

Zoning By-Law

Town of Blandford, Massachusetts

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Amended and Approved by the Attorney General: June 30,1972, November 26, 1973,
January 7 1984, and August 30, 1988.*

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Note: SECTIONS I thru SECTION XII BY-LAWS were originated by the Planning Board and have been approved by a 2/3 vote at town meeting.

SECTION I: PURPOSE

The purposes of this Bylaw are to promote the health, safety, and general welfare of the inhabitants of the Town of Blandford; to protect and conserve the value of property within the Town; and to secure safety from fire, congestion, or confusion, all in accord with the General Laws of the Commonwealth of Massachusetts, Chapter 40A.

SECTION II: NONCONFORMING USES

2.1 USE OF STRUCTURE

The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this Bylaw may be continued although such structure or use does not conform to the provisions of the Bylaw.

2.2 ALTERATION

A nonconforming structure may be altered, repaired or rebuilt, but such alteration or restoration shall not depart further from the requirements of this Bylaw than the nonconforming condition or conditions existing_ in such structure prior to such alteration or restoration.

2.3 EXTENSION

Any structure or land, or part thereof, which at the time this Bylaw is adopted is being put to a nonconforming use may be altered or enlarged in that use to an extent not exceeding 25 percent of the area at the time this Bylaw is adopted.

2.3.1 In appropriate Cases and with appropriate safeguards, the Board of Appeals may grant special permits to further extend nonconforming uses with respect to farms located in the residential district.

2.4 ABANDONMENT

A nonconforming Use which has been abandoned for a year or more shall not be reestablished, and any future use shall conform with this Bylaw.

2.5 CHANGES

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

SECTION III: ESTABLISHMENT OF DISTRICTS

3.1 TYPES OF DISTRICTS

In accordance with the purpose of this Bylaw, the Town of Blandford is hereby divided into the following Districts:

- Residential
- Business

- Agricultural
- Long Pond Watershed Protection District

3.2 LOCATION OF DISTRICTS

Said Districts are located and bounded as shown on a map entitled "Zoning Map of Blandford, Massachusetts" dated _____, 2005 and on file with the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby incorporated by reference and made a part of this Bylaw.

3.3 BOUNDARIES OF DISTRICTS

The location of the boundary lines of the Districts shown on the Zoning Map shall be determined as follows:

- 3.3.1 Where the boundary lines are shown on said map to be the road lines of public or private roads or ways, the center line of such roads or ways shall be the boundary line.
- 3.3.2 Where the boundary lines are shown on said map as being approximately upon the location of existing property a at lines and the exact location of boundary lines is not indicated by means of figures distance otherwise, then the property or lot lines shall be the boundary lines.
- 3.3.3 Boundary lines located outside such road lines and shown approximately parallel thereto shall be regarded an parallel figures placed on the map between the boundary lines and road lines or measured at right angles to the road lines unless otherwise indicated.

