity of which shall be the offering of goods or services at retail within an enclosed building structure, and including but not limited to personal service shops of a barber, hairdresser, manicurist, or shoe shiner; shops for custom work by a dressmaker, furrier, interior decorator, milliner or tailor; shops for custom work for a cabinet maker, job printer, repairer of household appliances or furnishings, shoemaker, upholsterer. However, gasoline service stations and automobile sales and repair establishments are prohibited.
- b) Business or professional offices or agencies.
- c) Banks or other financial institutions.
- d) Restaurants or other eating places serving food only to persons seated at tables, or counters, if no mechanical or live entertainment is regularly furnished unless a permit for such entertainment is granted yearly by the Board of Selectmen.

2334. Uses Allowed by Special Permit from the Board of Appeals

- a) Light manufacturing.
- b) Research laboratories.
- c) Wholesale sales and light storage facilities.

- d) Such similar uses as the Board of Appeals may approve.
- e) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four (24) months or longer at the time of application. Such Special Permit shall be granted only if:
 - 1) The accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one-third that of the main dwelling;
 - 2) There will be no more than a five (5%) percent increase in the habitable floor area of the main dwelling;
 - 3) The owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) sixty (60) years of age or more.
 - 4) Exterior alterations will not change the appearance of the main dwelling as a single-family residence;
 - 5) The Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.
- f) Operation of a business between the hours of two (2:00) a.m. and five (5:00) a.m.
- g) Body Art Establishments (See Article V Definitions): Provided that no Body Art Establishment be located within three hundred (300) feet of a place of worship, school or day care center. *(ATM 5/15/2001)*

In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this Bylaw, including but not limited to the following:

- a. Maximum number of occupants;
- b. Maximum number of rooms;
- c. Modification of driveway or parking spaces to provide adequate off-street parking.

For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designated and constructed as a single-family dwelling.

2335. Prohibited Uses in Business District B *(ATM 5/6/2013)*

- 1. Medical Marijuana Treatment Center or similar facility

2340. **BUSINESS DISTRICT C**

2341. Uses Allowed by Special Permit from the Board of Appeals

- a) Research laboratories with incidental assembly or test manufacture.
- b) Light manufacturing enterprises.
- c) Building materials salesrooms, utility structures, storage warehouses and buildings, wholesale distribution plants.
- d) Printing or publishing establishments, photographic studios, medical or dental laboratories.
- e) Business or professional offices or banks, and attorneys offices over five thousand (5,000) gross square feet.
- f) Restaurants or other places for serving food or alcoholic beverages, provided all food service is confined within the structure.
- g) Motels.
- h) Theaters contained within a permanent structure, but not outdoor amusement uses, such as golf driving ranges, go-cart tracks, miniature golf courses, drive-in theaters, etc.
- i) Salesrooms for automobiles, bicycles, boats, farm implements and similar equipment, but not automobile junkyards.
- j) Gasoline service stations, garages and repair shops provided that:
 - 1) Repairs shall be limited to minor repairs and adjustments unless conducted in a building;
 - 2) There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery.
- k) Retail store, nursing home or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building but not mobile home parks or campsites.
- l) Cafeterias for employees, parking areas or garages for use of employees, customers, or visitors, and other normal accessory uses.
- m) Operation of a business between the hours of two (2:00) a.m. and five (5:00) a.m.
- n) Medical Marijuana Treatment Center or similar facility (*ATM 5/6/2013*)
 - 1) Prohibited in Business District C-3.
 - 2) Any medical marijuana treatment center shall not be located within five hundred (500) feet of any lot with a residence, school or daycare facility.
 - 3) Hours of operation shall be set by the Board of Appeals.
 - 4) Special Permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate

automatically on the date the applicant alienates that title or leasehold interest in the premises.

- 5) Special Permits shall be valid for a period of three (3) years from the date of the decision. It shall be renewed for successive three (3) year periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three (3) year period.

Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application.

The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the Special Permit renewal. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operation and additional screening, upon which a specific lapse of time without correction or compliance shall result in a revocation of the permit.

2342. Permitted Uses

- a) Educational or religious uses exempt from zoning prohibition by M.G.L. Chapter 40A, Section 3.
- b) Agricultural, horticultural and floricultural uses.
- c) Attorneys offices less than, or equal to, five thousand (5,000) gross square feet. *(ATM 5/13/2002)*

2400. **Intensity of Use Regulations**

2410. General

2411. Building. All buildings in any district shall meet the minimum requirements set forth in Section 2400 unless otherwise expressly provided by this Bylaw or by M.G.L. Chapter 40A, Section 6.

2412. Lot Change. No lot shall be created nor shall an existing lot be changed in size or shape except through a public taking, or except where otherwise permitted herein, so as to result in violation of the requirements set forth in these Intensity of Use Regulations.

2420. Lot Area

2421. The minimum size for lots in all districts shall be one acre.

2422. No part or portion of any lot which is determined by the Conservation Commission to be a coastal or freshwater wetland, as defined by the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the regulations promulgated thereunder (310 C.M.R. 10.00), shall be used in

determining minimum lot size as required herein, except that this paragraph shall not apply to any lot lawfully laid out by plan or deed duly recorded, as defined in M.G.L. Chapter 41, Section 81L, prior to the effective date of this paragraph, to any lot shown on a plan endorsed, prior to the effective date of this paragraph, with the words, "Approval under the subdivision control law not required" or words of similar import, pursuant to M.G.L. Chapter 41, Section 81P, or to any lot shown on a Definitive Plan endorsed with the words "Approved under the subdivision control law" or words of similar import, pursuant to M.G.L. Chapter 41, Section 81U, which complied at the time of such recording or endorsement whichever is earlier, with all of the minimum area requirements set forth in the Zoning Bylaw, except for this paragraph, provided, however, that this paragraph shall apply to any subdivision under the subdivision control law, aforesaid, submitted to the Planning Board on or after the effective date of this paragraph.

2423. Stormwater Management System. *(Voted ATM 5/13/2002; Amended ATM5/14/2007, Article 17)*

No part or portion of any lot, which contains any element of a Stormwater Management System, as defined under Article V of this Zoning Bylaw, shall be used toward calculating the minimum lot area required under Zoning Bylaw Section 2421. This paragraph shall not apply to any of the following:

- i. A building lot lawfully laid out by plan or deed and duly recorded prior to the adoption of the Town's Zoning Bylaw;
- ii. A building lot for single or two-family residential use that is eligible for protection from zoning changes that increase lot area requirements under M.G.L. Chapter 40A, Section 6, on the effective date of this paragraph, provided that the lot complied with all applicable lot area requirements at the time of its creation;
- iii. A building lot that is shown on a plan that was duly endorsed, as "Approval Not Required" under M.G.L. Chapter 41, Sections 81L and 81P, prior to the effective date of this paragraph, in which case the predecessor requirements of this paragraph shall apply; or
- iv. A building lot shown on a definitive subdivision plan duly endorsed by the Planning Board with the words "Approved under the Subdivision Control Law," or words of similar import, pursuant to M.G.L. Chapter 41, Section 81U, prior to the effective date of this paragraph and in which case, the applicable predecessor requirements of this paragraph shall apply.

2430. Lot Frontage and Width

2431. The minimum frontage measured at the street line shall be eighty (80) feet for lots in all districts. Street frontage shall be continuous and uninterrupted.

2432. The minimum lot width measured at the required setback line shall be one hundred fifty (150) feet in all districts except Business Districts A and B where the minimum shall be one hundred twenty-five (125) feet.

2433. No two points on lot lines shall be less than eighty (80) feet apart, measured in a straight line, except where the shortest distance between such points, measured along the perimeter of the lot, is less than or equal to three times the aforesaid straight line distance.

2440. Required Yards

2441. Front Yard. No building and/or structure shall be erected, placed or added to so as to extend within the following required front yards.

	Measured from Front Property Line	Measured from Way Centerline
Residential A	50 feet	75 feet
Residential B	35 feet	60 feet
Business A	15 feet ¹	N/A
Business B1-8, C1-3	50 feet	75 feet

However, no required yard shall exceed the average yards provided on lots abutting on either side, a vacant lot to be considered as if occupied by a building and/or structure at the minimum yard setback.

The front yard setback in each district shall apply to any boundaries of lots which abut and run with a street or way.

¹Parking areas are prohibited within the front yard setbacks. *(Voted ATM 5/10/2011; approved by AG 8/24/2011)*

2442. Side and Rear Yards. In Residential Districts A and B, no building and/or structure, swimming pool or tennis court shall be erected or placed within twenty (20) feet of a side or back line except that with respect to a building and/or structure existing on July 7, 1955, additions thereto may be erected or placed within twenty (20) feet, but not within ten (10) feet of a side line. Excepted from this provision is Residential District B specifically where abutting Business District B5 at the westerly boundary (measuring 950.80 feet) or added to unless such building and/or structure is set back a distance of twenty-five (25) feet.

In Business Districts, no building and/or structure shall be erected, placed or added to within ten (10) feet of the side line or twenty (20) feet of the back line of any lot. In any Business District continuous to a Residential District, no building and/or structure shall be erected, placed or added to unless such building and/or structure as erected, placed or added to is set back from the boundary line delineating said Business District a distance equal to not less than twenty (20%) percent of the distance of the said boundary line from the way line of the public way from which the depth of such Business District is measured, provided, however, that such setback shall not be required to be more than one hundred (100) feet. For purposes of this paragraph, Business Districts A and B shall not be considered contiguous to any Residential District if the Business District and the Residential District are separated by a public way.

Excepted from this provision is **Business District B5 only**. No building and/or structure in this District shall be erected, placed or added to unless such building and/or structure is set back from the easterly boundary line (measuring 950.80 feet) a distance of twenty-five (25) feet.

2443. Business Setback. All structures for business uses in the Business C District shall be at least three hundred (300) feet distance from residences located in a residential district, and shall be adequately screened therefrom by trees and shrubs.

2444. Route 3 Buffer Zone. In all districts, all natural vegetation will remain undisturbed within one

hundred (100) feet of the way line of the State Highway (Route 3) from the Third Herring Brook to the North River. *(ATM 5/15/2000; approved by AG 6/26/2000)*

2450. Lot Shape. No building lot may be created in Residential District A or Residential District B unless:

- a) The lot has a width of at least one hundred fifty (150) feet at the required setback line; which required setback line will be fifty (50) feet measured from the front property line in Residential District A, and thirty-five (35) feet measured from the front property line in Residential District B; or seventy-five (75) feet measured from the way centerline in Residential District A and sixty (60) feet measured from the way centerline in Residential District B; and
- b) The lot shall contain at least five thousand (5,000) square feet of land between the required setback line and the way;
- c) The area of the lot between the said required setback line and a line drawn parallel to the said required setback line, a distance of one hundred (100) feet beyond the required setback line shall be not less than eleven thousand five hundred (11,500) square feet; and
- d) No dwelling may be erected or placed unless within a circle one hundred fifty (150) feet in diameter inscribed within the lot lines.

2460. Height Restrictions. No building and/or structure shall be erected or altered to exceed two and one-half (2-1/2) stories in height, or thirty-four (34) feet, in any Residential District and Business Districts A and B; three (3) stories, or forty (40) feet, in Business District C, nor shall any dwelling unit in a Business District exceed two and one-half (2-1/2) stories, or thirty-four (34) feet in height. Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the building and/or structure height limits by a maximum of ten (10) feet.

2461. Poles, tanks, towers and other projections not attached to a building and/or structure shall not exceed the maximum allowed building and/or structure height unless approved by a Special Permit.

2465. Street Setback requires that the edge of pavement for subdivision streets or other egress for new developments shall be setback a minimum of ten (10) feet from abutting lot lines. Curb, berm, sidewalk and other supporting roadway features shall be allowed within said setback distance. *(Voted ATM May 17, 2010 Article 36)*

2470. Business Districts A, B and C Restrictions

2471. Building Coverage. Buildings and/or structures shall not be erected, added to, or changed to bank or restaurant use so as to exceed the following percentage of lot area* (or in the case of mixed uses, the pro rata portion of lot area*) to be covered by buildings and/or structures:

Banks and Restaurants	12%
Other Uses:	
Business District C2 (as defined in Section 6520)	24.5%
All other Business Districts	18%

*Exclusive of land in a Residential or a Flood Plain, Watershed and Wetlands Protection District.

2472. Open Space Area. Not less than one-third (1/3) of the lot area shall be free of structures, paving, storage areas, or other elements which preclude vegetation.

ARTICLE III

GENERAL REGULATIONS

3100. Off-Street Parking (Amended by Replacing ATM 5/14/2007, Article 18)

3100. Performance Requirement. Off-street parking must be provided in all zoning districts for new construction, change of use, conversion, expansion, redevelopment or increase in use for any structure.

3115. Purpose. The objectives of this section are as follows:

- a) Promote traffic safety by assuring adequate places for storing motor vehicles off the street and for their orderly access and egress to and from the public streets.
- b) Increase the traffic carrying capacity of streets and highway in the Town.
- c) Reduce the hazards to pedestrians on public sidewalks.
- d) Protect adjoining lots and the general public from nuisances and hazards such as:
 - 1) Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles;
 - 2) Glare and heat from parking lots;
 - 3) A lack of visual relief from expanses of paving;
 - 4) Accelerated runoff of surface water from land covered by impervious materials.

3120. Number of Spaces. The standards below must be met for the additional parking demand created by new construction, change of use, conversion, expansion, redevelopment or increase in use for any structure unless reduced on Special Permit from the Board of Appeals, upon the Board's determination that special circumstances render a lesser provision adequate for all parking needs, or as defined in Section 3180. In the case of mixed uses, the minimum parking shall be the sum of the requirements of the individual uses computed separately. Parking facilities for one use shall not be considered as providing the required parking for another use, unless it can be clearly demonstrated that the need for parking occurs at different times.

3130. Size of Spaces. A parking space shall not be less than nine (9) feet in width by twenty (20) feet in length together with an aisle of at least twenty-four (24) feet. Where parallel parking is utilized, parallel spaces shall not be less than eight (8) feet in width and twenty-two (22) feet in length.

3135. Parking for Persons with Disabilities. Parking for Persons with Disabilities shall be provided in

designated spaces as outlined in the State Building Code and the requirements of the Architectural Access Board, latest edition. Accessible parking spaces serving a particular building, facility or temporary event shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

3140. Table of Minimum Requirements

Residential	
Dwelling unit having 2 or more bedrooms	2 spaces
Dwelling unit having fewer than 2 bedrooms	1 space
Non-Residential	
Retail sales, services	1 space per 250 square feet gross floor area, but not fewer than 5 spaces per separate enterprises
Retail, auto dealership floor area	1 space per 400 square feet gross
Business or professional office per 300 square feet	<u>Business District C</u> : 1 space per 300 square feet gross floor area. <u>All other Districts</u> : 1 space per 200 square feet gross floor area
Bank	1 space per 200 square feet gross floor area
Restaurant	1 space per 150 square feet gross floor area
Medical, or Dental Offices	6 spaces per doctor or dentist
Industrial, wholesale	1 space per employee. Parking per employee to be measured by largest employee shift, as the requirements are to be calculated per the total workers present at any one time, not total employees.
Place of public assembly	1 space per 3 persons capacity based on State Building Codes
Hotel or motel guest unit	1-1/10 spaces per unit
Guesthouse, lodging house, other group accommodation	1 space per 2 persons accommodated
Nursing home	1 space per 3 beds
All other uses	1 space per 150 square feet or such smaller number of spaces as the Board of Appeals may, on Special

	Permit, determine adequate to accommodate all normal demand
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3150. Parking Area Design and Location

3151. Location. Required parking shall be either on the same premises as the activity it serves, or on a separate parcel if located within three hundred (300) feet of the building entrance, and if not separated by a state-numbered highway, and if in a zoning district allowing the activity it serves.

3152. Setback. No more than five (5) parking spaces shall be located within a required front yard, unless set back from the street line by more than ten (10%) percent of the lesser of lot or district depth. It is the intent of this requirement that substantially all parking areas shall be located to the sides and rear of a building or buildings, and that the front yard setback shall be used primarily for walkways, landscaping, driveways, and the required buffer.

3153. Surface. All required parking areas, entrances and driveways, except those serving single-family residences, shall be paved, unless exempted on Special Permit from the Board of Appeals for cases such as seasonal or periodic use where an alternative surface will prevent dust, erosion, water accumulation or unsightly conditions.

3154. Backing. Parking areas with five (5) or more spaces or reached from a state numbered highway shall be designed and located so that their use does not involve vehicles backing onto a public way. Each parking area shall be designed to provide a circulation system within the lot so that all vehicles may exit from and enter into the adjacent street or way by being driven in a forward direction and no vehicle shall be required to enter or leave the parking area by traveling in reverse.

3155. Egress and Access. For Business Districts only, driveway openings on the same side of the street shall be separated by at least one hundred (100) feet if on the same premises or by at least fifty (50) feet if on separate premises, measured centerline to centerline at the street line. The maximum number of driveways permitting entrance and exit from a lot shall be limited to two per street line. At intersections, no driveway sideline shall be located within fifty (50) feet of the intersection of street way lines. The minimum width of a driveway servicing one-way traffic shall be fourteen (14) feet. The minimum width of a driveway used for two-way traffic shall be twenty-four (24) feet and no driveway openings shall exceed twenty-four (24) feet in width at the street line. All driveways serving five (5) or more parking spaces shall be constructed with a minimum edge radius of five (5) feet on both sides. Access and egress from all parking areas shall be only via driveways which meet the design standards of this section. Each required off-street parking space and loading area shall be designed so that any motor vehicle may proceed to and from said parking space or loading space without requiring the moving of any other vehicle or passing over of any other parking space or loading area. Lot division which would preclude meeting the above requirements shall provide access easements or other means of satisfying those requirements on each lot. Driveways shall be located so as to minimize conflict with traffic on public streets and where visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. All driveways serving a business must comply with the corner clearance requirements of this section. Parking plans shall include the delineation of the clear sight triangle. Clear sight distance at the intersection of a driveway serving a business and an existing way shall be defined by a clear sight triangle at the intersection per ITE and AASHTO standards. Measurements of clear sight distance shall be based on a line of sight at a level three-and-one-half (3.5) feet above road surface at each end of the clear sight distance. Inside the clear

sight triangle, no vision obstructing object or landscaping shall be permitted between a height of three-and-one-half (3.5) feet and eight (8) feet above the plane identified by the adjacent curb grades.

3156. Parking Lot Plantings. Parking lots containing ten (10) or more parking spaces shall have at least one tree per eight (8) parking spaces, such trees to be located either within the lot or within five (5) feet of it. Such trees shall be at least two (2) inches trunk diameter with not less than sixty (60) square feet of unpaved soil or other permeable surface area per tree. At least five (5%) percent of the interior of any parking lot having twenty-five (25) or more spaces shall be maintained with landscaping, including trees, in plots of at least eight (8) feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area, and to assure safe patterns of internal circulation.

3157. Bicycle Racks. For parking areas of ten (10) or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty (20) parking spaces required or fraction thereof. No more than two (2) bicycle racks shall be required to be supplied regardless of parking lot size.

3158. Design Standards. Parking areas, access and egress must be constructed as follows:

- a) Twelve (12) inch gravel base course with ninety-five (95%) percent compaction.
- b) The gravel base course shall be primed at a rate of one-half (1/2) gallons per square yard of MC-70 (or the equivalent) cut back asphalt (tack coat)
- c) Parking lot pavement shall be a minimum of three (3) inches in thickness set in two (2) courses as follows:
 1. BINDER – two (2) inches (minimum).
 2. TOP COURSE – one (1) inch (minimum).
 3. Pavement shall comply with MassHighway standards and shall be compacted to a minimum of ninety-five (95%) percent laboratory density.
- d) Parking Lot Perimeter Curbs: suitable curbing as approved by the Board shall be installed along the exterior perimeters of the parking lot.
- e) Interior Parking Lot Islands: interior parking lot islands shall be installed with either Cape Cod berms, vertical or sloped granite curbing or Portland Cement type concrete as approved by the Board.
- f) All illumination of parking, loading and service areas must be designed so as to not create glare on abutting properties. Light intensity at the property line shall be zero-foot candles or less to comply with this Bylaw.
- g) The design of each parking area shall provide adequate amenities to pedestrian safety, including but not limited to placement of crosswalks situated within and to the lot itself.

3159. Grading and Drainage

- a) Storm sewer systems shall be designed for the twenty-five (25) year twenty-four (24) hour storm at a minimum.
- b) Drainage systems shall be designed to accommodate the two (2), ten (10), twenty-five (25) and one hundred (100) year frequency storms, so that the peak rate of runoff under the post-construction conditions shall not exceed the peak rate of runoff under existing conditions. Drainage systems shall also be designed so there will be no increase in offsite flooding for the two (2), ten (10), twenty-five (25) and one hundred (100) year twenty-four (24) hour frequency storms. Rainfall depths shall be based on the Northeast Regional Climate Center's "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada," Publication No. RR 93-5 (Cornell University, Ithaca, NY: September 1983 (The Cornell Standard).
- c) Roof drainage must be designed to connect to the drainage system or otherwise be infiltrated on site in drywells to accommodate the twenty-five (25) year frequency storm. The Board may, at its discretion, require subsurface disposal of roof drainage.
- d) Spot elevations must be included along with proposed and existing contours. Minimum slope of any parking lot and access and egress road shall not be less than one (1%) percent.
- e) Parking and loading areas shall be designed and constructed to manage all stormwater runoff on the premises. In the event that stormwater cannot be controlled on the premises, stormwater may be permitted to run offside through drainage easements from all property owners upon whose property drainage will pass or end. The drainage system must be designed and constructed to include the following:
 - 1) Oil and grease traps;
 - 2) Best Management Practices in accordance with industry standards and Massachusetts Department of Environmental Protection Stormwater Management Policy and the associated Guidelines for Stormwater Management, as revised;
 - 3) All structures within parking and loading areas shall be designed for H-20 loading capacity.
- f) The following information must be submitted for review of the drainage design:
 - 1) Location and types of inlets;
 - 2) Drainage watershed limits, flow paths, acreage of areas tributary to drainage structures and water detention areas;
 - 3) The location, type, size, length, invert elevations and slope of all drainage pipes and culverts;
 - 4) Construction details of proposed drainage structures including inlets, outlets, manholes, pipes, headwalls and other proposed drainage structures;
 - 5) The location of wetlands and water bodies within one hundred (100) feet of the site—the boundaries of the wetland areas must be approved by the Norwell Conservation Commission;

- 6) Drainage calculations prepared by a registered professional engineer, licensed in the Commonwealth of Massachusetts;
- 7) Consideration must be given to the location of snow piles and where meltwater will travel—this must be accounted for in the drainage design;
- 8) All drainage systems must be constructed to adequately dispose of surface water generated on that property and to low maintenance.

3160. Erosion Control. During and after construction, all soils, mulch, wood chips, etc. shall be confined to the property. The Planning Board or its agent shall have the authority to require the applicant to provide specific erosion controls and placement thereof on site as needed during construction.

3170. Loading Areas

- a) An adequate number of off-street loading areas shall be provided for any use serviced by delivery vehicles.
- b) Loading area must be located in the side or rear yards only.
- c) Each loading area shall be separately located from employee and customer parking and shall be designed to protect pedestrian safety and avoid traffic conflicts within, entering, and leaving the lot where the loading area is located.
- d) No area may be utilized and counted as both required parking space and required loading area unless the applicant can prove that loading activities will not conflict in any way with parking demand in that location during the times in which loading will take place.
- e) Each loading area shall consist of a bay measuring thirty (30) feet long by twelve (12) feet wide, and fourteen (14) feet high if covered, and a maneuvering space equal to the length of the bay.
- f) Under no circumstances is the idling of any truck or vehicle engine allowed in the loading or parking area for more than five (5) minutes of continuous time.

3180. Shared Parking. Lesser parking requirements than those specified in Section 3140 may also be authorized by the Zoning Board of Appeals via a "Shared Parking Plan." Shared Parking will be defined as the ability of entities to share parking spaces if the demand times generated in the area in question are largely mutually exclusive for each of the parties involved. Shared Parking means that parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. The applicant must demonstrate during the Site Plan Review process that lower parking requirements are warranted based on the utilization of Shared Parking. Shared Parking shall be either on the same premises as the activity it serves or on a separate parcel if located within three hundred (300) feet of the building entrance, and not separated by a state numbered highway, and if in a zoning district allowing the activity it serves.

- a) Any request to utilize Shared Parking must be accompanied by:

- 1) The current and proposed hours of operation;
 - 2) The anticipated parking demand generated for the proposed use(s);
 - 3) A description of the character of the land use and the parking patterns of adjacent uses;
 - 4) An estimate of the anticipated turnover in parking spaces use over a twenty-four (24) hour period of time;
 - 5) A site plan showing what the off-street parking provision would be if built to the specification of Section 3140, without the proposed reduction;
 - 6) A site plan showing the shared use spaces in the lot, walking distance to the uses sharing the lot and pedestrian amenities within and to all shared areas. Uses sharing the parking facility do not need to be contained within the same lot, but shall be a maximum of five hundred (500) feet from the closest parking space; and
 - 7) A reciprocal agreement executed by all parties concerned that ensures the long-term joint use of such shared parking, and that a copy has been submitted and found acceptable during the Site Plan Review Process. Such agreement must be recorded at the Registry of Deeds.
- b) In rendering a decision regarding a reduced parking scheme, the Zoning Board of Appeals should consider the following criteria:
- 1) The hours of operation and peak demand of the uses involved;
 - 2) The number of spaces required for each individual use pursuant to Section 3140;
 - 3) The applicant's sufficient demonstration that actual parking needs will be satisfied under the reduced required minimum and shared parking plan; and
 - 4) That the proposal not only satisfies the drainage requirements of Section 3159 for the proposed parking via a shared plan, but that the drainage system is designed to accommodate parking need, based on the minimum requirements set forth under Section 3140 for the cumulative uses proposed.
- c) In the event that the conditions for shared parking change, or if shared parking arrangement is discontinued, the applicant shall notify the Zoning Board of Appeals within ten (10) days. The Board shall then require the applicant to meet the applicable parking requirements found in Section 3140 of this Ordinance, as the affected sites will be considered in violation of this Bylaw upon the expiration of the shared parking agreement.

3195. Restrictions. Parking area must be used for registered motor vehicle parking only, with no sales, dead storage, repair work, or servicing of any kind. The required parking areas must be permanently available for use by patrons and employees of establishments for which such space was provided.

3199. Maintenance. Parking areas, loading spaces and landscaping shall be continuously maintained.

Whenever necessary, surfacing, lighting, parking space markings and plantings shall be replaced or repaired, and drainage structures maintained. Failure to adequately maintain parking facilities shall be considered a violation of the Bylaw.

3200. Landscaping and Screening

3210. District Boundary Buffers.

3211. A buffer is required on any premises in a Business District if abutting or extending into a Residential District when through new construction, addition, or occupancy change the premises are put to use not allowed in a Residential District. Said buffer shall be located entirely within the Business District along the full length of the district boundary, and shall have a depth of the lesser of fifty (50) feet or ten (10%) percent of the distance between the district boundary and the street line of the lot, except that at locations where the distance from the district boundary to the nearest structure in the Residential District is not less than one hundred fifty (150) feet, the Zoning Board of Appeals may grant a Special Permit to allow location of part or all of the buffer outside of the Business District.
3212. No structure, parking area, or above-ground facility of any nature shall be erected, placed or added to within the buffer strip except that access roads or driveways through said buffer strip to property located in the Residential District may be allowed on Special Permit by the Board of Appeals.
3213. The full length of the screened area shall be planted at least two-and-one-half (2-1/2) feet high, have earth berms, differences in grade or equivalent visual interruption by retained natural growth. Fencing approved by the Town's Fence Viewer may be used up to a maximum of six (6) feet in height in conjunction with such screening, but not in place of it. (*Revised ATM 5/3/1994*)
3214. High screening shall also be provided through a staggered row of trees, either planted or retained, having at least a two (2) inch trunk diameter and being of size, species and spacing such that tree crown will approximately meet each other and the lower level screening at maturity, except where egress visibility suggests clearance between two-and-one-half (2-1/2) and eight (8) feet above grade. At least sixty (60%) percent of all trees used shall be of evergreen species, and all shall be of species common to the area and which reach an ultimate height of not less than thirty (30) feet.

3220. Street and Sideline Planting

3221. Street and sideline planting is required on any premises in a Business District for each sideline (other than those covered by subsection 3210) which meets a state numbered highway and for the full frontage on a state numbered highway. Such planting is required when any new building, addition or change of use requires a parking increase of five (5) or more spaces.
3222. The sideline planting area shall be at least five (5) feet wide free of any paving (except for access drives connecting abutting premises) and shall contain high screening as described in Section 3214, except that evergreens are not required. The screening shall extend from the street line to the deepest point on the premises having buildings or parking. Screening shall be located or trimmed to avoid blocking egress visibility.
3223. The street planting shall consist of a staggered row of trees within twenty (20) feet of the street

lines, either planted or retained, having at least two (2) inch trunk diameter and being of size, species and spacing such that tree crowns will approximately meet at maturity. Species shall be ones common to the area and which reach an ultimate height of not less than thirty (30) feet.

3224. Any site plan submitted for review under Section 1500 shall indicate any existing trees of four (4) inches trunk diameter or greater if within twenty-five (25) feet of the street sideline or five (5) feet of a side lot line. No such tree shall be removed unless, following referral to the Director of Lands and Natural Resources, such removal is approved by the Board of Appeals on grounds that poor tree health or access and public safety so dictate.

3230. Materials and maintenance

3231. A list of plant materials recommended (but no required) for these purposes is available from the Director of Lands and Natural Resources or from the Planning Board.

3232. All plant materials required by this Bylaw shall be maintained in a healthful condition, and dead materials replaced at the earliest appropriate season.

3300. Signs

3310. Enforcement

3311. Inspector of Buildings. The Inspector of Buildings is authorized to order the removal of any sign and its supporting structure which is erected contrary to this Bylaw.

3312. Permits and Fees.

Except for signs permitted in a residential area, and temporary signs to be placed in a window, no sign shall be erected, enlarged, reworded, redesigned or structurally altered without a sign permit issued by the Inspector of Buildings.

The Inspector of Buildings is authorized to grant a permit for a sign in compliance with this Bylaw. After reviewing a sign application, the Inspector of Buildings may deny such application if he determines that the erection of the sign will be injurious or offensive to the area because of lighting, noise, obstruction of vision or hazardous to the public good because of color or the creation of visual confusion in the area.

If the Inspector of Buildings does deny an application, the applicant may appeal the decision to the Zoning Board of Appeals. The Inspector of Buildings shall make his determination to approve or disapprove an application for a sign permit within fifteen (15) days of receiving it.

A schedule of fees for the permits for authorized signs may be determined from time to time by the Board of Selectmen.

3320. Permitted Sign

3321. All Residential Districts

- a) One sign displaying the street number and/or name of the occupant of the premises not to exceed three (3) square feet in area. Such sign may include identification of an accessory or professional office or other accessory use permitted in a residential district.
- b) Signs pertaining to the lease, sale or use of a lot or buildings provided that such signs do not exceed a total of six (6) square feet. These signs must be taken down immediately after the sale or lease of the property.
- c) One (1) bulletin or announcement board, identification sign or entrance marker for designating historical, conservation or similar public uses or for each public entrance to the premises upon which a church, synagogue or other institution is located, not to exceed ten (10) square feet in area, provided that there shall be no more than three (3) such signs for each institution.
- d) One (1) contractor's sign, not to exceed ten (10) square feet in area (except as otherwise required by law) maintained on the premises while construction is in progress and containing information relevant to the project. Such sign shall be removed within seven (7) days after the occupancy permit is issued.
- e) One (1) sign identifying each public entrance to a subdivision providing such sign does not exceed the ten (10) square feet.

3323. All Business Districts

- a) All signs permitted in Section 3321 shall be permitted in all business districts.
- b) One free-standing sign per lot not to exceed twenty-five (25) square feet in area or eight (8) feet on any one side.

Regarding buildings with only one tenant, this sign shall identify that tenant by name. In buildings having multiple tenants, or on lots having more than one building, additional signs may be attached in a ladder fashion to the bottom of the free-standing sign.

In such cases, the main sign would identify the major tenant or the name of the site as appropriate. The additional signs are to be for the sole purpose of identifying the location of a business to passersby and shall not exceed three (3) square feet in area. In no case, regardless of the number of tenants, shall the total area of the free-standing sign exceed forty (40) square feet.

- c) One wall sign per building not to exceed fifteen (15) square feet. Any such sign shall be flat against the wall of the building and shall not extend beyond the face of the building.
- d) Window signs either painted on or attached to the inside of a window provided such signs do not cover more than twenty-five (25) percent of the window glass.

Signs placed in a window to advertise sales or promotions may cover no more than fifty (50%) percent of the window glass and may not be posted for longer than thirty (30) days. No window signs shall be illuminated or lighted.

3324. Other Permitted Signs (All Districts)

- a) Signs expressing support for candidates for political office or in support of or opposition to a public issue provided these signs are temporary and are erected for a period of less than sixty (60) days.
- b) Signs shall be placed on privately owned property only.
- c) All political signs shall be removed within three (3) days after the election has taken place.
- d) In no event may these signs be posted on utility poles.
- e) Temporary signs shall be permitted in accordance with this section for purposes of promoting any business, or any charitable, civic or municipal event. No temporary sign shall be erected until application has been made to and a permit has been issued by the Inspector of Buildings. *(Voted ATM 5/7/1998, Article 28)*
 1. The Inspector of Buildings may deny an application, and may require the removal of a temporary sign after permit, if he determines that the sign will be or is a threat to public safety or offensive to the area because of color, material or construction.
 2. The Inspector of Buildings shall approve or deny an application within seven (7) days of receipt. The denial or approval may be appealed by the applicant or by an aggrieved party to the Zoning Board of Appeals.
 3. A sign authorized by this section shall be erected at ground level and shall be stationary. The sign shall be free standing, meaning that it shall not be attached to or supported by any natural or man-made object, nor shall any vehicle, trailer, balloon, kite, flag or other contrivance be used as a means of exhibiting a sign.
 4. No more than one temporary sign shall be permitted on any one lot at one time.
 5. A temporary sign shall not exceed four (4) feet in either width or height nor a total of ten (10) square feet, except that a sign in a residential district promoting other than charitable, civic or municipal events shall conform to the residential requirements as set forth in Section 3321. If a two-sided sign, the dimensions may apply to each side separately.
 6. No temporary sign shall be permitted for more than thirty (30) consecutive days. No applicant shall be permitted to maintain a temporary sign for more than forty-five (45) days in a single calendar year regardless of the number of permits obtained.

3330. Other Provisions

3331. Prohibitions

- a) Illumination except by the following means:
 - i. Exterior white steady stationary lights of reasonable intensity shielded and directed solely at the sign;
 - ii. Interior non-exposed white lights of reasonable intensity.

- b) Lighting between the hours of one (1:00) a.m. and five (5:00) a.m., unless the establishment is open for business during that time.
- c) Exposed gaseous tubes.
- d) Billboards (off premises signs).
- e) Roof signs and V-shaped signs.
- f) Movement except those signs which are sole indicators of time and/or temperature.

3340. General Provisions

3341. Setback. All free-standing signs shall be set back a minimum of ten (10) feet from the edge of the way line on which the building fronts, and at least twenty (20) feet from all other property lines.

3342. Color. No sign shall contain more than three (3) colors.

3343. Height. No part of a free-standing sign or its supporting structure shall exceed twenty (20) feet in height.

3346. Maintenance. All signs in all districts shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with the State Building Code. Structural damage, missing letters or other deterioration obscuring content shall be remedied or the sign removed within sixty (60) days.

3350. Non-Conformance of Accessory Signs. Accessory signs legally erected before the adoption of the Bylaw which do not conform to the provisions of this Bylaw may continue to be maintained without a permit, provided however, that no such sign shall be permitted if, after the adoption of this Bylaw, it is enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any substantial way, except to conform to the requirements of this Bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed fifty (50%) percent of the replacement cost of the sign at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of the Bylaw. Any exemption provided in this paragraph shall terminate with respect to such sign which:

- a) Shall have been abandoned; or
- b) Advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on, whether generally or at the particular premises; or
- c) Shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.

3400. Building Demolition (Voted ATM 5/24/1999)

Text of the Bylaw regulating Demolition of Historically Significant Buildings, Structures or Properties

- a) Intent and Purpose. This Bylaw is adopted for the purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of the Town.
- b) Definitions. For the purpose of this section, the following words and phrases have the following meanings.

Commission: the Norwell Historical Commission

Inspector: the Norwell Building Inspector/Zoning Officer

Demolition Permit: the permit issued by the Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure

Historically Significant Building, Structure or Property: any building, structure or property which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or (3) vista, bridge, stone wall, tree, road marker or sign, or any other property identified as of aesthetic, architectural, cultural, political or historical significance, by the Commission.

- c) Regulated Buildings, Structures and Properties. The provisions of this Section 3400 of Article III shall apply only to the following buildings, structures or properties: (1) a building, structure or property listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or (2) a building, structure or property located within two hundred (200) feet of the boundary line of any federal, state or local historic district; or (3) a building, structure or property included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the Commission for inclusion in said Inventory.

Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building, structure or property located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

- d) Procedure

- 1) The Inspector shall forward a copy of each demolition permit application for a building, structure or property identified in paragraph c) of this section to the Commission within seven (7) **business** days after the filing of such application. *(ATM 5/5/14)*
- 2) Within thirty (30) days after its receipt of such application, the Commission shall determine whether the building, structure or property is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she makes a timely request in writing to the Commission. **There shall be required a**

separate demolition permit application for each building, structure or historically significant feature on the parcel. (ATM 5/5/14)

- 3) If the Commission determines that the building, structure or property is not historically significant, it shall so notify the Inspector and the applicant in writing and the Inspector may issue a demolition permit. If the Commission determines that the building, structure or property is historically significant, it shall notify the Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the Commission fails to notify the Inspector and the applicant of its determination within thirty (30) days after its receipt of the application, then the building, structure or property shall be deemed not historically significant and the Inspector may issue a demolition permit.
- 4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building, structure or property is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information: a) a map showing the location of the building, structure or property to be demolished with reference to lot lines and to neighboring buildings and structures; b) photographs of all street façade elevations; c) a description of the building, structure or property, or part thereof, to be demolished; d) the reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition; and e) a brief description of the proposed reuse of the parcel on which the building, structure or property to be demolished is located.
- 5) The Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such a manner as it may determine, and by mailing, postage prepaid a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan, the Commission shall file a written report with the Inspector on the demolition plan which shall include the following: a) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; b) a determination as to whether or not the building, structure or property should preferably be preserved. The Commission shall determine that a building, structure or property should preferably be preserved only if it finds that the building, structure or property is a historically significant building, structure or property which, because of the important contribution made by such building, structure or property to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.
- 6) If, following the demolition plan review, the Commission does not determine that the building, structure or property should preferably be preserved, or if the Commission fails to file a report with the Inspector within the time limit set out in subparagraph (5) next above, then the Inspector may issue a demolition permit.