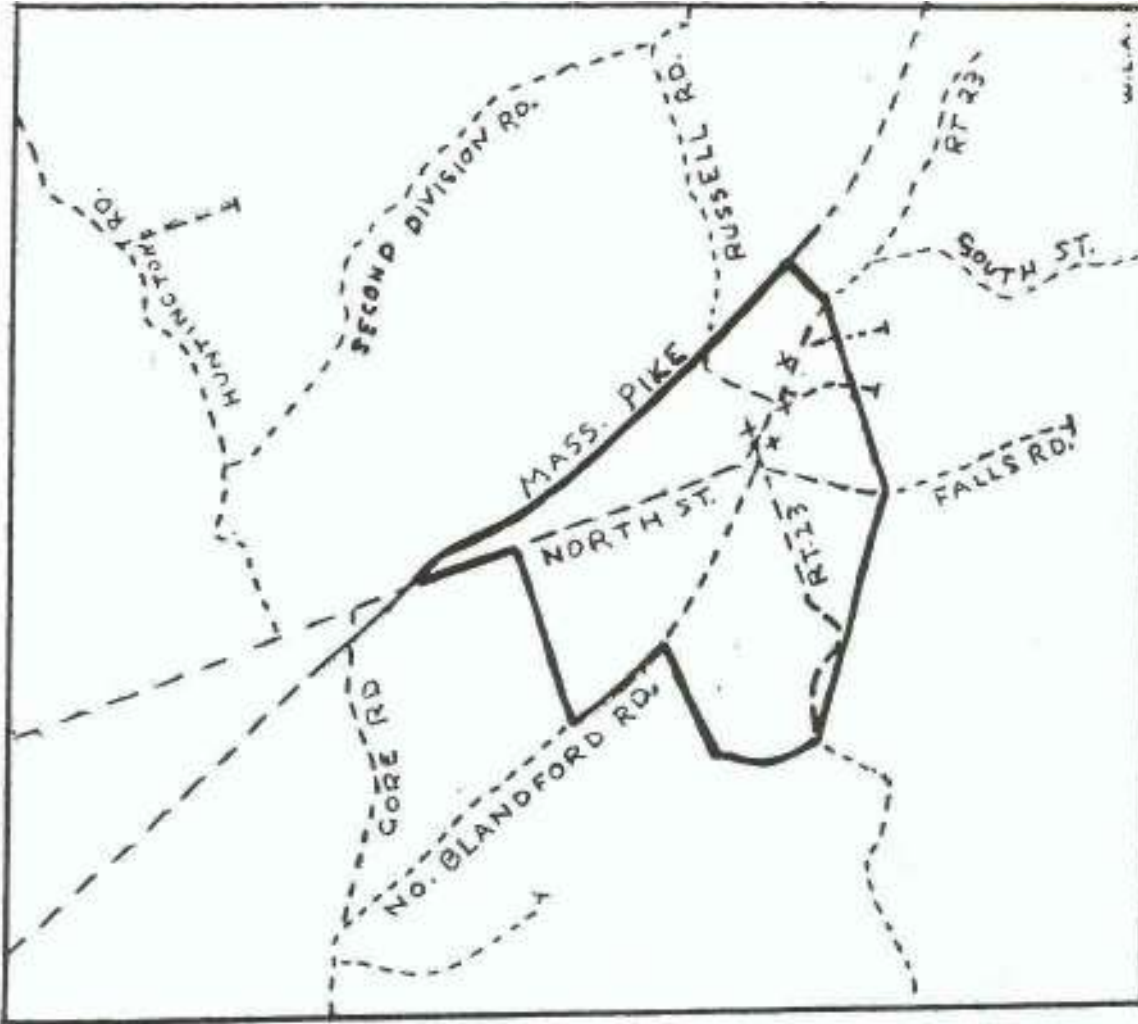
BOUNDARIES OF RESIDENTIAL DISTRICT:

Beginning at the intersection of Route 23 and Kaolin Road; thence running southwesterly in a straight line to the intersection of Falls Road or Herrick Road and the north line of the Sidney Dorrington property; thence running westerly in a straight line to the intersection of Route 23 and Bedlam Brook; thence running northerly along Bedlam Brook to the southeasterly line of the Roger Westcott property; thence northeasterly, following the Roger Westcott property line, to the North Blandford Road; thence northwesterly on the North Blandford Road to the south-easterly property line of the former Clifford Ripley property; thence northeasterly, following the Clifford Ripley property line, to North Street; thence north on North Street to the Massachusetts Turnpike bridge; thence southeasterly on the Massachusetts Turnpike to a point at a right angle to the Turnpike; thence south to the point of beginning at the intersection of Route 23 and Kaolin Road, but excluding the Business District.

Approved November 26, 1973.

Received by Attorney General Oct. 25.

Voted on October 9, 1973.



BOUNDARIES OF BUSINESS DISTRICT

The south side of Main Street between Glasgow Road and the intersection of North Street, for a depth of 150 feet. The north side of Main Street between the easterly line of property now or formerly owned by John Peebles and the intersection of North Street, for a depth of 150 feet.

BOUNDARIES OF AGRICULTURAL DISTRICT

All areas not in the Business or Residential Districts.

SECTION IV: PROVISIONS FOR DISTRICTS

4.1 RESIDENTIAL DISTRICT

4.1.1 Uses Permitted (see Table 1- Schedule of Uses)

No building or land shall be used except for the following purposes:

4.1.1.1 One and two-family dwellings.

No more than one (1) building designated or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot without first obtaining a permit from the Building Inspector.

The Zoning Board of Appeals shall grant a special permit for the erection of an additional building or a conversion of an additional building, on any one lot, to be used for dwelling purposes provided:

- (a) The minimum frontage of a lot in the district and the minimum area of the district for each dwelling are met.
- (b) All minimum distances between buildings and setback requirements are met.
- (c) The building Inspector obtains approval of the Planning Board prior to issuing permit.