- 7) If, following the demolition plan review, the Commission determines that the building, structure or property should preferably be preserved, then the Inspector shall not issue a demolition permit for a period of one (1) year from the date of the filing of the Commission's report unless the Commission informs the Inspector prior to the expiration of such one (1) year period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building, structure or property who is willing to preserve, rehabilitate or restore the building, structure or property, or has agreed to accept a demolition permit on specified conditions approved by the Commission. *(Revised ATM 5/13/2008)*
 - 8) **The Inspector shall not issue any permit, including permits for foundation and septic systems, with respect to any parcel wherein a demolition permit has been applied for, unless and until the terms of such permit have been fully complied with or otherwise waived by the Commission. (ATM 5/5/2014)**
 - 9) **Anything to the contrary notwithstanding, any demolition permit application which has not been completed in accord with the provisions of this bylaw within ninety (90) days of its filing shall expire, unless an extension is granted by the Commission. (ATM 5/5/2014)**
- e) Emergency Demolition. If the condition of a building, structure or property poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building, structure or property may request the issuance of an emergency demolition permit from the Inspector. As soon as practicable after the receipt of such a request, the Inspector shall arrange to have the property inspected by a Board consisting of the Inspector, the Chairman of the Commission and the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building, structure or property and consultation with this Board, the Inspector shall determine whether the condition of the building, structure or property represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building, structure, or property which would protect the public health or safety. If the Inspector finds that the condition of the building, structure or property poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this paragraph e), the Inspector shall prepare a written report describing the condition of the building, structure or property and the basis for the decision to issue an emergency demolition permit with the Commission. Nothing in this paragraph e) shall be inconsistent with the procedures for the demolition and/or securing of the building and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building, structure or property identified in paragraph c) of this section, the Inspector shall request the Chairman of the Commission or the Chairman's designee to accompany the Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.
- f) Non-Compliance. Anyone who demolishes a building, structure or property identified in paragraph c) of this section without first obtaining and complying fully with the provisions of a demolition permit shall be subject to a fine of not less than one thousand (\$1,000) dollars nor more than twenty-five thousand (\$25,000) dollars **and** the Inspector shall not issue a building permit pertaining to any parcel on which a building, structure or property identified in paragraph c) of this section has been demolished for a period three (3) years after the date of demolition.

The Commission shall have the authorization to waive or modify the three (3) year restriction on the issuance of a Building Permit. (ATM 5/5/2014)

- g) Appeals to Superior Court. Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Inspector, appeal to the Superior Court for Plymouth County. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.
- h) Severability. In case any section, paragraph or part of this Bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of this Bylaw shall continue in full force and effect.
- i) Notification. The Commission shall be required to present a written Annual Report by January 1st (First) of each calendar year to the Inspector, the Planning Board and the Highway Department. This report shall include but is not limited to the following: (1) an inventory of any and all buildings, structures and properties that have been designated and registered as being covered by this Bylaw; (2) a list of any and all buildings, structures and properties covered by this Bylaw that are under consideration and study by the Commission or the Massachusetts Historical Commission; (3) a copy of this report shall be made available to the Selectmen, Town Public Library and the Massachusetts Historical Commission.

3500. Stormwater Management

3510. Purpose. (Voted ATM 5/7/2012) Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Norwell's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater

A. The harmful impacts of soil erosion and sedimentation are:

- 1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- 2. Contamination of drinking water supplies;
- 3. Alteration or destruction of aquatic and wildlife habitat;
- 4. Flooding; and
- 5. Overloading or clogging of municipal catch basins and storm drainage systems.

B. The objectives of this Section are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the Town of Norwell's storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the Town of Norwell's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the Town of Norwell's legal authority to ensure compliance with the provisions of this Section through inspection, monitoring and enforcement.

3515. Definitions

Abutter: The owner(s) of land abutting the activity

Agriculture: The normal maintenance or improvement of land in agricultural or aqua cultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

Alteration of Drainage Characteristics: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

Applicant: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department or political subdivision of the Commonwealth or the federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed construction activity.

Authorized Enforcement Agency: The Planning Board (hereafter the Board), its employees or agents designed to enforce this section.

Best Management Practice (BMP): An activity, procedure, restraint or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clearing: Any activity that removes/structurally alters preexisting pervious or impervious surfaces at a site.

Construction Activity: Any activity that causes a change in the position or location of soil, sand, rock, gravel or similar earth material.

Construction Site: The plot of land located within the Town on which the construction activity will occur.

Construction and Waste Materials: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

Development: The modification of land to accommodate a new use or expansion of use, usually involving construction.

Disturbance: Construction activity including clearing, grubbing or grading.

Erosion: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity or vehicle traffic and the subsequent detachment and transportation of soil particles.

Erosion and Sedimentation Control Plan: A document containing narrative drawings and details developed by a qualified professional engineer (PE), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related activities.

Estimated Habitat of Rare Wildlife and Certified Vernal Pools: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

Grading: Changing the level or shape of the ground surface.

Grubbing: The act of clearing land surface by digging up roots and stumps.

Impervious Surface: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks and roof tops.

Massachusetts Endangered Species Act: (M.G.L. Chapter 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened or of Special Concern.

Massachusetts Stormwater Management Policy: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. Chapter 131, Section 40 and Massachusetts Clean Waters Act M.G.L. Chapter 21, Sections 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Massachusetts Stormwater Management Standards: The Standards issued by the Massachusetts Department of Environmental Protection (DEP), codified in regulations at 310 CMR 10.05(6) (k) – (q) and further defined and specified in the Massachusetts Stormwater Handbook issued by the DEP. The Standards address stormwater impacts through implementation of performance standards that reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Municipal Separate Storm Sewer System (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Norwell.

NPDES: National Pollution Discharge Elimination System Construction General Permit issued by the Environmental Protection Agency to the Applicant.

Operator: The party associated with the Construction Activity that meets either of the following two criteria: (1) the party who has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications or (2) the party who has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan for the site or other permit conditions.

Outfall: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

Outstanding Resource Waters (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

Owner: A person with a legal or equitable interest in property.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent of such person.

Point Source: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged.

Pollutants, include without limitation the following: dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rocks, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

Pre-Construction: All activity in preparation for construction.

Priority Habitat of Rare Species: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

Redevelopment: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

Runoff: Rainfall, snowmelt or irrigation water flowing over the ground surface.

Sediment: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

Sedimentation: The process or act of deposition of sediment.

Site: Any lot of parcel or land or area of property where land-disturbing activities are, were or will be performed.

Slope: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil: Any earth, sand, rock, gravel or similar material.

Stabilization: The use, singly or in combination, of mechanical, structural or vegetative methods, to prevent or retard erosion.

Stormwater: Stormwater runoff, snow melt runoff and surface water runoff and drainage.

Stormwater Discharges: Stormwater that runs off from the Construction Site into the MS4 or otherwise into Waters of the U.S.

Stormwater Management Measures: Infrastructure improvements that are constructed or installed during construction activity to prevent pollutants from entering stormwater discharges or to reduce the quantity of stormwater discharges that will occur after construction activity has been completed. Examples include but are not limited to on-site filtration, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, retention structures and artificial wetlands, and water quality detention structures.

Stormwater Permit: The permit issued by the awarding authority to the applicant which allows construction activity to occur as outlined by the applicant in its application and Stormwater Pollution Prevention Plan.

Stormwater Pollution Prevention Plan (SWPPP): That plan required of all applicants in which they outline the erosion and sedimentation BMPs they will use, the BMPs they will use to control wastes generated on the construction site, the stormwater management measures they will construct and their plan for long-term maintenance of these measures.

Strip: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

TSS: Total Suspended Solids.

Vernal Pools: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

Watercourse: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the U.S.: These include:

1. All waters that are currently used, were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.
2. All interstate waters including interstate wetlands.
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - o That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - o From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - o That are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under this definition.
5. Tributaries of waters identified in paragraphs 1 through 4 of this definition.
6. The territorial sea.
7. And wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Wetlands: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

3520. Authority. This section is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

3525. Applicability. This section shall apply to all activities that result in disturbance of one or more acres of land, where all or a portion of that land drains stormwater to the municipal separate storm sewer system. Except as authorized by the Board in a stormwater permit or as otherwise provided in this section, no person shall perform any activity that results in disturbance of an acre or more of land.

Normal maintenance and improvement of land in agricultural or aqua cultural use, as defined by the Wetlands Protection Act regulations 310 CMR 10.4, are exempt. In addition, construction activities are exempt from needing a stormwater permit if stormwater discharge resulting from the project demonstrates compliance with the Massachusetts Stormwater Management Standards, either through a properly issued Order of Conditions, Site Plan Review, Special Permit/Variance or Subdivision Plan approval. In order to receive this exemption, the Order of Conditions, Site

Plan Review, Special Permit/Variance or Subdivision Plan approval must be related to the entire footprint of the project.

The stormwater permit does not exclude the requirement of filing a construction general permit with the Environmental Protection Agency.

3530. Responsibility for Administration

- A. The Board shall administer, implement and enforce this section. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.
- B. **Waiver.** The Board may waive strict compliance with any requirement of this section or the rules and regulations promulgated hereunder, where:
 - 1. Such action is allowed by federal, state and local statutes and/or regulations;
 - 2. The project is not in the public interest; and
 - 3. The project is not inconsistent with the purpose and intent of this section.
- C. **Rules and Regulations.** The Board may adopt, and periodically amend rules and regulations, to effectuate the purposes of this section. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this section.

3535. Permits and Procedure

- A. **Application Procedure.** Applicant must sign and file an Application for a Stormwater Permit on a form provided by the Town. The application should be submitted to the Board and to be deemed complete must be accompanied by:
 - 1. A stormwater permit application fee;
 - 2. Identification of the construction site by book, page and plot number in the records of the Assessor's Office;
 - 3. A narrative description of the construction activity intended, the proposed use of any improvements to be constructed and the construction timetable;
 - 4. A site plan required by Section 3540;
 - 5. A list of abutters certified by the Assessor's Office including addresses;
 - 6. A Stormwater Pollution Prevention Plan required by Section 3545.
- B. **Entry.** Filing an application for a permit grants the Board or its agent permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- C. **Other Boards.** The Board shall notify the Town Clerk of receipt of the application and shall give one copy of the application package to the Building Department, Conservation Commission and Highway Department for review and comment.

- D. **Public Hearing.** The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least fourteen (14) days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at the Town of Norwell's Planning Department Office.
- E. **Information Requests.** The applicant shall submit all additional information requested by the Board to issue a decision on the application.
- F. **Action by the Board.** The Board may:
1. Approve the stormwater permit application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this section;
 2. Approve the stormwater permit application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this section;
 3. Disapprove the stormwater permit application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this section.

Prior to approval of a stormwater permit application, the Board will ensure that the Applicant is incorporating low impact design and green infrastructure (e.g., rain gardens, bio-retention areas, water quality swales, etc.) to the maximum extent practicable. This should include elements that avoid clear cutting and minimize the amount of proposed impervious surfaces.

- G. **Failure of the Board to Take Final Action.** Failure of the Board to take final action upon an application within the time specified above shall be deemed to be approval of said application. Upon certification by the Town Clerk that the allowed time has passed without the Board's action, the stormwater permit shall be issued by the Board.
- H. **Fee Structure.** Each application must be accompanied by the appropriate application fee as established by the Board pursuant to rules and regulations to be adopted by the Board. Applicants shall pay review fees as determined by the Board sufficient to cover any expenses connected with the public hearing and review of the stormwater permit application before the review process commences. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of the Application.
- I. **Project Changes.** The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a stormwater permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 3540 and accepted construction practices, the Board may require that an amended stormwater permit application be filed and a public hearing held. If any change or alteration from the stormwater permit occurs during any land disturbing activities, the

Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

3540. Site Plan. The Site plan that is submitted must be stamped by a Professional Civil Engineer (P.E.) registered in Massachusetts and contain at least the following information:
- A. Names, addresses and telephone numbers of the person(s) or firm(s) preparing the plan.
 - B. Title, date, north arrow, scale, legend and locus map.
 - C. Zoning, district boundaries and current land use on the construction site.
 - D. Location and description of natural features including watercourses and water bodies, wetland resource areas and all floodplain information including the one hundred (100) year flood elevation based upon the most recent Flood Insurance Rate Map (or as calculated by a professional engineer for areas not assessed on those maps) located on or adjacent to the construction site.
 - E. A description and delineation of existing stormwater conveyances and impoundments located on the construction site with their point of discharge noted.
 - F. Location and description of existing soils and vegetation including tree lines, shrub layer, ground cover and herbaceous vegetation with run-off coefficient of each and identification of trees with a caliper twelve (12) inches or larger.
 - G. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species located on or adjacent to the construction site.
 - H. Lines of existing abutting streets showing drainage, driveway locations and curb cuts on and abutting the construction site.
 - I. Surveyed property lines of the construction site showing distances and monument locations, all existing easements, rights-of-way and other encumbrances, the area of the entire area that is to be disturbed. The plan shall specify the land area and area of upland and wetlands on the site and easements required for construction/post-construction O&M. As a condition of the issuance of the Certificate of Completion by the Board, all easements required for construction/post-construction O&M should be filed at the Plymouth County Registry of Deeds.
 - J. All proposed Site improvements including location of buildings or other structures and impervious surfaces (such as parking lots).
 - K. Topographical features including existing and proposed contours at intervals of no greater than two (2) feet with spot elevations provided when needed.
 - L. The existing and proposed site hydrology including drainage patterns and finish grades after construction.

- M. Location of the municipal separate stormwater sewer system with relation to the construction site.
- N. Identification of outfalls which are located on the construction site.
- O. Stormwater discharge calculations prepared and certified by a Registered Professional Civil Engineer in the Commonwealth of Massachusetts describing the volume and rate of stormwater that presently discharges from the construction site and the estimated volume and rate of post-development conditions.
- P. Identification of any existing stormwater discharges emanating from the construction site and discharging into the municipal separate stormwater sewer system and receiving waters.
- Q. Soil logs at all proposed detention/retention basins demonstrating infiltration rates necessary for best management practice implementation.

3545. Stormwater Pollution Prevention Plan Requirements The applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) with its application for a stormwater permit. The SWPPP must be stamped by a Professional Civil Engineer registered in Massachusetts and include the following: (1) a plan to control wastes generated by the construction activity on the construction site, (2) an erosion and sedimentation control plan, (3) a plan to construct stormwater management measures, and (4) a plan for operation and maintenance of stormwater management measures after construction has been completed.

- A. **Plan to Control Wastes.** Applicant must list the construction and waste materials expected to be generated or stored on the construction site. These wastes include but are not limited to: discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and material stockpiling. Applicant must also describe in narrative form the best management practices it will utilize to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater and spill prevention and response plans. If any structural BMPs are proposed, they must be identified and located on the site plan. At a minimum, the applicant's plan should provide for the following:
 - 1. Areas designated and controlled for equipment storage, maintenance and repair.
 - 2. Convenient locations for waste receptacles and a schedule for regular removal.
 - 3. Wash down areas for vehicles selected to prevent contamination of stormwater.
 - 4. Covered storage areas for chemicals, paints, solvents, fertilizers and other toxic materials.
 - 5. Adequately maintained sanitary facilities.
- B. **Erosion and Sedimentation Control Plan.** Applicant must describe its plan for properly stabilizing the site before construction begins and the BMPs that it will use during construction to minimize erosion of the soil and sedimentation of the stormwater. These BMPs should include both stabilization practices (such as: seeding, mulching, preserving trees and vegetative buffer strips, contouring) and structural practices (such as: earth dikes, silt fences, drainage swales, sediment traps, check dams and subsurface or pipe slope drains.) Applicant must locate structural BMPs on the site plan. Applicant must also provide details of construction including the timing, scheduling and sequencing of development including

clearing, stripping, rough grading, construction, final grading and final site stabilization. The design requirements of the erosion and sedimentation control plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all erosion and sediment control measures in accordance with the manufacturer's specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas or other areas used solely by the permitted project are considered a part of the project);
10. Comply with all applicable federal, state and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be applied on a disturbed area as soon as practicable but no more than fourteen (14) days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Prevent off-site vehicle tracking of sediments by placing stone at all points of ingress and egress to the site and installing wash-down areas for vehicles as necessary to ensure no off-site vehicle tracking of sediments.

- C. **Plan to Construct Stormwater Management Measures.** The application for a stormwater permit shall include submittal of a plan to construct stormwater management measures to the Board. This plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness and acceptability of the measures proposed by the applicant for reducing adverse impacts from storm water. The plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook Volumes I and II, as revised. The Plan shall fully describe the project in drawings and narrative. It shall include:

1. The existing site hydrology with supporting data.
2. A description and delineation of existing stormwater conveyances, impoundments and wetlands on or adjacent to the site or into which stormwater flows.
3. Estimated seasonal high groundwater elevation (November to April) and soil logs for areas to be used for storm water retention, detention or infiltration.
4. The existing and proposed vegetation and ground surfaces with runoff coefficients for each.
5. Identification of water bodies that will receive stormwater discharges from the construction site with the location of drains/outfalls noted on the site plan. A brief description of known water quality impacts and whether the water bodies receiving such stormwater discharges have:
 - o Been assessed and reported in reports submitted by the Massachusetts Department of Environmental Protection to EPA pursuant to Section 305(b) of the Clean Water Act;
 - o Been listed as a Category 5 Water (Waters Requiring a Total Maximum Daily Load—TMDL) by DEP under 303(d) of the CWA.
6. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths.
7. A description and drawings of all components of the proposed drainage system including:
 - a. Locations, cross sections and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - b. All measures for the detention, retention or infiltration of water;
 - c. All measures for the protection of water quality;
 - d. The structural details for all components of the proposed drainage systems and stormwater management facilities;
 - e. Notes on drawings specifying materials to be used and construction specifications.
8. Proposed improvements including location of buildings or other structures, impervious surfaces, utilities and drainage facilities, if applicable.
9. Timing, schedules and sequence of development including clearing, stripping, rough grading, construction, final grading and vegetative stabilization.
10. A maintenance schedule for the period of construction.
11. Any other information requested by the Board.

The Plan shall also meet the Ten Standards of the DEP Massachusetts Stormwater Management Policy. When one or more of the Standards cannot be met, an Applicant may demonstrate that an equivalent level of environmental protection will be provided.

D. Operations and Maintenance Plan. An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M plan shall be designed to ensure compliance with this section and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M plan shall remain on file with the Board and shall be an ongoing requirement. The O&M plan shall include:

1. The name(s) of the owner(s) for all components of the system.
2. Maintenance agreements that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance;
 - b. The person(s) responsible for financing maintenance and emergency repairs;
 - c. A maintenance schedule for all drainage structures, including swales and ponds;
 - d. A list of easements with the purpose and location of each;
 - e. The signature(s) of the owner(s).
3. Stormwater Management Easement(s)
 - a. Stormwater Management Easements shall be provided by the property owner(s) as necessary for:
 - 1) Access for facility inspections and maintenance;
 - 2) Preservation of stormwater runoff conveyance, infiltration and detention areas and facilities, including flood routes for the one hundred (100) year storm event;
 - 3) Direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - b. The purpose of each easement shall be specified in the maintenance in the maintenance agreement signed by the property owner.
 - c. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
 - d. Easements shall be recorded with the Plymouth County Registry of Deeds prior to issuance of a certificate of completion by the Board.

4. Changes to Operation and Maintenance Plans

- a. The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility.
- b. The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of this section by mutual agreement of the Board and the responsible parties. Amendments must be in writing and signed by all Responsible Parties. Responsible parties shall include owner(s), persons with financial responsibility and persons with operational responsibility.