4.1.1.2 Churches, schools, town offices and buildings, libraries, cemeteries, public parks.

4.1.1.3 Such accessory buildings or uses as are common to dwellings. The phrase "uses as are common" shall be interpreted to include the cutting of salable timber and the keeping of livestock and domestic animals and pets where such uses are not a commercial enterprise and do not conflict with the purpose of this By-Law.

4.1.1.4 The growing of agricultural crops.

4.1.1.5 Private clubs not conducted for business and the Union Agricultural and Horticultural Society.

4.1.1.6 In appropriate cases and with appropriate safeguards, the Board of Appeals may grant special permits for the following accessory uses provided the accessory use does not alter the character of the promises on which they are located or impair the neighborhood. Use of a room or rooms in a dwelling not to exceed 1/3 the total floor area.

- (a) Occupation is carried on primarily by members of the family with no more than two outside employees.
- (b) No display of goods or advertising outside except for a sign not more than 2 square feet.
- (c) Location of standing signs. Minimum distance from public right of way, twelve (12) feet from intersection, twenty-five (25) feet.
- (d) Such occupations shall include but not be limited to: Architect, Hairdresser, Art Gallery, Interior Designer, Boutique, Laundress, Craft Shop, Real Estate, Dressmaker, Carpenter, Home Manufacturing, Painter, Plumber, and Electrician.

(e) Office for the practice, by a resident, of a recognized profession, i.e. doctor, dentist, lawyer.

4.1.1.7 Recreational facilities, operated as a business provided that any accessory buildings conform to the Subdivision Regulations and are approved by the Planning Board. None of these uses should create offensive odors, noise or unsightly appearance noticeable off the premises.

4.1.1.8 Target range; in appropriate cases and with appropriate safeguards, the Board of Appeals may grant special permits to organized groups within the Town for supervised target shooting.

None of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises.

4.1.2 Frontage and Area of Lots

4.1.2.1 The minimum frontage of lots in this district shall be 150 contiguous feet, and the minimum area shall be 30,000 square feet.

4.1.2.2 The minimum distance between a dwelling or accessory building and a street line shall be 30 feet.

4.1.2.3 The minimum distance between a dwelling or accessory building, a driveway or road or other structure such as a swimming pool or tennis court and any abutting property shall be 15 feet.

4.2 BUSINESS DISTRICT

4.2.1 Uses Permitted

No building or land shall be used except for the following purposes:

4.2.1.1 Any purpose authorized in the Residential District.

4.2.1.2 Offices, banks, and places of assembly.

4.2.1.3 Retail stores, salesrooms, shops for Custom work; or the making of articles to be sold at retail on the premises.

4.2.1.4 Restaurants excluding drive-ins or businesses using curb service.

4.2.1.5 Theaters, halls, and clubs.

4.2.1.6 Public or semipublic buildings.

4.2.1.7 Places of business of a barber and similar public service, baker blacksmith, builder, carpenter, caterer, clothes cleaner, confectioner, decorator dressmaker, dyer, electrician, florists furrier, and laundry, Laundromat, lumber, mail-order business, milliner, motor vehicle salesroom, milk bottling and distributing, news dealers, optician, pointer, paper hanger, pastry shop, photographer, plumber, printer, publisher, radio broadcasting

studio, shoemaker, shoe repair, tailor, telegraph office, tinsmith, undertaker, upholsterer, and other similar uses.

4.2.1.8 Gasoline and oil stations and garages for storage and repair.

4.2.1.9 Any additional use for which the Board of Selectmen may grant permission, after a public hearing as outlined in Section V, in a specific case after the determination by the Board that the proposed use is similar to one or more of the uses specifically authorized by this section.

4.2.2 Front Yards

In the Business District there shall be provided in the front of every building or structure a front yard extending the full width of the lot and equal in depth to the average of the depths of yards on adjoining lots, and no building or structure shall be erected, moved, or altered, reconstructed, or enlarged so that a front yard less in clear depth shall result. Projecting eaves and uncovered steps shall not be considered as coming within the meaning of this section. Where there are not sufficient buildings in the vicinity to determine an average, the minimum depth of front yards shall be thirty (30) feet.

4.2.3 Frontage and Area of Lots

4.2.3.1 The minimum frontage of lots in this district shall be 100 contiguous feet.

4.2.3.2 The minimum distance between buildings or structures such as swimming pools or tennis courts, driveways or roads and any abutting property shall be 10 feet.

4.3 AGRICULTURAL DISTRICT

4.3.1 Uses Permitted

No building or land shall be used except for the following purposes:

4.3.1.1 Any purpose authorized in the Residential District.

4.3.1.2 Agriculture.

4.3.1.3 Lumbering, portable sawmills, and portable planing mills.

4.3.1.4 In appropriate cases and with appropriate safeguards the Board of Appeals may grant special permits for the following uses. A performance bond shall be required.

(a) Convalescent homes/retirement homes.

(b) Commercial kennels or stables, riding schools, provided they are on lots not less than three (3) acres and provided no dogs are kept in any building or enclosures within 150 feet of a property line. Plans must be submitted to the Planning Board.

(c) None of these shall create offensive odors, noise or unsightly appearance noticeable off the premises.

4.3.2 Frontage and Area of Lots

4.3.2.1 The minimum frontage of lots in this district shall be 300 contiguous feet, and the minimum area shall be 87,120 square feet.

4.3.2.2 The minimum distance between a dwelling or accessory building, a road or driveway or other structure such as swimming pool or tennis court and any abutting property shall be 15 feet.

4.3.2.3 The minimum distance between a dwelling or accessory building and a street line shall be 30 feet.

4.4 LONG POND WATERSHED PROTECTION DISTRICT

4.4.1 Purpose of District

A Watershed Protection District is established in the Town of Blandford for the watershed of Long Pond for the following purposes:

4.4.1.1 To protect, preserve and maintain the water table and water recharge areas within the Town, so as to preserve present sources of water supply for the public health and safety;

4.4.1.2 To protect the community from the detrimental use and development of land and water within the watershed protection district; and

4.4.1.3 To conserve the watershed area of the Town of Blandford for the health, safety, welfare and enjoyment of its people.

4.4.2 Intent of District

The intent of the Watershed Protection District is to include lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies, as part of their natural drainage system. The district includes all areas designated on the Watershed Protection District Maps for the Town of Blandford, on file in the Office of the Town Clerk, which are hereby made part of the Town Zoning Map(s).

4.4.3 Boundaries of District

Following is a description of the boundaries of the Watershed Protection District:

BEGINNING at a point on the Blandford and Otis town line, approximately 1,300 feet southerly from the center of North Blandford Road;

THENCE southeasterly about 3,600 feet to the intersection of Wheeler Brook with Negro Hill Road;

THENCE continue southeasterly along the center of Negro Hill Road about 1,100 feet to a point;

THENCE in a general southerly direction about 1,800 feet to an angle;

THENCE continue in a general southerly direction about 1,900 feet to the center of an old road;

THENCE westerly and southwesterly along the center of said old road about 2,300 feet to its intersection with Gibbs Road;

THENCE northwesterly about 1,200 feet to a point on the Blandford and Otis town line, at the southwest corner of parcel three as shown on Map 403 of the Town of Blandford Assessors maps;

THENCE northerly along the Blandford and Otis town line about 4,150 feet to the place of beginning.

4.4.4 Permitted Uses

The following uses are permitted within the Watershed Protection District, subject to Section IV, provided that all necessary permit orders, or approvals required by local, state or federal law shall also be obtained:

4.4.4.1 Conservation of soil, water, plants, and wildlife.

4.4.4.2 Outdoor recreation, nature study, fishing, and hunting where otherwise legally permitted.

4.4.4.3 Proper operation and maintenance of existing dams, splash boards, and other water control, supply and conservation devices.

4.4.4.4 Repair, maintenance and reconstruction of structures and uses lawfully existing prior to adoption hereof may be continued as permitted under the Zoning Act, M.G.L. Chapter 40A.

4.4.4.5 Farming, gardening, nursery, conservation and harvesting.

4.4.4.6 Forestry, i.e. the cutting and removal of trees for the purpose of selling said trees or any products derived there from, when carried out in the following manner.

(a) Every reasonable effort shall be made to gain access without constructing new access ways including, but not limited to maintaining and improving (but not substantially enlarging) existing access ways, and operations shall be conducted when the soil is dry or otherwise stable, as determined by the Board of Health or an agent appointed by them.

(b) Where access is determined impracticable without constructing new access ways, said access ways shall be designed, constructed and maintained in accordance with U.S. Forest Service logging road

standards, and shall be removed and the site returned to previously existing conditions within one year.