3550. Permit Term. The stormwater permit shall be effective upon the date of issuance and remain in effect until the earlier to occur of: (1) a certificate of completion is issued by the awarding authority indicating that all construction activity has ceased and final site stabilization construction, inspection and approval by a representative of the awarding authority has occurred, or (2) the date three [3] years from the date of issuance of the stormwater permit has occurred without applicant starting construction activity on the construction site.

3555. Inspection and Site Supervision

A. **Pre-Construction Meeting.** Prior to starting clearing, excavation, construction or land disturbing activity, the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Board to review the permitted plans and their implementation.

B. **Board Inspection.** The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater permit as approved. The permit and associated plans for grading, stripping, excavating and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two (2) working days before each of the following events:

- 1. Erosion and sediment control measures are in place and stabilized;
- 2. Site clearing has been substantially completed;
- 3. Rough grading has been substantially completed;
- 4. Final grading has been substantially completed;
- 5. Close of the construction season; and
- 6. Final landscaping (permanent stabilization) and project final completion.

C. **Permittee Inspections.** The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Board or designated agent in a format approved by the Board.

D. **Access Permission.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers and employees may enter upon privately owned property for the purpose of performing their duties under this Section and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

3560. Surety. The Board may require the permittee to post before the start of construction activity, a surety bond, irrevocable letter of credit, cash or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final report as required by Section 3565 and issued a certificate of completion.

3565. Final Reports. Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Permit. Any discrepancies should be noted in the cover letter.

3570. Enforcement

A. The Board or an authorized agent of the Board shall enforce this section, regulations, orders, violation notices and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this section or the regulations there under, which may include:
 - a. A requirement to cease and desist from the construction activity until there is compliance with the provisions of the land-disturbance permit;
 - b. Maintenance, installation or performance of additional erosion and sediment control measures;
 - c. Monitoring, analyses and reporting;
 - d. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Norwell may, at its option, undertake such work, and the property owner shall reimburse the Town of Norwell's expenses

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Norwell, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in M.G.L. Chapter 59, Section 57, after the thirty-first (31st) day following the day on which the costs were due.
- C. Any person that violates any provision of this section may be punished, under M.G.L. Chapter 40, Section 21D, as a noncriminal offense, by fines of:
1. First offense: One hundred (\$100) dollars
 2. Second offense: Two hundred (\$200) dollars
 3. Additional offenses: Three hundred (\$300) dollars
- Or under M.G.L. Chapter 40, Section 21D, by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.
- D. **Appeals.** The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.
- E. **Remedies Not Exclusive.** The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.
3575. Certificate of Completion. The Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this section.
3580. Severability. If any provision, paragraph, sentence or clause of this section shall be held invalid for any reason, all other provisions shall continue in full force and effect.

ARTICLE IV

SPECIAL REGULATIONS

4100. Saltmarsh Conservation District

4110. Designation. The Saltmarsh Conservation District shall be the area along the North River from the River itself to the upland edge of the marsh as defined and shown on the 1915 Plan of the North River Authorized by Chapter 112, Resolves of 1914, William F. Williams, Chief Engineer, a copy of which is on file in the office of the Town Clerk and is made a part hereof.
4120. Permitted Uses. In the Saltmarsh Conservation District, no structure shall be erected except non-

commercial docks, catwalks, piers, wharfs or floats, nor may any area within said zone be filled, drained, dredged or excavated, except by special permit.

4121. The owner of any land located in this district, or his agent, may apply to the Zoning Board of Appeals for a Special Permit for the construction of any structure which would have been permitted on said land prior to the adoption of the Section 4100, or for filling, drainage, dredging or excavation.
4122. No permit shall be granted which will adversely affect the natural character of the area in which the land referred to in the application is located.
4123. No such permit shall be granted except after notice and hearing as is provided by law for the granting of variances. In addition, notice shall be given by registered mail to the Chairman of the Conservation Commission or his designated representative.
4124. The Conservation Commission shall file a report setting forth the opinion of the Conservation Commission as to whether or not the granting of a permit will be consistent with the natural character of the area and the aims and purposes of the Conservation Commission. If the Conservation Commission shall fail to file its report on or before the date set for the hearing on the permit, the Zoning Board of Appeals shall assume that the Conservation Commission has no objection to the granting of the permit, and the Conservation Commission shall have no standing to appear to be heard in any further proceedings relative to such permit.

4200. Flood Plain, Watershed and Wetlands Protection District (*Revised ATM 5/7/2012*)

4210. Designation. Flood Plain, Watershed and Wetlands Protection District shall include all land designated as such and shown and delineated on a set of maps of the Town of Norwell entitled "Town of Norwell, Wetlands Maps," dated April 5, 1974 by Moore Survey & Mapping Corporation, Shrewsbury, Massachusetts with amendment adopted 3/9/81 as shown on a plan entitled "Plan of 1981 Amendment to Town of Norwell Wetlands Maps dated January 5, 1981, by Bradford Saivetz & Associates, Inc., Braintree, MA." The District includes all special flood hazard areas within the Town of Norwell designated as Zone A and AE, on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Norwell are panel numbers 25023C0092J, 25023C0094J, 25023C0103J, 25023C0104J, 25023C0108J, 25023C0111J, 25023C0112J, 25023C0113J, 25023C0114J, 25023C0116J, 25023C0117J, 25023C0118J, 25023C0119J, 25023C0206J and 25023C0207J dated July 17, 2012. The exact boundaries of the District may be defined by the one hundred (100) year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk. In case of a conflict, the more restrictive interpretation shall apply.

Flood Plain, Watershed and Wetlands Protection District (the "District") shall be considered to be superimposed over any other district established by this Zoning Bylaw. All land in the District is subject to the regulations set forth in this Section 4200. In unnumbered A zones of the Flood Insurance Rate Maps, the Building Inspector shall require the applicant to provide the best available one hundred (100) year flood elevation data available from federal, state, local or other source for requiring new structures and substantial improvements to existing structures to meet the elevation and flood proofing standards of the Massachusetts State Building Code.

4215. Existing Regulations. All development in the district including structural and non-structural activities whether permitted by right or by Special Permit must be in compliance with the following: *(Revised ATM 5/5/1994)*

-Section of the Massachusetts State Building Code (780 CMR) which addresses floodplain and coastal high hazard areas

-310 CMR 10.00, Wetlands Protection, Department of Environmental Protection

-310 CMR 13.00, Inlands Wetlands Restriction, DEP

-Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection

-All property within the flood plain as delineated on Norwell's Flood Insurance Rate Maps (FIRM) is subject to the provisions of the National Flood Insurance Program (NFIP).

4220. Purpose. The purposes of this section, in addition to the purposes enumerated in Section 1100 of the Zoning Bylaw are:

a) To provide the lands in the Town subject to seasonal and/or periodic flooding, shall not be used for residential or other purposes in such a manner as to endanger the public health, safety and general welfare of inhabitants thereof.

b) To protect, preserve and maintain the water table and water recharge areas within the Town, so as to preserve the present and potential water supplies for the public health and safety of the inhabitants of the Town of Norwell.

c) To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and provide against the hazards of floodwater inundation.

4230. Permitted Uses. The following uses are permitted as a matter of right in the districts subject to the provisions of this Zoning Bylaw applicable to the underlying zoning districts in which said District are located and provided such uses do not permanently and significantly derogate from the purpose of this Section 4200:

a) Proper operation and maintenance of dams and other water control devices for drainage or flood control.

b) Temporary alteration of water level for emergency or maintenance.

c) Appropriate governmental use, including water and sewerage works, pumping stations and river and stream clearance.

d) Conservation of soil and plants and wildlife management.

e) Outdoor recreation including play areas, nature study, boating, foot, bicycle and horse paths and bridges, fishing and hunting where otherwise legally permitted by excluding buildings and structures therefor.

- f) Uses and interior improvements of buildings or structures lawfully existing prior to adoption of this section or for which a building permit has been issued prior to adoption of this section.
- g) Forestry, grazing, farming, nurseries and truck gardening.
- h) Accessory uses to any of the above permitted uses.

4240. Special Permits

4241. Schedule of Special Permits Uses. Where otherwise legally permitted by the provisions of this Zoning Bylaw applicable to the underlying districts in which the District is located, and subject to such special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purpose of this Section, the following uses are permitted by Special Permit granted by the Zoning Board of Appeals in accordance with the provisions of Section 4242:

- a) Foot bridges, plank walks, duck walks and private boat landings.
- b) Golf courses.
- c) Temporary storage of materials or equipment.
- d) Dams, excavation or changes in water courses to create ponds or pools for swimming, fishing or other recreational or agricultural use, scenic features or for improvements consistent with the purposes of this section.
- e) Appropriate driveways and roads when alternative means of access are impractical.
- f) Repair, rebuilding, modification, enlargement or exterior alteration of existing structures, which will be subject to the substantial improvement provisions of the Massachusetts State Building Code.

4242. Considerations. In hearing an application for a Special Permit hereunder, the Board of Appeals shall consider, in addition to any other factors said Board deems pertinent, the following factors:

- a) Geographic location of proposed structures and security of access thereto during flooding.
- b) Foundation elevations and security of foundations during flooding.
- c) Disposal and containment of sewage during flooding.
- d) In Zone AE, along watercourses within the Town of Norwell that have a regulatory floodway designated on the Plymouth County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- e) Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones in order to assure that: (1) such proposals minimize flood damage; (2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (3) adequate drainage is provided to reduce exposure to flood hazards.

- f) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4243. Criteria for Approval. Whenever the Board of Appeals is authorized to issue a Special Permit for a use under this section, said Board shall assure that such use shall be consistent with the purposes of this section, and will:

- a) Not produce unsuitable development in marshes, bogs and ponds or along water courses or in areas subject to flooding;
- b) Protect and preserve the inland marshes, bogs, ponds and water courses and their adjoining wetlands in order to safeguard the purity of inland and tidal waters for the propagation and protection of marine life and for recreational purposes;
- c) Conserve the value of lands and existing buildings;
- d) Facilitate the adequate protection of provision of a water supply through preservation and maintenance of the ground water table;
- e) Encourage the most appropriate use of the land.

4250. Prohibited Uses. Except as provided in Section 4230, no building, wall, dam or other structure shall be created, constructed altered, enlarged or otherwise created or moved in the district for any purpose.

No dumping, filling, excavating or transferring of any material which will reduce or impair natural water storage or recharge capacity of any land within the District or interfere with the natural flow patterns of any water course within the District shall be permitted.

4260. Notification of Watercourse Alteration. (*Revised ATM 5/5/1994*) Notifying, in a riverine situation, the following of any alteration or relocation of a watercourse:

Adjacent Communities

Bordering Stations (optional)

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

4270. Administration.

4271. Whenever an application is made for a building which the Building Inspector believes may involve the use of land in the District, he shall determine by any means at his disposal, whether the parcel identified in the application lies within the District.
4272. In order to expedite this determination, the Building Inspector shall at his request be provided by the applicant a complete topographic plan of the area proposed for use prepared by a Registered Professional Engineer or Registered Land Surveyor showing elevations of the land, contours at one-foot intervals to the same base and scale as that on the "Flood Plain, Watershed and Wetlands Protection District" maps of the Town, and showing all pertinent information including existing brooks, streams, river and areas of ponding, the extent and depth of proposed excavation and/or filling and limits of other proposed construction and/or appurtenant work.
4273. In case of a building permit for an interior improvement to a building or structure, the foregoing overall topographic plan not be required.

4300. Aquifer Protection District (*Replacing Sections 4300, 4400 and 4500 ATM 5/8/2006, Article 14*)

4310. Designation. The Aquifer Protection District shall include all land designated as such and shown and delineated on a map entitled "Watershed/Aquifer Protection District, Town of Norwell, 2006." The Aquifer Protection District shall be considered to be superimposed over any other district established by this Zoning Bylaw. All land in this district is subject to the regulations set forth in this Section 4300 and such regulations shall be in addition to, rather than in place of, the requirements for the underlying district.
4320. Purpose. The purpose of this section, in addition to the purposes enumerated in Section 1100 of this Zoning Bylaw, are:
- a) To preserve and maintain the quality of the surface and groundwater within the Town of Norwell, so as to preserve the present and potential water supplies for the public health and safety of the inhabitants of the Town.
 - b) To protect such groundwater from the danger of accidental spills and discharge of petroleum products and other toxic and hazardous materials, and from sewage discharge, all of which pose potential public health and safety hazards and threaten economic losses to the Town.
 - c) To enhance groundwater recharge in aquifer recharge areas.
4330. Procedure. Whenever an application is made for a building or use permit which the Building Inspector/Zoning Officer believes may involve the use of land in the district, he shall determine by any means at his disposal, whether the parcel identified in the application lies within the Aquifer Protection District.
4340. Permitted Uses. Uses not requiring a special permit under Section 4350 or prohibited under Section 4360 are permitted in the Aquifer Protection District, subject to the applicable provisions of his Bylaw, other provisions of the Zoning Bylaw applicable to the underlying zoning districts in which said Aquifer Protection District is located and to any other applicable overlay district regulations.
4350. Special Permits.

4351. Schedule of Special Permit Uses. Where otherwise legally permitted by the provisions of this Zoning Bylaw applicable to the underlying districts in which the Aquifer Protection District is located, and subject to such special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purpose of this section, the following uses are permitted by Special Permit granted by the Zoning Board of Appeals in accordance with the provisions of Sections 4352 through 4355:

- a) Any use involving secondary usage or storage of toxic or hazardous materials in quantities greater than normally associated with usual household use.

4352. For any use for which a special permit is required under the provisions of this Bylaw the applicant shall submit, in addition to any other information required to be submitted, the following:

- a) A complete list of all chemicals, commercial fertilizers, pesticides, fuel and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage and to provide for control of spills.
- b) A description of potentially toxic or hazardous materials to be generated, indicating storage and disposal methods.
- c) Evidence of approval by the Massachusetts Department of Environmental Protection (MA DEP) of any sanitary wastewater treatment system required to meet current MA DEP effluent discharge standards or capacity exceeding ten thousand (10,000) gallons per day.
- d) Projections of downgradient concentrations of nitrogen and other relevant chemicals at property boundaries and other locations deemed pertinent by the Board of Appeals. Projections shall be based upon appropriate groundwater models and the following information/standards:
 - 1) Nitrogen Loading Calculations
 - a) Wastewater per person: Six (6) pounds Nitrogen per year
 - b) Persons per bedroom: Two (2)
 - c) Lawn fertilizers: Two (2) pounds Nitrogen/One thousand (1,000) square feet of lawn per year
 - d) Road run-off: 0.10 pounds Nitrogen per curb mile per day
 - e) Background Nitrogen concentration: Actual field measurements
 - 2) Groundwater Flow and Impacts to Drinking Water Supply Wells
 - a) Identify probable impacted water supply well(s) by constructing flow lines downgradient of the proposed site on the 1988 Norwell Water Table Map
 - b) Areal recharge rate: Eighteen and one-half (18.5) inches per year for sand and gravel; Seven (7) inches per year for till

- c) Hydraulic conductivity: Site-specific measurements
- d) Saturated thickness: 1988 Norwell Saturated Thickness Map to be supplemented by site-specific/borings
- e) Groundwater gradient: 1988 Norwell Water Table Map to be supplemented with site-specific measurements
- f) Upon receipt of the Special Permit application, the Board of Appeals shall transmit one (1) copy to the Board of Water Commissioners and any other relevant Town agency, board or department for their written recommendations. The necessary number of copies of the application shall be furnished by the applicant. Failure by an agency to respond in writing within thirty-five (35) days shall indicate approval or no desire to comment by said agency.

4353. Considerations. In hearing an application for a Special Permit hereunder, the Board of Appeals shall consider, in addition to any other factors said Board deems pertinent, the following factors:

- a) The simplicity, reliability and feasibility of the proposed measures for containment of toxic or hazardous materials and control of spills;
- b) The degree of threat of water quality, which would result if the control measures failed;
- c) The recommendations of other Town agencies regarding the application, if any.

4354. Criteria for Approval. Special Permits under this section shall be granted only if the Board of Appeals determines that:

- a) The intent of this Bylaw as well as its specific criteria are met; and
- b) Groundwater quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water at the downgradient property boundary (10 ppm concentration nitrate-nitrogen).

The Board of Appeals shall explain any departures from the recommendations of other Town agencies in its decision.

4360. Prohibited Uses. The following uses are specifically prohibited in the Aquifer Protection District:

- a) Sanitary landfills, landfills receiving only wastewater residuals and/or septic residuals or other disposal of solid waste
- b) Motor vehicle salvage operations and junk yards
- c) Municipal sewage treatment facilities with on-site disposal of primary or secondary treated effluent
- d) Car or truck washes
- e) Road salt or other de-icing chemical stockpiles

- f) Dumping of snow from outside the district
- g) Self-service laundries, unless connected to public sewerage
- h) Dry cleaning establishments
- i) Airplane, boat and motor vehicle service and repair, including auto body shops
- j) Metal plating, finishing or polishing
- k) Chemical and bacteriological laboratories
- l) Storage and/or sale of petroleum or other refined petroleum products, except within the building it will be used to heat
- m) Commercial photographic processing, with discharge to the ground
- n) Commercial printing, other than xerographic reproduction
- o) The rendering impervious of more than fifteen (15%) percent of any lot or two thousand five hundred (2,500) square feet of any lot, whichever is greater, unless a system of groundwater recharge of precipitation is provided that will not result in degradation of groundwater

Any such system of groundwater recharge, for vacant land, shall, at a minimum, recharge eighty-five (85%) percent of any resulting post-development increase in the volume of stormwater, for up to a one hundred (100) year storm event.

Any such system of groundwater recharge, for land with existing impervious surface conditions of fifteen (15%) percent of two thousand five hundred (2,500) square feet or more shall recharge one hundred (100%) percent of the volume of stormwater, for up to a one hundred (100) year storm event, for any increase in impervious surface conditions beyond said fifteen (15%) percent or two thousand five hundred (2,500) square feet of the land, whichever is greater.

Under no circumstances shall any land in the Aquifer Protection District be used to create conditions resulting in more than fifty (50%) percent impervious surface coverage of the land.

No redevelopment of land, which already exceeds fifty (50%) percent impervious surface coverage, due to lawfully pre-existing conditions, shall be allowed if the proposed development would increase the existing impervious surface coverage of the land. Furthermore, no such redevelopment shall be allowed, even if there is no such increase, unless the redevelopment provides a system of recharge that shall control one hundred (100%) percent of all existing and proposed roof runoff generated on the land.

Pervious pavers shall not be used in the Aquifer Protection District for any portion of land that would be used for either vehicular traffic or parking, but they may be used for other purposes, including sidewalks and terraces and similar uses that are not subject to traffic or spills of gasoline and oil and other contaminants, and, when used for such other purposes, they shall not be considered impervious surfaces.

Predevelopment and post-development drainage calculations shall be provided and undergo peer engineering review, at the applicant's expense, before any relief is granted hereunder.

- p) Hotel or motel, unless connected to a public sewerage
- q) Any commercial/industrial facility or use which involves as a principal or secondary activity, the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, wastes or animal manure except as allowed by Special Permit in Section 4350
- r) Non-sanitary treatment or disposal works that are subject to 314 CMR 4.00 and 5.00 except the following:
 - a) The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system; and
 - b) Treatment works approved by the MA DEP designed for the treatment of contaminated groundwater.
- s) The removal of soil, loam, sand and gravel within four (4) feet of the historic high groundwater elevation, with the following exceptions: removal or soil for road excavations, building foundations and utility works.

4370. Design and Operations Guidelines. The following design and operation guidelines shall be observed within the Aquifer Protection District.