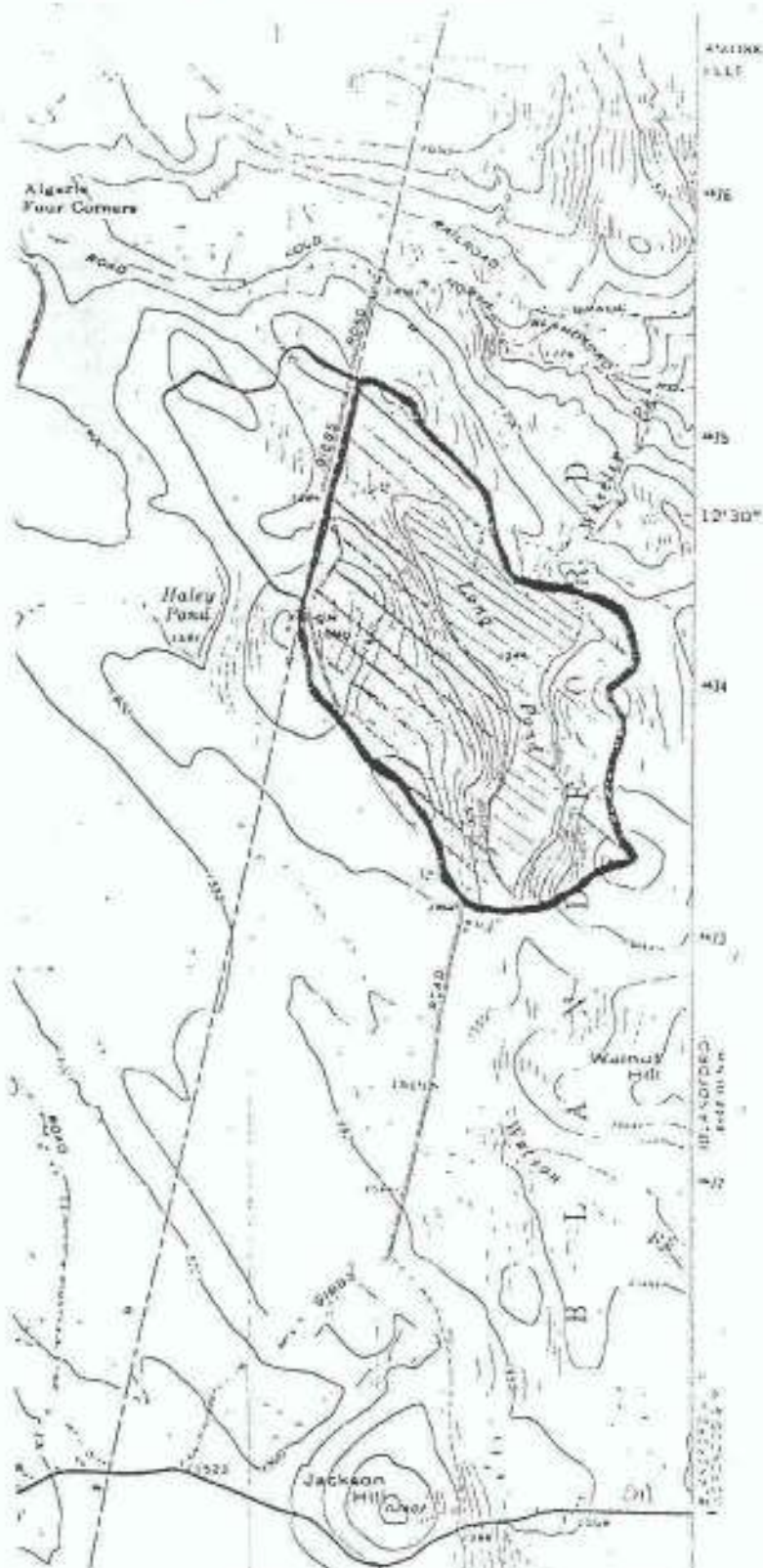
- (c) To ensure the faithful completion of the construction under (b) above, any person desiring to perform construction thereunder shall file with the Planning Board, in a form satisfactory to the Board, a performance bond in an amount determined by the Board or its authorized agent. Said performance bond shall be held by the Planning Board until all work required under paragraph (b) is completed in a manner satisfactory to the Board or its authorized agent.
- (d) All channel crossings shall be stabilized to prevent erosion, using standard U.S. Forest Service methods. When crossings involve fill or other closed or semi-closed structures which will obstruct flow, they shall be designed, constructed and maintained in accordance with U.S. Forest Service standards, shall allow the unobstructed Passage Of existing flows for at least the 10-year storm, and shall be removed and the site returned to existing conditions within one year of construction.
- (e) All operations shall be conducted in accordance with a cutting plan approved by the Massachusetts Department of Environmental Management District Forester; and a written notice describing the proposed cutting and removal of trees shall be submitted to the Conservation Commission not less than ten days prior to the commencement of operations.
- (f) The removal of the selectively cut trees shall occur only during those periods when the ground is sufficiently dry or otherwise stable to support the equipment used, as determined by the Board of Health or an agent appointed by them.
- (g) The placement of such, branches and limbs resulting from the cutting and removal operations shall not occur within 25 feet of the bank of a water body; and there shall occur no filling, excavation or other change in the existing topography. After the cutting, the crown area of the remaining trees shall be evenly distributed throughout the site and shall cover no less than 50 percent of the surface area of the site.