- a) **Safeguards.** Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as: prohibition of underground fuel storage tanks, spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. Storage of toxic or hazardous materials must meet the requirements of 310 CMR 22.21(2) B5. For operations, which allow the evaporation of toxic or hazardous materials into the interior of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.
- b) **Location.** Where the premises are partially outside of the Aquifer Protection District, potential pollution sources such as on-site waste disposal systems shall be located outside the District to the extent feasible.
- c) For any toxic or hazardous materials to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods, which are in conformance with M.G.L. Chapter 21C.
- d) **Drainage.** All runoff from impervious surfaces shall be recharged on the site and recharge from pervious surfaces to the extent possible. Dry wells shall be used only where other methods are not feasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants. If dry wells are utilized, the property owner shall be required to have oil, grease and sediment traps cleaned annually and to provide the Building Inspector/Zoning Officer, on an annual basis, with proof of such cleaning.

4380. Violations. Written notice of any violation of this Bylaw shall be provided by the Building Inspector/Zoning Officer to the owner of the premises, specifying the nature of the violations and a schedule of compliance, including cleanup of any spilled materials. This compliance schedule must be reasonable in relation to the public health hazard involved and the difficulty of compliance. In no event, shall more than thirty (30) days be allowed for either compliance or finalization of a plan for longer-term compliance.

4390. Definitions

Toxic or Hazardous Material. Any substance or mixture of such physical chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and include products such as pesticides, herbicides, solvents and thinners. Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health:

- a) Cabinet making
- b) Electronic circuit assembly
- c) Motor and machinery service and assembly
- d) Painting, wood preserving and furniture stripping
- e) Pesticide and herbicide application.

Non-Sanitary Treatment or Disposal Works. Wastewater discharge from industrial and commercial facilities containing wastes from any activity other than the collection of sanitary sewage including, but not limited to, activities specified in the Standard Industrial Classified Codes set forth in 310 CMR 15.004 (6).

Groundwater Recharge. As defined in the Massachusetts Department of Environmental Protection (MA DEP) and Massachusetts Office of Coastal Zone Management (MA CZM) Stormwater Management Technical Handbook of March, 1997.

Redevelopment. Shall be defined as any proposal that triggers the requirements of Section 1500, Site Plan Review.

4400. **Accessory Uses**

4410. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development of related production, may be permitted upon the issuance of a Special Permit by the Board of Appeals provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

4500. **Trailers**

No automotive type of trailer, whether mobile or immobile, put in place upon any land within the Town shall be occupied for living purposes or business purposes within the Town. Except that trailers may be placed upon a construction site for use as engineering or construction office, only. Permits for such use

shall be granted by the Inspector of Buildings for a period not exceeding one year, subject to annual renewal, which shall terminate within thirty (30) days of completion of the project.

4550. Solar Photovoltaic Overlay District (SPOD) (ATM 5/5/2015, Article 31)

1.0 Purpose

The purpose of this bylaw is to authorize in accordance with this section of the bylaw and provide standards for the placement, design, construction, operation, monitoring, modification and removal of *large scale ground mounted solar photovoltaic installations* that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of all such installations.

2.0 Applicability

The SPOD shall be construed as an overlay district. All requirements of the underlying district(s) shall remain in full force and effect, except where the requirements of the SPOD are more restrictive or provide for uses or structures not otherwise available in the underlying district.

3.0 Use Regulation

Large Scale Ground Mounted Solar Photovoltaic Installations as a principal or accessory use shall be allowed by right within the SPOD subject to the requirements of this by-law.

4.0 General Requirements

The following requirements shall apply to all ground-mounted solar photovoltaic installations to be sited under this section unless specifically exempted:

4.1 Compliance with Laws, Ordinances and Regulations

All ground-mounted solar photovoltaic installations shall be constructed and operated in compliance with all local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the current Massachusetts State Building Code.

4.2 Building Permit and Building Inspection

All ground-mounted solar photovoltaic installations shall obtain all necessary construction permits prior to construction, installation or modification.

4.3 Site Plan Review

All ground-mounted solar photovoltaic installations shall obtain Site Plan Review Approval under §1500 prior to construction, installation or modification as provided in this section.

The Board of Appeals may waive documentary requirements as it deems appropriate.

Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Drawings of the solar photovoltaic installation signed by a registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - iv. Electrical line diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site;
- (c) An operation and maintenance plan (see also Section 4.5);
- (d) Proof of liability insurance; and
- (e) Description of financial surety that satisfies Section 8.3.
- (f) Any other information requested by the Planning Board and/or Zoning Board of Appeals during the review process.

4.4 Operation & Maintenance Plan

All ground-mounted solar photovoltaic installation proponents shall submit a plan for the operation and maintenance of the solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

4.5 Utility Notification

All ground-mounted solar photovoltaic installation proponents shall provide evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.6 Payment in Lieu of Taxes (PILOT)

All ground-mounted solar photovoltaic installation proponents shall execute a PILOT agreement with the Board of Selectmen prior to construction of the installation.

5.0 Dimensional Requirements

The following dimensional requirements for ground-mounted solar photovoltaic installations and their accessory structures supersede the dimensional requirements in the zoning by-law. Requirements not superseded in this section still apply.

5.1 Setbacks

There shall be no construction or installations within the following required property boundary setbacks:

	Residence A & B	Business B ¹	Business C ¹
Front Yard	150 feet	50 feet	50 feet
Side Yard	150 feet	25 feet	25 feet
Rear Yard	150 feet	25 feet	25 feet

¹Where a property within the Business Districts B or C abuts a residential property; a setback of 150 feet from the residential property line shall be required.

5.2 Vegetation Buffers and Screening

- 5.2.1 Clearing of natural vegetation shall be limited to what is necessary for the proper construction, operation and maintenance of the facility. Use of previously disturbed land is encouraged in siting of all such installations.
- 5.2.2 In Residential Districts, land within the required setback areas shall not be disturbed other than for what is necessary to access the facility and for any installed vegetation for screening purposes.
- 5.2.3 All installations shall be screened from all public ways and any surrounding residences with existing natural vegetation, or, in the case where such natural vegetation is not satisfactory for screening the installation, a dense vegetated buffer shall be installed and maintained.

5.3 Height

No ground-mounted solar photovoltaic installation or accessory structures shall exceed 15 feet in height as measured from the ground directly to the highest point of the installation.

Existing grade shall not be affected anywhere on the site by more than five (5) feet through excavation or with fill materials.

The Board of Appeals may waive these requirements if the applicant demonstrates a necessity to exceed 15 feet in height, but under no circumstances shall heights exceed 25 feet

5.4 Exemptions

Ground –mounted solar photovoltaic installations are not subject to §2420 Lot Area, §2450 Lot Shape, §2430 Lot Frontage and Width and §2471 Building Coverage by-law requirements.

6.0 Design Standards

6.1 Lighting

Lighting of ground-mounted solar photovoltaic installations shall be the minimum required to provide security, safety and operations of the facility. Lighting of the installation shall be directed downward, away from surrounding properties and incorporate full cut-off fixtures to reduce light pollution.

6.2 Signage

7.2.1 A sign consistent with §3300 Signs shall be required to identify the owner and provide a 24 hour emergency contact phone number.

7.2.2 No portion of the installation or property shall be used for displaying any advertising except for reasonable identification of the operator of the facility.

6.3 Utility Connections

Best efforts shall be made to locate all utility connections from the facility underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6.4 Emergency Services

6.4.1 Prior to approval from the Board of Appeals, the Operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief, and if requested, assist in the development of an emergency response plan.

6.4.2 The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

6.4.3 All means of shutting down the ground-mounted solar photovoltaic installation shall be clearly marked.

6.5 Fencing

The installation shall be securely fenced around the entire perimeter of the installation with a fencing type satisfactory to the Board of Appeals.

6.6 Accessory Structures

Structures accessory to the installation shall be confined to inverters, transformers and equipment boxes necessary for the operation of the facility and buildings which enclose that equipment.

Other structures proposed shall conform to District Regulations Article II of the underlying zoning district.

7.0 Modifications

All changes or modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Board of Appeals.

8.0 Abandonment or Decommissioning

8.1 Removal Requirements

Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

8.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board of Appeals. If the owner or operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the right, but not the obligation, through easement or license to enter the property and physically remove the installation.

8.3 Financial Surety

Proponents of a ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise in a form acceptable to the Town of Norwell acting by its Board of Appeals, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Board of Appeals. Such surety may not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer and reviewed by the town engineering consultant. The amount shall include a 50% contingency for increased removal costs due to inflation.

4600. Personal Wireless Service Facilities (Voted at STM 12/8/1997; Amended at STM 12/1/2003, Article 3)

4610. Purpose and Intent. It is the express purpose of this Bylaw to minimize the visual and environmental impacts of personal wireless service facilities, consistent with the provisions of Section 253 and 704 of the Federal Telecommunications Act of 1996. The Bylaw enables the review and approval of personal wireless service facilities by the Town's Zoning Board of Appeals in keeping with existing Bylaws and historic development patterns. It sets standards which are intended to preserve the safety, character, appearance, property values, natural resources and historic sites of the Town; mitigate any adverse visual effects through proper design, location and screening of structures; and to encourage co-location of antennas where feasible in order to minimize the total number of sites required.

4611. Scope. Section 4600 shall apply to all wireless telecommunications antennas and towers and related equipment, fixtures and enclosures, including any modifications to any of the preceding, but shall not apply to fire, police, ambulance and other safety communications antennas, amateur (ham) radio or citizens band radio antennas, or to non-transmitting television antennas.

4620. District Regulations

4621. Use Regulations. A personal wireless service facility shall require a building permit in all cases, and may be permitted as follows:

- a) A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in Section 4623.b) below. Such installations shall not require a Special Permit but shall require site plan approval by the Zoning Board of Appeals.
- b) A personal wireless service facility involving construction of one or more ground or building (roof or side) mounts shall require a Special Permit. Such facilities may locate by Special Permit in all zoning districts within the Town, provided that the proposed use complies with the height and setback requirements of Section 4623 and all of the Special Permit regulations set forth in Section 4630 of this Bylaw.
- c) A personal wireless service facility that exceeds the height restrictions of Sections 4623.a) through 4623.c) may be permitted by Special Permit in a designated Wireless Service Overlay District provided that the proposed facility complies with the height restrictions of
- d) Section 4623.d), and with all of the setback and Special Permit regulations set forth in Sections 4623 and 4630 of this Bylaw.

4622. Location. Applicants seeking approval for personal wireless service facilities shall comply with the following:

- a) If feasible, personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless

service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

- b) If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees to create an effective year-round visual buffer.
- c) The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a building and/or Special Permit.

4623. Dimensional Requirements. Personal wireless facilities shall comply with the following requirements:

- a) **Height, General.** The height of a personal wireless service facility shall not exceed by more than ten (10) feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged or concealed such as within a steeple, chimney or similar structure. Personal wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height. (*STM 12/1/2003, Article 3*)
- b) **Height, Existing Structures.** New antennas located on any of the following structures existing on the effective date of this Bylaw shall be exempt from the height restrictions of this Bylaw: water towers, guyed towers, lattice towers, fire towers and monopoles, provided that:
 - 1) Location on existing water towers will be subject to approval of the proposed attachment methods and maintenance procedures by the Water Department and Board of Health;
 - 2) There is no increase in height of the existing structure as a result of the installation of a personal wireless service facility.
- c) **Height, Existing Structure (Utility).** New antennas located on any of the following existing structures shall be exempt from the height restrictions of this Bylaw provided that there is no more than a twenty (20) foot increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in Historic Districts, within one hundred fifty (150) feet of the right-of-way of any scenic roadway, or in designated scenic viewsheds.
- d) **Height, Wireless Facility Overlay Districts.** Within the Wireless Facility Overlay District (as designated on the Town Zoning Map), personal wireless service facilities of up to one hundred fifty (150) feet are permitted by Special Permit. These taller structures shall be of non-guyed design and shall comply with all setback and Special Permit regulations as set forth in this Bylaw.
- e) **Setbacks.** All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

- 1) The minimum distance from the base of any ground-mounted personal wireless service facility to any property line, public way, habitable dwelling, shall be three (3) times the height of the facility/mount, including any antennas or other appurtenances.
- 2) In the event that an existing structure is proposed as a mount for a personal wireless service facility, the setback provisions of the underlying zoning district shall apply. In the case of preexisting non-conforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities, except as provided in Section 4623.E)3) below.
- 3) Flexibility. In reviewing a special Permit application for a personal wireless service facility, the Zoning Board of Appeals may reduce the setback by as much as two-thirds (2/3) of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Appeals shall consider both the visual and safety impacts of the proposed use.

4630. Special Permit Regulations. All personal wireless service facilities shall comply with the performance standards set forth in this section.

4631. Design Standards

a) **Visibility/Camouflage**. Personal wireless service facilities shall be camouflaged as follows:

1) Camouflage by Existing Buildings or Structures

- i. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
- ii. Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if over five (5) square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

2) Color

- i. Personal wireless service facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
- ii. To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding them, they shall be painted in a light gray or light blue hue that blends with sky and clouds.

b) **Equipment Shelters**. Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:

- 1) Equipment shelters shall be located in underground vaults; or

- 2) Equipment shelters shall be designed to be consistent with the architectural styles, materials and roof design typical of the district in which the facility is located; or
- 3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence, equal to the height of the proposed building. The Zoning Board of Appeals shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.

c) Lighting and Signs

- 1) Personal wireless facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the property to be developed, and foot candle measurements at the property line shall be 0.0 initial foot candles when measured at grade.
- 2) Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All such signs shall comply with the requirements of Section 3300 of these Bylaws.

d) Historic Buildings and Districts

- 1) Any personal wireless service facilities located on or within a historic structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building.
- 2) Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
- 3) Personal wireless service facilities within a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

e) Scenic Landscapes and Vistas

- 1) Equipment shelters shall not be located within open areas that are visible from public roads or residential development. As required in the Section 4631.A), all ground-mounted equipment shelters which are not camouflaged by existing buildings or structures shall be surrounded by a buffer of dense tree growth.
- 2) Any personal wireless service facility that is located within three hundred (300) feet of a scenic vista, scenic landscape or scenic road as designated by the Town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than three hundred (300) feet from the scenic vista, scenic landscape or scenic road, the height regulations described elsewhere in this Bylaw will apply.

4632. Environmental standards

- a) Personal wireless service facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.

- b) No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten (110%) percent of the volume of the hazardous materials stored or used on the site.
- c) Stormwater run-off shall be contained on-site.
- d) Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of fifty (50) db at the property line.
- e) Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of fifty (50) db at ground level at the base of the building closest to the antenna.

4633. Safety Standards

- a) **Radiofrequency Radiation (RFR) Standards.** All equipment proposed for a personal wireless service facility shall be authorized per the FCC *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*.
- b) All ground-mounted personal wireless service facilities shall be surrounded by a security barrier.

4640. Application Procedures

4641. Special Permit Granting Authority. The Special Permit Granting Authority for personal wireless service facilities shall be the Zoning Board of Appeals (ZBA).

4642. Site Plan Approval. Applications require approval of a site plan consistent with Section 1500, except that such approval is required in all districts.

4643. Application Filing Requirements. The following shall be included with an application for a Special Permit for all personal wireless service facilities.

a. **General Filing Requirements**

- 1) Name, address and telephone number of applicants and any co-applicants, as well as any agents for the applicants or co-applicants.
- 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- 3) A licensed carrier shall either be an applicant or a co-applicant.
- 4) Original signatures for the applicant and all co-applicants applying for the Special Permit are required. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo reproductions of signatures will not be accepted.

b. **Location Filing Requirements**

- 1) Identify the subject property by including the Town as well as the name of the locality, name of nearest road or roads and street address, if any.
- 2) Tax map and parcel number of subject property.
- 3) Zoning district designation for the subject parcel. (Submit copy of Town Zoning Map with parcel identified.
- 4) A line map to scale showing the lot lines of the subject property and the location of all buildings, including accessory structures, on all properties shown within three hundred (300) feet of the proposed wireless facility.
- 5) The proposed locations of all existing and future personal wireless service facilities in the Town on a Town-wide map for this carrier.

c. Siting Filing Requirements

- 1) A “one inch equals 40 feet” (1”=40’) vicinity plan showing the following:
 - i. Property lines for the subject property;
 - ii. Property lines of all properties adjacent to the subject property within three hundred (300) feet of the property line;
 - iii. Tree cover on the subject property and adjacent properties within three hundred (300) feet of the proposed wireless facility, by dominant species and average height, as measured by or available from a verifiable source;
 - iv. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet of the proposed wireless facility;
 - v. Proposed location of antenna, mount and equipment shelter(s);
 - vi. Proposed security barrier, indicating type and extent as well as point of controlled entry;
 - vii. Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet of the proposed wireless facility, including driveways proposed to serve the personal wireless service facility;
 - viii. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan;
 - ix. Contours at each two (2) feet AMSL for the subject property and adjacent properties within three hundred (300) feet of the property line;
 - x. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways;

- xi. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility;
- xii. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed from "Sight Lines" subsection below).

2) Sight Lines and Photographs as Described Below:

- i. Sight line representation: A sight line representation shall be drawn from any public road within three hundred (300) feet and the closest façade of each residential building (viewpoint) within three hundred (300) feet, to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile, drawn at "one inch equals 40 feet" (1"=40'). The profiles shall show all intervening trees and buildings. In the event there is only one residential building within three hundred (300) feet, there shall be at least two (2) sight lines from the closest habitable structures or public roads, if any.
- ii. Existing (before condition) photographs: Each sight line shall be illustrated by one (1) four inch by six inch (4"x6") color photograph of what can currently be seen from any public road within three hundred (300) feet of the proposed wireless facility.
- iii. Proposed (after condition) photographs: Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

3) Sitting elevations, or views at-grade from the north, south, east and west for a fifty (50) foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either "one-quarter inch equals one foot (1/4"=1') or "one-eighth inch equals one foot" (1/8"=1') scale and show the following:

- i. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- ii. Security barrier: If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- iii. Any and all structures on the subject property.
- iv. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- v. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two (2) foot contours above mean sea level.

d. Design Filing Requirements

- 1) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as runs and security barrier, if any.
 - 2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs and security barrier, if any.
 - 3) Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs and security barrier, if any.
 - 4) Dimensions of the personal wireless service facility specified for all three (3) directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
 - 5) Appearance shown by at least two (2) photographic superimpositions of the personal wireless service facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs and security barrier, if any, for the total height, width and breadth.
 - 6) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
 - 7) Within thirty (30) days of the pre-application conference, or within twenty-one (21) days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least fourteen (14) days, but not more than twenty-one (21) days, prior to the test.
 - 8) If lighting of the site is proposed, the applicant shall submit a manufacturer's computer generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaire proposed.
- e. **Noise Filing Requirements.** The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed personal wireless service facilities, measured in decibel Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:
- 1) Existing or ambient: the measurements of existing noise.
 - 2) Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise standards of this Bylaw.

f. **Radiofrequency Radiation (RFR) Filing Requirements.** The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

- 1) Existing, or ambient: the measurements of existing RDR.
- 2) Existing plus proposed personal wireless service facilities: estimate of the maximum of RFR from the proposed personal wireless service facility plus the existing RFR environment.
- 3) Certification, signed by an RF engineer stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radiofrequency Radiation Standards section of the Bylaw.

g. **Federal Environmental Filing Requirements**

1) The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:

- i. Wilderness area
- ii. Wildlife preserves
- iii. Endangered species habitat
- iv. Historical site
- v. Indian religious site
- vi. Flood plain
- vii. Wetlands
- viii. High intensity white lights in residential neighborhoods
- ix. Excessive radio-frequency radiation exposure

2) At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC.

3) The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state or local government.

h. The Zoning Board of Appeals may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed personal wireless service facility.

4650. Co-Location

4651. Licensed carriers shall share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for a Special Permit for a personal wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes.
- a) A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
 - b) Contact with all the other licensed carriers for commercial mobile radio services operating in the Town; and
 - c) Providing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
4652. In the event that co-location is found to be NOT feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.
4653. If the applicant does not intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full build-out.
4654. If the ZBA approves co-location for a personal wireless service facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.
4655. Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.
4660. Modifications. A modification of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility and require a Special Permit when the following events apply.
- a) The applicant and/or co-applicant want to alter the terms of the Special Permit by changing the personal wireless service facility in one or more of the following ways:
 - 1) Change in the number of facilities permitted on the site;
 - 2) Change in technology used for the personal wireless service facility.
 - 3) Additional equipment shelter.
 - b) The applicant and/or co-applicant want to add any equipment or additional height not specified in the original design filing.

4670. Monitoring and Maintenance

4671. Within ninety (90) days of the beginning of operations, and annually thereafter, the applicant shall submit measurements of RFR from the personal wireless service facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radiofrequency Standards section of this Bylaw.
4672. The applicant and co-applicants shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier and maintenance of the buffer area and landscaping.

4680. Abandonment or Discontinuation of Use

4681. At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.
4682. Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
- a) Removal of antennas, mounts and equipment shelters and security barriers from the subject property.
 - b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

4683. If a carrier fails to remove a personal wireless service facility in accordance with this section of this Bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The Zoning Board of Appeals may require the applicant to post a bond at the time of construction to cover costs for the removal of the personal wireless facility in the event the Town must remove the facility.

4690. Reconstruction or Replacement of Existing Towers and Monopoles. Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this Bylaw may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Zoning Board of Appeals finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the ZBA shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet).

4695. Term of Special Permit. A Special Permit issued for any personal wireless service facility over

fifty (50) feet in height shall be valid for twenty (20) years. At the end of that time period, the personal wireless service facility shall be removed by the carrier or a new Special Permit shall be required.

**FOR DEFINITIONS PERTINENT TO PERSONAL WIRELESS SERVICE FACILITIES
SEE ARTICLE V FOLLOWING THIS SECTION**

4700. Village Overlay District (*Voted ATM 5/25/1999*)

4710. Purpose. The purpose of the Village Overlay District (VOD) is to:

- a) Provide dwelling units for occupancy by individuals fifty-five (55) years of age or older; and
- b) Provide for mixed and diverse varieties of housing, including affordable housing; and
- c) Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

4720. Applicability. The VOD shall be construed as an overlay district. All requirements of the underlying zoning district(s) shall remain in full force and effect, except where the requirements of the VOD are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements of the VOD may supersede the underlying zoning regulations upon the issuance of a Special Permit from the Planning Board.

4730. The VOD shall include all land designated by a two-thirds (2/3) vote of Town Meeting as within the district, all pursuant to M.G.L. Chapter 40A, Section 5.

4740. Definitions

- a) **Applicant:** The person or persons, including a corporation or other legal entity, who applies for issuance of a Special Permit for construction of a Village Residential Development (VRD) hereunder. The applicant must own, or be the beneficial owner of, all the land included in the proposed VRD, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site.
- b) **Bedroom:** A separate room in a dwelling unit intended for, or which customarily could be used for, sleeping.
- c) **Buffer:** An area within a VRD adjacent to its boundaries, streams and ponds, which may not be cleared, cut, developed or otherwise disturbed except as provided herein.
- d) **Development Schedule:** A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the VRD site, separated into stages where applicable.
- e) **Regulations:** The rules and regulations of the Planning Board.
- f) **Upland:** All land not defined as wet areas.

- g) **Village Residence Development (VRD):** A combination of single-family dwellings and permissible accessory uses authorized by Special Permit from the Planning Board as set forth herein.
- h) **Wet Areas:** All land, other than wetland buffer zones, subject to the provisions of the Massachusetts Wetland Protection Act, M.G.L. Chapter 131, Sections 40 and 40A, and the Town of Norwell Wetlands Bylaw, Article XVI-a.

4750. Use Restrictions. A VRD, consisting of the uses set forth below, individually or in combination, may be authorized by a Special Permit issued by the Planning Board pursuant to this section and in compliance with the standards set forth herein.

- a) Attached or detached dwelling units owned and occupied by persons aged fifty-five (55) and over, provided, however, that one spouse may be under fifty-five (55).
- b) Structures and uses accessory to the use set forth above, including: community buildings serving the residents of the VRD; recreational facilities; underground utilities located on a lot not serving the dwelling units; roadways.

4760. Application. An application for a Special Permit for construction of a VRD within the VOD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by: (1) the filing fee determined in accordance with the Planning Board's Rules and Regulations; (2) the following information and data; and (c) a development plan as described below.

- a) All of the information required for site plan approval pursuant to Section 1520 herein.
- b) The name(s) and address(es) of the applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.
- c) A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable and the estimated date of completion.
- d) A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.
- e) Information regarding the number and kind of dwelling units and other structures proposed, their design, their location, the number of bedrooms planned, the sale prices and fees anticipated and population projections pertaining thereto.
- f) Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g) Information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development.

- h) Copies of all proposed deed restrictions to assure resale at affordable prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices, if applicable.
- i) Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the applicant's proposed development plan meets the objectives of this section.

4770. Standards. In order to be eligible for consideration for a Special Permit to construct a VRD pursuant to Section 4700, a proposed VRD shall meet all of the following standards:

- a) **Qualifying Area.** The VRD site shall be located within the VOD and shall contain at least forty (40) contiguous upland acres, including at least one acre of upland for each dwelling unit proposed.
- b) **Open Space Requirement.** At least fifty (50%) percent of all upland contained within the VRD site shall be open space, which shall be left in its natural vegetated state.
- c) **Buffer.** A buffer area of one hundred seventy-five (175) feet shall be provided at the perimeter of the VRD site where it abuts residentially zoned or occupied properties sufficient to substantially limit the visibility of the VRD from outside its perimeter; provided, however, the buffer may be reduced to not less than fifty (50) feet upon a finding by the Planning Board that suitable screening can be provided. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance and provided, however, that structures or buildings may be located within the buffer area upon approval of the Planning Board with the issuance of a Special Permit. Underground planting may be added.
- d) **Roadways and Paths.** Where intended for dedication and acceptance by the Town of Norwell, the principal roadway(s) serving the site shall be designed to conform with the standards of the Planning Board's Subdivision Regulations and any other standards of the Town of Norwell. Private ways shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.
- e) **Parking.** The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces.
- f) **Surface Drainage.** The surface drainage system shall be designed in accordance with the Subdivision Regulations of the Planning Board, the Rules and Regulations of the Permanent Drainage Study Committee and the DEP's Stormwater Management Policy and Design Guidelines as amended.
- g) **Utilities.** All electric, gas, telephone and water distribution lines shall be placed underground.
- h) **Dwelling Unit.** The development of one or more dwelling units on a lot or lots shall be permitted in an application to construct a VRD. Dwelling units may be situated on any common or individual lot consistent with the overall design objectives of the VOD; provided, however, that such dwelling units shall comply with the provisions of the State Sanitary

Code, 310 CMR 15.00, any other applicable state regulations and with the rules of the Norwell Board of Health.

4780. Review Fees. The Planning Board may engage, at the expense of the applicant, professional, technical and/or legal consultants to review an application for a Special Permit within the VOD and to evaluate compliance with the Special Permit.
4790. Affordable Units. The applicant is encouraged to provide dwelling units at prices affordable to persons or families of low or moderate income. Such affordable dwelling units shall be integrated into the overall development so as to prevent the physical segregation of such units and shall otherwise be indistinguishable in all respects, including but not limited to materials, size and design, from comparable market price units.
4800. Decision. The Planning Board by affirmative vote of four-fifths (4/5) of its members present and voting, may grant a Special Permit for a VRD upon finding that the proposed VRD complies with the requirements of this section. The Planning Board shall not grant a Special Permit unless it determines that all criteria set forth in Section 1420 herein are satisfied. The Special Permit may be granted with such reasonable conditions, regulations or limitations as the Planning Board may deem necessary to serve the purpose of the Bylaw.
4810. Expiration. Special Permits shall lapse in accordance with Section 1450 herein.
4820. Public Hearing. Special Permits shall only be issued following public hearings held in accordance with Section 1430 herein.
4830. Modification. No structure created within the VRD shall be externally enlarged by more than two hundred (200) square feet and no use changed or expended in the ground except upon approval of the Planning Board and subject to the provisions of Section 4740 through Section 4820.

4850. Open Space Residential Design (Special Permit) (ATM 5/21/2008, Article 24; Amended ATM 5/9/2011, Article 37; Amended ATM 5/5/2015 Article 42)

1) Purpose and Intent

- a. **Primary Purposes**. The primary purposes for Open Space Residential Design (OSRD) are the following:
1. To allow for greater flexibility and creativity in the design of residential developments;
 2. To encourage the permanent preservation of public open space, agricultural land, forestry land, wildlife habitat and other natural resources including aquifers, water bodies and wetlands, and historical and archeological resources in a manner that is consistent with Norwell's Master Plan and Open Space Plan;
 3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 4. To minimize the total amount of disturbance on the site;

5. To further the goals and policies of Norwell's Master Plan and Open Space & Recreational Plan;
 6. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner;
 7. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.
- b. **Secondary Purposes.** The secondary purposes for OSRD are the following:
1. To preserve and enhance the Town's character;
 2. To protect and enhance the value of real property;
 3. To protect the Town's water supplies;
 4. To provide for a diversified housing stock;
 5. To protect agriculturally significant land.
- 2) Special Permit Required. All OSRD developments require Special Permit approval. The Planning Board, acting as the special permit granting authority (SPGA), may authorize an OSRD Special Permit for OSRD subdivisions pursuant to the requirements and procedures outlined in this bylaw.
- 3) Eligibility for OSRD Special Permit Approval
- a. **Applicability.** Special permits for OSRD Definitive Subdivisions are allowed in all residential districts.
 - b. **Minimum Size of Subject Property.** To be eligible for consideration for an OSRD Special Permit, the subject property shall contain a minimum of five (5) acres.

The Planning Board may waive this requirement if the land offers opportunities for contiguous open space and the Planning Board deems that the design satisfies the purpose and intent of this Bylaw.
 - c. **Contiguous Parcel.** The Planning Board may determine that two (2) or more parcels separated by a road or other man-made feature are "contiguous" for purposes of this section if they satisfy the purpose and intent of this Bylaw.
- 4) Pre-Application Conference
- a. **Pre-Application Conference.** The applicant is required to attend a pre-application conference, which may occur at one or more regular meetings of the Planning Board. The parties at the pre-application conference shall discuss the OSRD design process and criteria set forth in this Bylaw. The Planning Board shall invite to the pre-application conference the

Conservation Commission, Board of Health and any other Town officers or representatives whose input is deemed by the Planning Board to be necessary and in the Town's best interest. The purpose of a pre-application conference is to attempt to minimize the applicant's costs of engineering and other technical experts, and to discuss the proposal with the Planning Board at the earliest possible stage in the development.

- b. **Timetable.** At the pre-application conference, the applicant shall outline the proposed OSRD project and seek preliminary feedback from the Planning Board and/or its technical experts.
- c. **Technical Expert.** The Planning Board shall discuss engaging technical experts at the expense of the applicant to review the submittals required for the OSRD Special Permit.
- d. **Pre-Application Site Visit.** Prior to the Pre-Application Conference, the Planning Board may require a site visit in order to better understand the site and facilitate pre-application review of the OSRD proposal.
- e. **Pre-Application Conference Submittals** (*Voted ATM 5/10/2011; approved by AG 8/24/2011*)
 - 1. **Site Context Plan.** This plan shall identify the subject parcel in connection to its surroundings. Based on existing data sources (including all state and local natural resource maps such as the National Heritage Endangered Species Program Priority and Estimated Species maps), field inspections and the evaluation of the Norwell 2005 Master Plan Maps (including the "Natural Resources with Priorities" map) or those of any succeeding master plan, the Site Context Plan shall identify Primary and Secondary Conservation Areas, as described in Section F) within the proposed parcel and show all major natural resource areas or features, including those that cross parcel lines and those that are located on adjoining lands. All on-site local, state and federal regulatory resource boundaries and buffer zones shall be clearly identified. This plan will enable the Planning Board to understand the site in relation to adjacent properties.
 - 2. **Order of Resource Area Delineation (ORAD).** The applicant shall submit a valid ORAD from the Conservation Commission and still be responsible for maintaining said ORAD throughout the subdivision approval process.
 - 3. **Existing Conditions/Site Analysis Plan.** This plan shall identify all easements and visible features on the property. Based upon existing ORAD, data sources and field inspections, this plan shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include but are not limited to wetlands, vernal pools, wetland buffer zones, riverfront areas, floodplains, existing topography, slopes over twenty (20%) percent, mature non-degraded woodlands, trees over twelve (12) inches in diameter, hedgerows, farmland, unique or special wildlife habitats, historical or cultural features (such as old structures or stone walls), geologic formations, solar orientation and scenic views into and out from the property, and any other significant natural features. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap or conflict.
 - 4. **Enhanced NRCS Soils Map.** This map will identify the suitability of the soils and soil types for the stormwater treatment areas and, if proposed, the location of any communal or off-lot septic systems. All previously completed percolation test results, depth to

groundwater test holes and soil logs shall be shown on the map. The information depicted on Site Context Plan and the Existing Conditions/Site Analysis Plan may be consolidated onto the Enhanced NRCS Soils Map, if practical.

5. **Photographs.** Photographs of the site and significant resources shall accompany the pre-application conference submittals if the Planning Board requests them to garner a better understanding of the subject property.

5) Application for OSRD Special Permit and Submittals

- a. **Application.** An application for an OSRD Special Permit shall be submitted on the Norwell Planning Board "Form O." Seven (7) total copies of the application and the Yield Plan shall be required. In addition, the applicant shall also submit seven (7) copies of the Site Context Plan, the Existing Conditions/Site Analysis Plan and the Enhanced NRCS Soils Map, showing any changes requested during the Pre-Application Conference.

Whenever an application for an OSRD Special Permit is filed with the Planning Board, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan and other documentation with the Board of Health, Conservation Commission, Historical Commission, Building Inspector, Highway Department, Police and Fire for their consideration, review and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt by the reviewing party of all the required materials; failure of the reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five (35) day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five (35) day period. The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

- b. **Yield Plans.** Two yield plans shall be submitted to the Planning Board:

1. **Traditional Subdivision Yield Plan.** A Plan showing the layout of the maximum allowable number of house lots under the Planning Board Rules and Regulations for a traditional subdivision. The plan shall include an area of upland satisfactory to the Planning Board as a drainage parcel. (*revised ATM 5/5/2015, Article 42*)
2. **OSRD Yield Plan.** A Plan showing the layout of the maximum allowable number of house lots in an OSRD Definitive Subdivision. The maximum number of lots shall be calculated using the following approach: (*revised ATM 5/5/2015, Article 42*)

Determine total land area expressed in square feet, then

Subtract all wetland areas expressed in square *feet*, then

Multiply this subtotal by 0.9, then

Divide this subtotal by 43,560 (any non-integer number shall be rounded down the nearest integer)

The equation for this calculation is:

$(\text{Total land area} - \text{area of wetlands}) \times .9 / 43,560 = \text{allowable lots}$ *areas expressed in square feet

- c. **Development Plan.** The development plan shall bear the seal and certification of a registered Landscape Architect, or a multidisciplinary team of which one member is a registered Landscape Architect. The plan shall show the existing conditions of the subject parcel, identify the proposed open space and developable areas, and adhere to plan design components defined by Section 6 of this Bylaw.

The Landscape Architect shall include a brief narrative on the plan that describes the characteristics of the planned open space and how the planned development preserves grades, vegetation and natural features in the development areas.

The Development Plan shall also contain the information required for a Preliminary Subdivision Plan, as set forth in Section 5.0 of the Planning Board's most current Subdivision Rules and Regulations.

The Planning Board shall vote to formally acknowledge that the submitted Development Plan is substantially complete.

6) OSRD Development Plan Design

- a. **Design.** Applicants shall demonstrate to the Planning Board that the following OSRD design process was followed in determining the layout of proposed open space, streets and house lots:
1. Conservation Areas. First, Primary Conservation Areas (such as wetlands, riverfront areas and floodplains regulated by local, state and federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the potentially developable area will be identified and delineated. Land identified as potentially developable shall not be located in any Primary Conservation Areas, or to the maximum extent feasible, in any identified Secondary Conservation Areas.
 2. Locate House Sites. Locate the approximate sites of individual houses within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated community. The shared amenities should be located so that the number of homes enjoying the amenities shall be maximized.
 3. Align the Streets and Trails. Align the streets to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks and trails on and abutting the subject parcel.
 4. Lot Lines. Draw in the lot lines.

b. **Reduction of Dimensional Requirements.** In an OSRD development, the Planning Board may authorize a reduction in any of the Intensity of Use and Dimensional requirements in the Zoning Bylaw. The following standards shall apply:

1. Lot frontage shall not be less than fifty (50) feet.
2. Lot size shall not be less than one-half (1/2) acre of upland. No area within the fifty (50) foot wetlands buffer strip may be included in determining compliance with this requirement.
3. No building or structure shall be erected, placed or added so as to extend within twenty-five (25) feet of the front property line, nor within ten (10) feet of the side or rear property line.
4. No two (2) points on lot lines shall be less than fifty (50) feet apart except where the shortest distance between such points, measured along the perimeter of the lot, is less than or equal to one hundred fifty (150) feet.
5. Lot shall be exempt from Sections 2432 and 2450 of the Zoning Bylaw.
6. Only lots on the street to be created by the OSRD subdivision Special Permit are to benefit from the reduced area, setback and frontage requirements. No reductions of frontage, setbacks and area shall be allowed on any lot that fronts on an existing way not created via OSRD Special Permit.
7. The applicant shall submit a document outlining proposed methods of reducing the visual scale and massing of structures to create a development that adheres to the rural character of the town.

c. **Open Space Requirements.** A minimum of fifty (50%) percent of the upland on the subject property shown on the approved development plan shall be permanently protected as open space. Any proposed open space, unless conveyed to Norwell's Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually kept in an open state and be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner consistent with its intended purpose as open space.

1. The upland open space shall be contiguous. (*revised ATM 5/5/2015, Article 42*)

The Planning Board may waive the contiguous requirement for all or part of the required open space within the OSRD Definitive Subdivision where it is determined to the satisfaction of the Planning Board that allowing non-contiguous open space will promote the goals of this Bylaw and/or protect identified Primary and Secondary Conservation Areas.

2. The open space shall be used for wildlife habitat and conservation and any of the following additional purposes: historic preservation, recreation, walking trails, bike paths, view vistas, parklands, agriculture, horticulture, forestry or a combination of these uses. Whatever use is proposed shall be served by suitable access for such purposes. The Planning Board may allow open space uses not specified in this section if the Planning Board considers the use consistent with the purpose and intent of this Bylaw.