4.4.5 Prohibited Uses

The following uses are prohibited within the Watershed Protection District:

- 4.4.5.1 Forestry, i.e., the cutting or removal of trees within 100 yards of the shore of Long Pond from the mean high water line and 25 feet from the bank of all brooks and streams flowing into Long Pond.
- 4.4.5.2 The location of landfills and the storage of salt and road de-icing chemicals.
- 4.4.5.3 Any new buildings, structures, land-disturbing activities, or excavations within the Watershed Protection District.
- 4.4.5.4 Any animal feedlots.

- 4.4.5.5 The disposal of solid waste, other than brush.
- 4.4.5.6 The storage and/or sale of petroleum (or any other refined petroleum product) except within the buildings which it will heat.
- 4.4.5.7 The dumping of snow contaminated by de-icing chemicals which is brought in from outside the district.
- 4.4.5.8 The storage or disposal of hazardous materials, as defined by the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Chapter 21C of Massachusetts General Laws as amended.
- 4.4.5.9 The storage and use of herbicides and pesticides for any purpose and the storage of fertilizers and manure or other leachable materials.



LONG POND WATER:
SCALE: 1" = 2000'

BOUNDARIES DETERMINE
USING USGS TOPOGRAPHIC
INFORMATION OTIS QUAY
MASSACHUSETTS, 1973

APPROXIMATE AREA: 485'

Nov 8 1975

[Handwritten signature]

SECTION V: ADMINISTRATION & SIGNS

5.1 PLANS AND PERMITS

- 5.1.1 No building or structure shall be erected without a permit granted by the Building Inspector.
- 5.1.2 No driveway or right of way shall be constructed or connected to any traveled way or portion of a town way until written permit for same is issued by the Selectmen. The Highway Superintendent shall make proper provisions for road drainage grades, visibility, and such things of like nature necessary for the issuance of such a permit.
- 5.1.3 Applications for building permits shall contain reasonable information on forms provided by the Building Inspector.
- 5.1.4 Permits and plans are not required for accessory buildings of less than 300 square feet floor area, which are not to be used for habitation, business, or public gatherings.

5.2 SIGNS

- 5.2.1 Maximum Size: 6 square feet (except in residential zone, see Section 10.2.9).
- 5.2.2 One sign per business.
- 5.2.3 Moving signs of any type are specifically prohibited.
- 5.2.4 Illumination: moving and flashing signs are prohibited.
- 5.2.5 Time: No sign may be illuminated between 12 P.M. and 6 A.M. except signs identifying police and fire stations and public telephones.
- 5.2.6 The provisions of Sections 10.2.3 - 10.2.5 shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building.
- 5.2.7 Temporary signs for sale or rental of property and temporary signs for contractor when building are permitted.
- 5.2.8 No non-accessory sign shall be erected or maintained.
- 5.2.9 In residential areas, signs are permitted only with specific permission from the Board of Appeals. In this area, signs shall be two (2) square feet maximum. Location of standing signs – minimum distance from public right of way, twelve (12) feet-from intersection twenty-five (25) feet.
- 5.2.10 Detailed plans for the design and placement of any sign must be submitted to the Board of Appeals.

5.3 TRAILERS

- 5.3.1 Definition: A vehicle which can be drawn, carried one or incorporated in a motor vehicle whether on temporary or permanent supports, designed for dwelling or sleeping purposes or as a temporary business of construction office.
- 5.3.2 The Board of Appeal may, in a specific case after a public hearing with due notice given subject to appropriate conditions to protect the neighborhood and Town, authorize the use of a trailer as a dwelling for a period of sixty (60) days only while a permanent dwelling is being constructed. Renewals may be granted at the discretion of the Board of Appeals for a period of thirty (30) days.
- 5.3.3 Commercial trailer bodies, i.e. moving vans, auto carriers, commercial load bodies excepting farm vehicles are specifically prohibited.
- 5.3.4 The use of a trailer as a residence for a period not to exceed twelve (12) months while a residence which has been destroyed by fire or other natural holocaust is being rebuilt is permitted in all districts.

5.4 ENFORCEMENT

- 5.4.1 This By-law, and any amendment thereto, shall be administered by the Building Inspector who shall be appointed for a period of one (1) year, or until a successor is appointed. He shall receive remuneration for his duties in an amount to be set by the Board of Selectmen. He shall approve no application for permits required under this By-law for buildings or structures of any kind for which plans and specifications, and intended use are not in all ways in conformity with this By-law. He shall have full authority with the approval of the Board of Selectmen to prosecute in any Court of proper jurisdiction, any action, suit or proceeding for the enforcement of this by-law.
- 5.4.2 This By-law shall be enforced by the Selectmen or a Building Inspector appointed by them. No building shall be built or structurally altered and no use of land or a building shall be begun or changed without a permit having been issued by the building Inspector. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector.
- 5.4.3 Any person violating any of the provisions of this By-law shall be fined not less than twenty (20) dollars or more than fifty (50) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

5.5 BOARDS OF APPEALS

A Board of Appeals is hereby established as provided under the General Laws of the Commonwealth of Massachusetts, Chapter 40A to consist of three (3) members and three (3) associate members, to pass upon matters which may be brought before them. They shall be appointed by the Selectmen for terms of one, two, and three years the term of one member expiring each year. Thereafter, appointments are to be for three (3) years. Vacancies shall be filled by the Selectmen for the balance of any unexpired term. No member shall act in any case in which he may have a personal or financial interest, an associate member being designated in such cases by the Chairman of the Board of Appeals.

5.5.1 Method of Appeal

Any person aggrieved by a decision of the Selectmen, or their appointed inspector, may appeal from such decision to the Board of Appeals created by this Bylaw.

5.5.2 Time of Appeal

An appeal may be made at any time not later than thirty (30) days after the occurrence causing the grievance.

5.5.3 Public Hearings and Notice

In the case of every appeal made to said Board and of every application for permit or variance made to it under the provisions of this Bylaw, the Board of Appeals shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper of general circulation in the Town of Blandford not less than fourteen (14) days before the date set for said hearing and shall cause a copy of the notice to be sent by certified mail to all abutting land owners as shown by the records of the Assessors of the Town of Blandford and to any other person or persons who, in the opinion of the Board of Appeals, may be interested in said application or appeal.

5.5.4 Special Permits

At all times hereafter the Board of Appeals may grant a special permit for an exception, as provided by sections of this Bylaw, where it shall have found that the use involved will not be detrimental to the established or future character of the neighborhood and Town and subject to appropriate conditions or safeguards if deemed necessary.

5.5.5 Variances

At all times hereafter, after giving notice and holding any public hearing in the manner provided by this By-law, the Board of Appeals may authorize, with respect to a particular building or parcel of land, a variance from any of the terms of this Bylaw, owing to conditions especially affecting said building or parcel but not affecting generally the Zoning District in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship to the owner of said building or parcel and where desirable relief may be granted without substantial detriment to the public good and without substantial derogation from the intent or purpose of this Bylaw, but not otherwise.

5.6 APPEALS TO SUPERIOR COURT

Any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court sitting in equity for Hampden County, provided that such appeal is filed in said Court within twenty (20) days after such decision is recorded.

5.7 AMENDMENTS

This Bylaw, or any portion thereof, may be amended by a two-thirds vote of any Town Meeting, all in accord with the Massachusetts General Laws.

SECTION VI: VALIDITY

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

SECTION VII: PLANNING AND ZONING AUTHORIZED TO ACT

A Planning Board and Board of Appeals are hereby authorized to act under the General Laws of the Commonwealth of Massachusetts Chapter 41 –Sections 81K-81GG. The Planning Board shall consist of seven elected members.

SECTION VIII: LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

8.1 Purpose

The purpose of this Section VIII is to regulate new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

8.2 Applicability

The provisions set forth in this Section VIII shall apply to the construction, operation, and/or repair of LSGMSPI. This Section applies to LSGMSPI proposed to be constructed after the effective date of this Section VIII. This Section also pertains to physical modifications that alter the type, configuration, or size of these installations or related equipment.