3. Disturbed Areas within Open Space: not more than one-half (1/2) of dedicated open space shall be disturbed or altered. A disturbed area is any land not left in its natural state. At the option of the Planning Board, other areas may be considered as contributing towards this requirement where the development plan includes the restoration of the area to a more natural condition, for example, where an abandoned gravel pit will be regraded and replanted with vegetation consistent with its surroundings.
4. Open space shall not include land set aside for the road's right-of-way.
5. Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the dedicated open space to be used for components of sewerage disposal systems serving the subdivision, when the Planning Board finds that such use will not be detrimental to the character or quality of the open space or wetlands. "Decentralized Cluster Wastewater Systems" or communal sewerage disposal systems shall not be allowed within the dedicated open spaces if they have mounding that does not comport with the surrounding grades.
6. Engineered drainage systems such as retention, detention and infiltration ponds, shall not be allowed within the open space except where specifically permitted by the Planning Board under Section 6.e.6. Underground infiltration systems or other low impact drainage systems (as defined by Section 6.f) shall be allowed within the open space subject to an agreement that the proposed road and drainage system will remain private in perpetuity.
7. Communal buildings and structures that are accessory to the open space shall not be allowed within the dedicated open space unless the Planning Board deems that their location therein satisfies the purpose and intent of this Bylaw.
8. Ownership of the Open Space: the open space shall, at the applicant's election and subject to the approval of the Planning Board, be conveyed to either the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed OSRD Definitive Subdivision. If conveyed to a trust, maintenance of such open space and facilities shall be permanently guaranteed by such trust, which shall provide for mandatory assessments for maintenance expenses for each lot and unit.
9. Maintenance Easement: if the open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.
10. The protected open space must be clearly delineated on the ground with permanent markers before any building permits are issued. The Planning Board may require the installation and maintenance of reasonable measures in order to delineate such areas and ensure that open space areas are not encroached upon by abutting lot owners.

- d. **Roadway Design and Construction.** Streets in OSRD Definitive Subdivisions shall adhere to the traditional subdivision requirements as set forth in the most recent Planning Board Rules and Regulations except as superseded by the following standards 1-5. (*revised ATM 5/5/2015, Article 42*)

The Planning Board reserves the right to waive strict compliance with any part of this section if the specific waivers comply with the purpose and intent of this Bylaw and are in the public's interest.

1. Street 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.
2. Dead-end Roads. Streets shall not exceed a maximum length of up to one thousand (1,000) feet measured from the centerline of the nearest intersecting through street to the end of the subdivision way (farthest extent of right-of-way).
3. Dead-end Road Length and Buffer. When OSRD dead-end roads exceed five hundred fifty (550) feet in length, measured from the centerline of the nearest intersecting through street to the end of the subdivision way, dedicated open space should be provided at a depth of one hundred (100) feet, along the entire length of the existing street from which the subdivision derives its frontage.

When OSRD dead-end roads do not exceed five hundred fifty (550) feet in length, dedicated open space should be provided at a depth of twenty-five (25) feet, along the length of the existing street from which the subdivision derives its frontage.

4. Cross Section. Typical subdivision cross-section requirements as set forth in the most recent Planning Board Rules and Regulations shall apply with the exception that dead-end roads shall have a minimum 24 foot width with a 12 inch berm.
 5. Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate. The Planning Board will strongly encourage that such amenities be designed so as to link to like facilities adjacent to the subject parcel. If no such facilities exist and the property abuts land that may be further developed in the future, the Planning Board may require that a reserve access strip be created to facilitate connection to future developments.
- e. **Screening, Landscaping and Buffer Areas.** In addition to the stated requirements elsewhere in the Zoning Bylaw, the following shall be required for OSRD Definitive Subdivisions.
1. All surface stormwater management facilities shall be accompanied by landscape plan, signed and sealed by a registered Landscape Architect. The landscape plan shall screen surface stormwater management facilities from both dwelling and roadside views.

2. Roadside and Adjacent Property Buffer Areas. A vegetated buffer is required along the entire length of existing ways abutting the proposed subdivision as per §6.d.3. The subdivision roadway may cross such buffer areas.

A vegetated buffer of a depth of at least seventy-five (75) feet is required along developed residential property adjacent to the subdivision.

None of the existing vegetation in these buffer areas should be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project.

The Planning Board may waive this buffer requirement when it determines that doing so is not inconsistent with the purpose and intent of this Bylaw. The Planning Board may require additional plantings in a buffer area if the existing vegetation does not provide adequate screening.

3. Resource Buffer Areas. A natural vegetated buffer at least one hundred (100) feet deep shall be preserved along ponds, wetlands, vernal pools, streams and riverfront areas on or adjacent to the property. The Planning Board may waive this buffer requirement when it determines that doing so is not inconsistent with the purpose and intent of this Bylaw.
 4. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree cutting and the alteration of natural grades. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.
 5. The removal, disturbance or disruption of historic or cultural structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties. If such elements exist, the applicant shall submit a narrative explaining how said interests are being preserved or how removal, disturbance or disruption is being minimized.
 6. Subject to the approval of the Planning Board, wastewater and stormwater management systems may be located within buffer areas.
- f. **Stormwater Management.** The Planning Board encourages the use of non-structural stormwater management techniques such as swales, bio-retention areas, rain gardens and other Low Impact Development drainage techniques that reduce impervious surface and promote groundwater recharge. Drainage requirements for OSRD Definitive Subdivisions shall meet the requirements of the Planning Board's Rules and Regulations and current DEP Stormwater Management Requirements.

The approximate number and location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan. A narrative explanation prepared by a certified Professional Engineer proposing systems for stormwater drainage and its likely impacts on-site and to any abutting parcels of land shall be submitted in the application.

- g. **Utilities.** Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. A narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems to be utilized by the development.

A narrative explanation prepared by a certified Professional Engineer shall detail the proposed drinking water supply system.

- h. **Site Visit.** Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the project review process. The applicant and/or its agents shall accompany the Planning Board and/or its agent if a site visit was not performed during the pre-application process.
- i. **Compliance with Rules and Regulations.** OSRD Definitive Subdivision Plans shall adhere to all of the Planning Board's current Rules and Regulations unless provisions of such regulations are specifically addressed within this Bylaw.

7) Decision of the Planning Board: OSRD Special Permit

- a. **Special Permit Approval.** The Planning Board will hold a public hearing within sixty-five (65) days of receiving an OSRD Special Permit and acknowledged Development Plan and approve, approve with conditions, or disapprove an OSRD Special Permit within ninety (90) days of said public hearing in accordance with M.G.L. Chapter 40A, Section 9. Upon the written mutual agreement of the applicant and the Planning Board, the ninety (90) day Special Permit decision period may be extended at any time. The OSRD Special Permit Decision and the corresponding Development Plan shall be filed with the Town Clerk and the decision shall be provided to the applicant via regular mail. Upon receipt of the Planning Board's written decision regarding the Development Plan, the applicant may submit an OSRD Definitive Subdivision Plan. Planning Board approval of an OSRD Special Permit requires that any OSRD Definitive Subdivision Plan be substantially compliant with the Special Permit and corresponding Development Plan.
- b. **Waivers.** The Planning Board may vote on any or all waivers requested by the applicant that the Planning Board is given the authority to waive under this OSRD bylaw. Remaining waiver requests shall be addressed in the Definitive Subdivision decision. (*amended ATM 5/5/2015, Article 42*)
- c. The Planning Board may approve the OSRD Special Permit if it finds that the proposed development has less detrimental impact on the subject property and the abutting neighborhood than a conventional definitive subdivision, after considering the following factors:
 - 1. The Development Plan achieves greater flexibility and creativity in the design of residential developments than a conventional subdivision.
 - 2. The Development Plan promotes permanent preservation of open space, agricultural land, forestry land, and other natural resources including water bodies and wetlands, and historical and archeological resources.
 - 3. The Development Plan promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.
 - 4. The Development Plan reduces the total amount of disturbance land on the site.

5. The Development Plan furthers the goals and policies of Norwell's Open Space and Master Plan.
 6. The Development Plan facilitates the construction and maintenance of streets, utilities and public service in a more economical and efficient manner.
 7. The Development Plan facilitates the construction and maintenance of trails along with connections to existing or planned trails within the town to enhance the pedestrian experience.
 8. The Development Plan complies with the purpose and intent and design standards in this Bylaw.
 9. No waiver requests have been denied by the Planned Board. (**amended ATM 5/5/2015, Article 42**)
- d. Any OSRD Special Permit approval must be followed by the submittal of an OSRD definitive subdivision plan in accordance with the Norwell Planning Board's Rules and Regulations. The OSRD Definitive Subdivision Plan shall not be approved unless the plan is substantially consistent with the approved Development Plan. A determination of substantial inconsistency will be based on the following conditions:
1. An increase in the number of building lots;
 2. A material decrease in the open space acreage or lot layout;
 3. A material change in the general development pattern which adversely affects natural landscape features and open space preservation.
 4. Material changes to the stormwater or wastewater management facilities.
- e. The Planning Board may modify an existing OSRD Special Permit when the subsequent OSRD Definitive Subdivision Plan, in the opinion of the Planning Board, more fully satisfies the purpose and intent of this Bylaw. The Planning Board may also require that the Development Plan be modified so as to comply with the material changes identified by the Planning Board before the modified OSRD Special Permit is approved.
- f. The Planning Board, in its discretion, shall have the authority to adopt rules and regulations consistent with this Bylaw.
- g. If any provision of this Bylaw, in whole or part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision found invalid. In all other aspects, all provisions of this Bylaw will remain in full force.

4900. Adult Entertainment Overlay District (*Voted at STM 12/17/2001, Art. 1 and 2*)

4910. Purpose. It is the purpose and intent of this Bylaw to address and mitigate the secondary effects of the adult uses referenced herein, which include but are not limited to increased crime, adverse impacts on public health, safety and welfare, decreased property values and neighborhood blight, all of which have been relied upon in considering the enactment of the Bylaw.

The provisions of this Bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials unless such matter is prohibited by state or federal law. Similarly, it is not the purpose or intent of this Bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

4920. There is hereby created an Adult Entertainment Overlay District (AEOD):

Adult Bookstores;

Adult Motion Picture Theatres;

Adult Paraphernalia Stores;

Adult Video Stores; and

Establishments Which Display Live Nudity.

As those terms are defined in M.G.L. Chapter 40A, Section 9A, as amended, and sexually-oriented businesses, hereinafter referred to as "adult entertainment establishments," are prohibited in **ALL** zoning districts except as allowed in the Adult Entertainment Overlay District (AEOD) upon the grant of a special permit by the Board of Appeals, in accordance with Section 1400, as modified by this Section 4900, following Site Plan Review in accordance with Section 1500.

4930. Applicability. The AEOD shall be construed as an overlay district. All requirements of the underlying district(s) shall remain in full force and effect, except where the requirements of the AEOD are more restrictive or provide for uses or structures not otherwise available in the underlying district. In such cases, the requirements of the AEOD shall supersede the underlying zoning regulations upon the issuance of a Special Permit from the Board of Appeals.

4940. Adult Entertainment Overlay District. The AEOD shall include that portion of the land within Business District C-1, described in Section 6510, which is situated between a line which runs two hundred (200) feet from, and parallel to, the southeasterly side of Pond Street and an easterly boundary line which runs one thousand (1,000) feet from, and parallel to, the boundary line between Residence "B" and Business "C-1" aforesaid, shown as the AEOD Overlay District (as designated on the Town Zoning Map), and made a part thereof.

4950. Special Permit Requirements and Conditions

A. **Special Permit.** No adult entertainment establishment shall commence operations without first applying for and receiving a Special Permit from the Board of Appeals.

B. **Conditions.** The following conditions shall be attached to any Special Permit for adult entertainment establishments:

1. Special Permits granted under Section 4900 shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.
2. Special Permits issued under Section 4900 shall be for a period of three (3) years from the date of the decision. It shall be renewed for successive three (3) year periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three (3) year period.

Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application.

The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the Special Permit renewal. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operation and additional screening, upon which a specific lapse of time without correction or compliance shall result in a revocation of the permit.

3. No adult entertainment establishment shall be located within one hundred fifty (150) feet of a place of worship, school or day care center.
4. No adult entertainment establishment shall be located within five hundred (500) feet of another adult entertainment establishment.
5. With the exception of an adult motion picture theater, adult entertainment establishments may not exceed three thousand (3,000) square feet of usable floor area.
6. Hours of operation for any adult entertainment establishment shall be established by the Board of Appeals.
7. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private right of way or abutting property.
8. No adult entertainment establishment may have any flashing lights visible from the exterior of the premises.
9. Appearance of buildings for adult uses shall be consistent with the appearance of buildings in similar (but not specifically "adult") use in Norwell, not employing unusual color or building design, which would attract attention to the premises.
10. Exterior signs shall identify the name of the establishment but shall not contain any other advertisement or information.

11. Special Permits shall be granted only after a determination by the Board of Appeals that the location and design of the facility are in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not, in any way, involve minors.

C. Procedural Requirements for Special Permits

1. Special Permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant.
2. The Board of Appeals shall act within ninety (90) days following a public hearing for which notice has been given by publication or posting and by mailing to all parties in interest. Failure by the Board of Appeals to take final action upon an application for a Special Permit within said ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for.
3. A Special Permit granted under this section shall lapse within two (2) years, including such time required to pursue or await the determination of an appeal as referred to in M.G.L. Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if such construction has not begun by such date except for good cause.
4. Any Adult Entertainment Establishment Special Permit issued under this section shall require that the owner of such business shall supply on a continuing basis to the Building Inspector and Zoning Enforcement Officer any change in the name of the record owner or address or any change in the name of the current manager; and that failure to comply with this provision shall result in the immediate revocation of such Special Permit. If anyone so identified is or has been convicted of violating M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272, Section 28 or Section 31 or is listed on the Sex Offender Registry, such Special Permit shall be immediately null and void.
5. Any existing adult entertainment establishment shall apply for such a Special Permit within ninety (90) days following the adoption of this Section 4900.
6. No Adult Entertainment Establishment Special Permit shall be issued under this section, become valid or in full force and effect until and unless the owner of the property containing such adult entertainment establishment shall supply to Board of Appeals a notarized statement agreeing to all terms and conditions of said Adult Entertainment Establishment Special Permit.
7. No Adult Entertainment Establishment Special Permit shall be effective until the expiration of any applicable appeal period under M.G.L. Chapter 40A, Section 17.

- D. Statutory Prohibition.** No Special Permit under Section 4900 shall be issued to any person convicted of any violation under M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272, Section 28 or Section 31.

4960. Application Information

- A. Name and address of the legal owner of the establishment;
- B. Name and address of all persons having lawful equity or security interests in the establishment;
- C. Name and address of the manager;
- D. Number of employees;
- E. Proposed provisions for security within and without the establishment;
- F. The physical layout of the interior of the establishment;
- G. Design of proposed signs;
- H. Proposed design of building exterior;
- I. Plan of proposed parking and exterior lighting;
- J. Plan of proposed screening.

4970. Severability. The invalidity of any part, section or provision of this Section 4900 shall not invalidate any other part, section or provision therein.

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. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future.

Above Ground Level (AGL): (*STM 12/8/1997*) A measurement of height from the natural grade of a site to the highest point of a structure.

Accessory Building: A building devoted exclusively to a use subordinate to and customarily incidental to the principal use.

Accessory Sign: Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereof or advertises the property itself or any part thereof as for sale or rent and which contains no other matter.

Accessory Use: A use subordinate to and customarily incidental to the principal use.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Paraphernalia Store. An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Antenna: (*STM 12/8/1997*) The surface from which wireless radio signals are sent and received by a personal (*ATM 12/1/2003*) wireless service facility.

Body Art: Means the practice of physical body adornment by permitted establishments and practitioners using the following techniques: body piercing, tattooing and cosmetic tattooing. Extreme forms of body art, such as, but not limited to, branding, cutting, braiding and scarification shall not be permitted. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment or Establishments: Means a business where the practices of body art are performed. (*ATM 5/15/2001*)

Building (in part or parts thereof): A combination of any materials, whether portable or fixed, having a roof to form a structure for the shelter of persons, animals or property. Roof shall include an awning or any similar covering whether or not permanent in nature.

Camouflaged: (*Amended STM 12/1/2003*) A personal wireless telecommunications facility is considered "camouflaged" if it is disguised, hidden or made to appear as an architectural component of an existing or proposed structure, the use of which is otherwise permitted under the Zoning Bylaws of the Town of Norwell. No personal wireless telecommunications facility attached to an existing structure shall be deemed "camouflaged" for the purposes of this Bylaw where it extends more than ten (10) feet above the height of a structure nor horizontally more than ten (10) feet beyond the face of any exterior sidewall or the exterior of any surface of a structure with no sidewalls. Antennas or other components of a personal wireless telecommunications facility situated within a free standing personal wireless telecommunications facility shall not be considered "camouflaged" for the purpose of this Zoning Bylaw.

Carrier: (*STM 12/8/1997*) A company that provides wireless services.

Co-Location: (*STM 12/8/1997*) The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one (1) carrier.

Concealed: (*Amended STM 12/1/2003*) A personal wireless telecommunications facility is considered "concealed" if it is entirely contained within the architectural features of an existing or proposed structure the use of which is otherwise permitted under the Zoning Bylaws of the Town of Norwell.

Cross-Polarized (or Dual-Polarized) Antenna: (*STM 12/8/1997*) A low mount that has three (3) panels flush-mounted or attached very close to the shaft.

Dwelling: Any fixed structure containing one or more dwelling units, but not including hotels, motels, boarding houses or structures solely for transient or overnight occupancy.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family including provisions for living, sleeping, cooking and eating.

Elevation: (*STM 12/8/1997*) The measurement of height above sea level.

Environmental Assessment (EA): *STM 12/8/1997* An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

Equipment Shelter: (*STM 12/8/1997*) An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Establishment Which Displays Live Nudity: Establishment which provides live entertainment for its patrons, which includes the display of nudity, as that there is defined in M.G.L. Chapter 272, Section 31.

Fall Zone: (*STM 12/8/1997*) The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Floor Area, Gross: The sum of the area of the several floors of each building on a lot including areas used for, or available for conversion to, human occupancy in basements, attics and penthouses, as measured from the exterior faces of the walls.

Floor Area, Net: Gross floor area less areas for incidental storage, mechanical or heating equipment, rest rooms, stairways, corridors and space for services incidental to the operation or maintenance of the building.

Frontage: A continuous and uninterrupted portion of a sideline of a way, public or private, between the sidelines of a lot in common ownership and in the case of a corner lot, between a sideline of such lot and the intersection of sidelines of ways or the midpoint of the curve connecting such sidelines.

Functionally Equivalent Services: (*STM 12/8/1997*) Cellular, Personal Communication Services (PCS), Enhanced Special Mobile Radio, Specialized Mobile Radio and Paging.

Funeral Establishment: (*ATM 5/11/2010, Article 37*) One or more buildings upon a single lot used for the profession of funeral directing, in accordance with GL Chapter 40A, Section 6, Clause 1 and GL Chapter 112, Section 83 funeral establishment certificate, inclusive of the alteration and use of one such building for the personal residence of the Board of Registration licensed funeral director, and his or her family, during his or her term of service as such licensed funeral director.

Ground mounted solar photovoltaic installations: (*ATM 5/5/2015, Article 31*) Installations not located on the roof of a *building* as defined by Article V of the zoning by-law.

Small scale ground mounted solar photovoltaic installations: Ground mounted solar photovoltaic installations that contain solar modules of 500 square feet or less (calculation is based on combined square footage of all ground-mounted modules located on a lot).

Medium scale ground mounted solar photovoltaic installations: Ground mounted solar photovoltaic installations that contain solar modules of greater than 500, but less than 43,560 square feet (calculation is based on combined square footage of all ground-mounted modules located on a lot).

Large scale ground mounted solar photovoltaic installations: Ground mounted solar photovoltaic installations that contain solar modules of greater than 43,560 square feet (calculation is based on combined square footage of all ground-mounted modules located on a lot).

Groundwater Recharge: As defined in the Massachusetts Department of Environmental Protection (MA DEP) and Massachusetts Office of Coastal Zone Management (MA CZM) Stormwater Management Technical Handbook of March 1997.

Groundwater Recharge is defined on Page A-5 of Volume Two of the above-referenced handbook as: "The return of water to an underground aquifer by either natural or artificial means such as exfiltration of a BMP."

Guyed Tower: (*STM 12/8/1997*) A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Height: The vertical distance above the average grade adjoining the building or surrounding the structure to the ridgeline of the building.

Lattice Tower: (*STM 12/8/1997*) A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

Licensed Carrier: (*STM 12/8/1997*) A company authorized by the FCC to construct and operate a commercial mobile radio services system.

Lot: A single area of land in one ownership throughout defined by metes or bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

Lot Corner: A lot at the point of intersection of, and abutting on, two (2) or more intersecting streets, the angle of intersection of the street lines or, in the case of a curved street, street lines extended, being not more than one hundred thirty-five (135) degrees.

Medical Marijuana Treatment Center or similar facility: (*ATM 5/6/2013, revised ATM 5/5/2014*) A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Monopole: (*STM 12/8/1997*) The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

Motor Home: A vehicle with motive power designed for sleeping or living quarters for one or more persons, which is not a dwelling.

Mount: *(STM 12/8/1997)* The structure or surface upon which antennas are mounted, including the following four (4) types of mounts.

1. Roof-Mounted: Mounted on the roof of a building
2. Side-Mounted: Mounted on the side of a building
3. Ground-Mounted: Mounted on the ground
4. Structure-Mounted: Mounted on a structure other than a building

Omni-Directional (WHIP) Antenna: *(STM 12/8/1997)* A thin rod that beams and receives a signal in all directions.

Panel Antenna: *(STM 12/8/1997)* A flat surface antenna usually developed in multiples.

Person: An individual, corporation, society, association, partnership, trust or other entity, public or private.

Personal Wireless Service Facility: *(STM 12/8/1997)* Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

Personal Wireless Services: *(STM 12/8/1997)* The three (3) types of services regulated by this Bylaw.

Public Utility: *(STM 12/8/1997)* A public service corporation either private or municipal, supplying or transmitting gas, water, electricity or communications to any or all members of the public and subject to federal, state or town regulations by virtue of its natural or legal monopoly, except for a corporation or other business enterprise which provides cellular telephone service, personal communication services or enhanced specialized mobile radio services to any or all members of the public.

Radio-Frequency (RF) Engineer: *(STM 12/8/1997)* An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Radio-Frequency Radiation (RFR): *(STM 12/8/1997)* The emissions from personal wireless service facilities.

Security Barrier: *(STM 12/8/1997)* A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Separation: *(STM 12/8/1997)* The distance between one carrier's array of antennas and another carrier's array.

Setback-- Front, Side and Rear: The minimum horizontal distance from a street line or lot line, as the case may be, to any part of a building or structure, excluding overhang three (3) feet or under, bulkheads or fences.

Sign: Any privately owned permanent or temporary device, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag or representation used as or which is in the nature of an advertisement, announcement or direction which is on a public way or on private property within public view of a public way.

Sign—Area of:

- a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting or bracing.
- b) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- c) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.
- d) In computing the area of a signs, only one side of back-to-back signs shall be counted.

Stormwater: (*Voted at ATM 5/9/2006, Article 16*) Stormwater shall mean water that collects as a result of precipitation, including rainfall, sleet, hail, snow or snowmelt.

Stormwater Runoff: (*ATM 5/9/2006*) Stormwater runoff shall mean water that moves as a result of precipitation, including rainfall, sleet, hail, snow or snowmelt.

Stormwater Basin: (*ATM 5/9/2006*) A stormwater basin shall mean any surface or subsurface drainage system that is designed to collect, slow, infiltrate or otherwise control stormwater or stormwater runoff or a combination of stormwater and stormwater runoff.

Stormwater Management System: (*ATM 5/9/2006*) A stormwater management system shall mean any structure or equipment or use of land, including any natural or pre-existing condition or any artificial condition, which is used or to be used to control stormwater or stormwater runoff in order to prevent same from running onto adjacent land or into the Town’s Stormwater Management System. A stormwater management system shall include any and all of the following elements:

Any structure or other natural or artificial collection device that is used to collect or slow stormwater or stormwater runoff, including any catch basin, drywell, French drain and any stormceptor of other similar device;

Any stormwater basin;

Any side slope for a surface stormwater basin;

Any galley for an underground stormwater basin which is designed to hold or hold and then disperse stormwater or stormwater runoff;

Any connecting pipe between a collecting structure and a stormwater basin;

Any connecting pipe between a stormwater basin and an outfall structure;

Any outfall structure, consisting of riprap or crushed stone of any type, which is designed to slow or otherwise control the progress of stormwater or stormwater runoff from one point to another;

Any berm, channel, culvert, ditch, gutter, pipe or swale, whether natural or artificial, which is designed or used to conduct stormwater or stormwater runoff;

Any berm, channel, culvert, ditch, gutter, pipe or swale, whether natural or artificial, which is designed or used to slow, disperse or infiltrate stormwater or stormwater runoff;

Any access roadway or access easement which is designed to allow access for persons, vehicles or equipment to or from any portion of a stormwater management system in order to provide access for inspection, maintenance (which shall include mowing and other similar landscaping activities) repairs or replacement; and

Any easement area reserved to provide for the expansion or replacement of any element of a stormwater management system.

Town Stormwater Management System: *(ATM 5/9/2006)* The Town Stormwater Management System shall include any portion of the stormwater drainage system maintained by the Town of Norwell in order to collect, conduct, disperse, infiltrate, slow or otherwise control stormwater or stormwater runoff that is generated by or from:

Any Town-owned or Town-used property;

Any public way accepted by the Town;

Any non-public roadway that is maintained by the Town;

Any berm, channel, culvert, ditch, gutter, pipe or swale, whether natural or artificial, owned, that is used or maintained by the Town;

Any catch basin, drywall, French drain and outfall structure that is owned, used or maintained by the Town;

Any stormwater basin owned or maintained by the Town; and

Any drainage easement area that is owned, maintained or used by the Town to collect or otherwise control stormwater or stormwater runoff.

Story: That part of a building between any floor, other than a basement, and the floor or roof next above.

Half-Story: That part of a building under a sloping roof where the full-length rafters rest on the top beam of the story below.

Street or Way: Any public way or any private way shown on a plan approved under the provisions of the subdivision control law or in existence when the provisions of said subdivision control law became effective in the Town of Norwell, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including tennis courts, and an artificial or a constructed swimming pool having a depth of water of two (2) feet, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than sixty-four (64) square foot ground coverage and a height of less than seven (7) feet.

Trailer: A vehicle without motive power, designed to be and capable of being towed, including but not limited to a utility trailer, storage or box trailer, boat trailer, horse trailer, tent trailer and mobile home.

ARTICLE VI

DESCRIPTION OF DISTRICTS

6100. Residential District A

Residential District A shall include all the land, except Business District A, east of a line starting at the Norwell-Hanover town line marker on Main Street at Jacobs Lake and running northerly to a point on Grove Street one thousand (1,000) feet west of the westerly way line of Prospect Street, thence running northerly to a point on the Norwell-Hingham town line one thousand (1,000) feet west of the westerly way line of Prospect Street, and east of extension thereof northerly and southerly.

6200. Residential District B

Residential District B shall include all the land, except Business District B and Business District C west of a line starting at the Norwell-Hanover town line marker on Main Street at Jacobs Lake and running northerly to a point on Grove Street, one thousand (1,000) feet west of the westerly way line of Prospect Street thence running northerly to a point on the Norwell-Hingham town line, one thousand (1,000) feet west of the westerly way line of Prospect Street.

6300. Business District A

Business District A shall include all land within the following boundaries: Beginning at the intersection of the easterly way line of River Street and the northwesterly way line of Dover Street, due east to a point three hundred (300) feet from the southeasterly way line of Dover Street; thence, parallel to the southeasterly way line of Dover Street and three hundred (300) feet therefrom to a point due south of the intersection of the northerly way line of Dover Street and the southerly way line of Main Street; thence, due north to a point three hundred (300) feet from the northerly way line of Main Street; thence, westerly parallel to the northerly way line of Main Street, and three hundred (300) feet therefrom, to Central Street; thence, southerly along the easterly way lines of Central and River Streets to a point of beginning.

6400. Business District B

Business District B shall include all the land shown as B1, B2, B3, B4, B5, B6, B7, B8, on map entitled "Zoning Map of Norwell, September, 1959, revised June 21, 1972 and March 20, 1980" and described as follows:

6410. Business District B1. Starting at the southwesterly way line of Washington Street at the Hanover-Norwell town line, thence northwesterly by the southwesterly way line of Washington Street to the southeasterly lot line of the Washington Street Cemetery; thence, southwesterly in the southeasterly lot line of the Washington Street Cemetery; and thence, on the same course to the Hanover-Norwell town line, thence easterly by the Hanover-Norwell town line to the point of beginning.

6420. Business District B2. Starting at a point in the southwesterly way line of Washington Street at the northwesterly corner of the Washington Street Cemetery; thence, southwesterly by the northwesterly property line of the Washington Street Cemetery to a point two hundred (200) feet

from the southwesterly way line of Washington Street measured at a right angle therefrom; thence northwesterly by a line two hundred (200) feet southwesterly from the southwesterly way line of Washington Street and parallel thereto to a point two hundred (200) feet southwesterly from the southwesterly way line of Washington Street at *Station 69 plus 45 (approximate northerly property boundary of Frederick H. and Edith M. Hall shown on the 1959 Assessor's records) measured at a right angle therefrom; thence southwesterly one hundred (100) feet to a point three hundred (300) feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly by a line three hundred (300) feet southwesterly from a southwesterly way line of Washington Street and parallel thereto to a point three hundred (300) feet southwesterly from the southwesterly way line of Washington Street at *Station 40 plus 55 (approximate northerly property bound by Elmer G. and Irene T. MacDonald as shown on 1959 Assessor's records) measured at a right angle therefrom; thence, northeasterly to the southwesterly way line of Washington Street at *Station 40 plus 55; thence, southeasterly by the southwesterly way line of Washington Street to the point of beginning.

6430. Business District B3. Starting at the intersection of the northerly way line of Oak Street and the southwesterly way line of Washington Street; thence, westerly by the northerly way line of Oak Street to a point three hundred (300) feet westerly from the southwesterly way line of Washington Street measured at right angles therefrom; thence, northwesterly by a line three hundred (300) feet from the southwesterly way line of Washington Street and parallel thereto to the easterly way line of High Street; thence, by the easterly way line of High Street to the southwesterly way line of Washington Street; thence, by the southwesterly way line of Washington Street to the point of beginning.
6440. Business District B4. Starting at the intersection of the southwesterly way line of Washington Street and the westerly way line of High Street; thence, southerly by the westerly way line of High Street to a point five hundred (500) feet from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly by a line five hundred (500) feet southwesterly from the southwesterly way line of Washington Street and parallel thereto to a point in the Norwell-Hingham town line five hundred (500) feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northeasterly by the Norwell-Hingham town line, to the southwesterly way line of Washington Street; thence, southeasterly by the southwesterly way line of Washington Street to the point of beginning; also to include the entirety of Lot 15, Block 17 on the easterly side of Pond Street, as show on Sheets 5D and 11B of the Atlas of the Town of Norwell.
6450. Business District B5. Starting at a point in the northeasterly side line of Washington Street, at the intersection of the Hingham-Norwell town line thence in a northeasterly direction, by the Hingham-Norwell town line, to a point, which is one thousand (1,000) feet measured at right angles therefrom from the sideline of said Washington Street, thence in a southeasterly direction and parallel to the northeasterly sideline of said Washington Street to a point, (and land shown on the Atlas of the Town of Norwell but including Lot 43 shown on the Town of Norwell Assessor's Map, Sheet 5D, Block 12) shown as Lot 25, Block 12, Sheet 5D, thence in a southerly direction nine hundred fifty and 80/100 (950.80) feet, by Lots 25, 39, 40, 41, 42 and 43, shown on Block 12, Sheet 5D northerly sideline of Grove Street, thence a southwesterly direction by said Grove Street to its intersection with the northeasterly sideline of said Washington Street, thence in a northwesterly direction, by the northeasterly sideline of said Washington Street to the point of beginning.
6460. Business District B6. Starting at the intersection of the northeasterly way line of Washington

Street and the southeasterly way line of Grove Street; thence, northeasterly by the southeasterly way line of Grove Street to a point five hundred (500) feet from the northeasterly way line of Washington Street measured at right angles therefrom; thence, southeasterly by a line five hundred (500) feet from the northeasterly way line of Washington Street and parallel thereto to a point five hundred (500) feet northeasterly from the northeasterly way line of Washington Street at *Station 74 plus 90 (approximate southerly property boundary of Helene L. Hall as shown on 1959 Assessor's records) measured at a right angle therefrom; thence, southwesterly to the northeasterly way line of Washington Street at *Station 74 plus 90; thence northwesterly by the northeasterly way line on Washington Street to the point of beginning.

6470. Business District B7. Starting at a point in the northeasterly way line of Washington Street at *Station 86 plus 18 (approximate northerly property line of Pilgrim Motel & Realty Co., Inc., as shown on 1959 Assessor's records); thence, northeasterly to a point four hundred (400) feet northeasterly from the northeasterly way line of Washington Street measured at right angles therefrom; thence, southeasterly by a line four hundred (400) feet from the northeasterly way line of Washington Street and parallel thereto to a point four hundred (400) feet northeasterly from the northeasterly way line of Washington Street at *Station 99 plus 08 (approximate southerly property line of Edward F. and Helen M. Farmer as shown on 1959 Assessor's records) measured at a right angle therefrom; thence, to the northeasterly way line of Washington Street at *Station 99 plus 08; thence, by the northeasterly way line of Washington Street to the point of beginning.

6480. Business District B8. Starting at a point in the northeasterly way line of Washington Street at *Station 107 plus 25 (approximate southerly property line of Ralph G. and Edith F. Lambert as shown on the 1959 Assessor's records); thence, northeasterly to a point four hundred (400) feet from the northeasterly way line of Washington Street measured at a right angle therefrom; thence, by a line four hundred (400) feet from the northeasterly way line of Washington Street and parallel thereto to a point at the Hanover-Norwell town line; thence, by the Hanover-Norwell town line to the northeasterly way line of Washington Street; thence, by the northeasterly way line of Washington Street to the point of beginning.

(*Station refers to the center line distance as shown on the Massachusetts State Highway Layout Plans dated November 18, 1919 and as altered and laid dated December 29, 1931 and recorded Plymouth Country Registry of Deeds. Stations are one hundred (100) feet apart and start at the Hingham-Norwell town line.)

6500. Business District C

Business District C shall include all the land shown as C1, C2, C3 on map entitled "Zoning Map of Norwell, September, 1959, revised June 21, 1972 and March 20, 1980" and described as follows:

6510. Business District C1. Beginning at the intersection of the southeasterly way line of Pond Street and the Norwell-Rockland town line; thence, southerly in the Norwell-Rockland town line to its intersection with the northeasterly way line of the Southeast Expressway; thence, southeasterly in the northeasterly way line of the Southeast Expressway to a point four hundred seventy-five (475) feet southwesterly from the center line of High Street measured at a right angle therefrom; thence, generally northwesterly and northerly in a line four hundred seventy-five (475) feet from the center line of High Street and parallel thereto to a point in the southwesterly line of Zone Area B-4, which is five hundred (500) feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly in the southwesterly line of Zone Area B-4 to its intersection with the southeasterly way line of Pond Street; thence, southwesterly in the southeasterly way line of Pond Street to its intersection with the Norwell-

Rockland town line at the point of beginning; also to include Lots 1, 2, 3, 4, 5, 6, Block 16 on the westerly side of Pond Street as shown on Sheets 5C and 5D as shown on the Atlas of the Town of Norwell.

6520. Business District C2. Starting at a point in the southwesterly way line of the Southeast Expressway, and in the westerly boundary line of the towns of Norwell and Rockland; thence, running southeasterly by the southwesterly way line of the Southeast Expressway, a distance of approximately three thousand two hundred eight (3280) feet to the northwesterly corner of Lot 14; thence, turning and running southerly by the westerly property line of Lot 14 to the southwesterly corner of Lot 14; thence, turning and running easterly by the southerly property lines of Lots 14 and 13 to the northwesterly corner of Lot 12; thence, turning and running southerly by the westerly property lines of Lots 12 and 11 to the southwesterly corner of Lot 11; thence, running southerly in a straight line, through Lots 10 and 9 to the northwesterly corner of Lot 8; thence, running southerly by the westerly property line of Lot 8 to the southwesterly corner of Lot 8; thence, turning and running easterly in the southerly property line of Lot 8 to a point in the westerly way line of High Street; thence, turning and running southerly by the westerly way line of High Street to the northeasterly property corner of Lot 7; thence, turning and running westerly by the northerly property line of Lot 7 to the northwesterly corner of Lot 7; thence, turning and running southerly by westerly property line of Lot 7 to a point in the Norwell-Hanover town line; thence, turning and running westerly by the Norwell-Hanover town line; thence, turning and running westerly by the Norwell-Hanover town line to a stone monument marking the Norwell-Hanover-Rockland corner; thence, turning and running northerly by the Norwell-Rockland town line to the point of beginning. The lot numbers referred to above are all shown on the Atlas of the Town of Norwell Assessors' Map, Sheet R-17, Block 18. Also including Lot 2 consisting of 1.904 acres situated on the westerly side of High Street and the southerly side of Longwater Drive, as shown on a plan entitled "Plan of Land in Norwell, Mass.," Loring H. Jacobs, 293R Washington Street, Norwell, Mass., dated July 26, 1983 and recorded in the Plymouth County Registry of Deeds, Plan Book 23, Page 1164, which is a portion of Lot 7, Block 18, Sheet R-17 as shown on the Atlas of the Town of Norwell.

6530. Business District C3. Beginning at the intersection of the southwesterly way line of the Southeast Expressway and the northwesterly way line of South Street; thence, southwesterly in the northwesterly way line of South Street to its intersection with the northerly way line of Mill Street; thence, westerly in the northerly way line of Mill Street to its intersection with the thread of Third Herring Brook which is also the Norwell-Hanover town line; thence, in a generally northwesterly direction in the thread of Third Herring Brook which is the Norwell-Hanover town line to the intersection with the southwesterly way line of the Southeast Expressway to its intersection with the northwesterly way line of South Street at the point of beginning.

6600. The Wireless Facility Overlay District (STM 12/8/1997)

Includes those portions of Business District C described in Sections 6510 and 6520 of the Zoning Bylaw. The district shall also include the Norwell High School Property, South Street, as shown on Assessor's Map, Block 53, Lot 35 and described in a deed dated December 29, 1970; Book 3641, Page 499, in the Plymouth County Registry of Deeds. *(Wording corrected describing Wireless Facility Overlay District by Janice M. Lawson, Town Clerk, 1/8/2007)*

6700. Village Overlay District (Voted ATM 5/25/1999, Article 14; Voted ATM 5/25/1999, Article 15, to designate the following parcel of land as within the Village Overlay District)

The parcel of land, containing forty-five (± 45) plus/minus acres, having frontage on Circuit Street as shown as a Plan of Land prepared for the Town of Norwell by Modern Continental Enterprises, dated May 14, 1999 (former Donovan property).

6800. Adult Entertainment Overlay District (AEOD) (*Voted STM 12/17/2001*)

The AEOD shall include that portion of the land within Business District C-1, described in Section 6510, which is situated between a line which runs two hundred (200) feet from, and parallel to, the southeasterly side of Pond Street and an easterly boundary line which runs one thousand (1,000) feet from, and parallel to, the boundary line between Residence B and Business C-1, aforesaid, shown as the AEOD Overlay District (as designated on the Town Zoning Map) and made a part hereof.

6900. Solar Photovoltaic Overlay District (SPOD) (*Voted ATM 5/5/2015, Article 31*)

The SPOD shall include that portion of land within the Business District C-1 (Section 6510) and Business District C-2 (Section 6520). The district shall also include the land as shown on Assessors Map, Block 64 Lot 13 and described in a deed dated 1/17/1990; Land Court Certificate #79659.