8.3 Definitions

The following definitions shall apply: to LSGMSPI

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right Siting may be subject to site plan review to determine conformance with the Blandford Zoning Bylaw. Projects cannot be prohibited, but can be reasonably regulated by the Blandford Building Inspector and the Planning Board. As provided in §8.4, below, a LSGMSPI may be located on any parcel in Blandford with a lot size of twelve (12) acres or more.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Customer-Owned Generator: An LSGMSPI owned by an entity other than the electric utility company.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LSGMSPI): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Site Plan Review: Review by the Planning Board to determine conformance with the Blandford Zoning Bylaw. See Blandford Zoning Bylaw, §6.8, Site Plan Review.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

8.4 General Requirements for all Large Scale Solar Power Generation Installations
The following requirements are required for all LSGMSPIs. Any lot in the Town that is twelve (12) or more acres in area may be used as a site for an LSGMSPI, as long as all Site Plan Review criteria have been met to the satisfaction of the Planning Board.

1. Compliance with laws, bylaws, and regulations. The construction and operation of all LSGMSPI shall be consistent with all applicable local, state and federal requirements, including the Wetlands Protection Act, M.G.L. c. 141, §40 et seq., and any other regulations or laws under the jurisdiction of the Blandford Conservation Commission, and including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of an LSGMSPI shall be constructed in accordance with the State Building Code. All necessary permits from the Conservation Commission shall be obtained by the applicant prior to Site Plan Review.
2. Building Permit and Building Inspection. No LSGMSPI may be constructed, installed or modified as provided in this Section VIII without first obtaining a Building Permit.
3. Fees. The application for a Building Permit for an LSGMSPI must be accompanied by the fee required for a building permit and the required Site Plan Review fee. Upon receipt of an application for Site Plan Review for a LSGMSPI, the Planning Board may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to the application processing, including any interest accrued shall be refunded to the applicant.

8.5 Site Plan Review
LSGMSPIs with 250 kW or larger of Rated Nameplate Capacity shall undergo Site Plan Review by the Planning Board prior to construction, installation or modification as provided in this section. Failure by the Planning Board to render a decision on the submitted plan in accordance with Section 6.8.7 of the Blandford Zoning By-Law within 365 days of Completeness Notification (as set forth below) shall be deemed to be a constructive approval of those plans. An applicant claiming constructive approval of a LSGMSPI shall

follow the process set forth in M.G.L. c. 40A, §9, to obtain a certificate of such approval from the Town Clerk.

1. General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.
2. Required Documents. Pursuant to the Site Plan Review process, the applicant shall provide the following documents in addition to those required under §6.8.5 of the Zoning By-Law
 - a. A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. The proposed site for the installation shown on a map of the Town of Blandford.
 - iii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iv. Blueprints or drawings of the LSGMSPI signed by a professional engineer showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
 - v. One or three line electrical diagram detailing the LSGMSPI, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - vi. Documentation of the major system components to be used, including the Photovoltaic panels, mounting system, and inverter;
 - vii. Name, address, and contact information for proposed system installer;
 - viii. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any; if the applicant is not the owner of the property, a statement from the owner authorizing the applicant to proceed;
 - ix. The name, contact information and signature of any agent(s) representing the applicant; and
 - b. Documentation of actual or prospective access and control of the project site.
 - c. An operation and maintenance plan.
 - d. Description of financial surety.
 - e. Proof of liability insurance.
3. Application Submission
The application packet must contain all the appropriate application fees, application forms, and the appropriate number of copies of all plans and supporting documentation. The application packet shall be submitted to the Town Clerk. The Town Clerk shall

stamp the application with the date received and shall immediately notify the Chair of the Planning Board of a submitted application packet.

4. Completeness Review

The Planning Board shall, within thirty (30) calendar days of the receipt of the application by the Town Clerk, determine whether the application is complete or incomplete (“Completeness Review”) and notify the applicant in writing by certified mail.

- a. Incomplete Applications. If the Planning Board determines the application to be incomplete, the Board shall provide the applicant with a written explanation as to why the application is incomplete and request the information necessary to complete the application. Any additional information submitted by the applicant starts a new thirty (30) calendar day Completeness Review.
- b. Complete Applications. When the Planning Board determines the application to be complete, the Board shall notify the applicant in writing (“Completeness Notification”) and transmit copies of the completed application to the appropriate local boards but not limited to Building Inspector, Conservation, Board of Health, Historic commission, Board of selectman, Highway Dept., Fire, and Police, departments for their independent review.

8.6 Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

8.7 Operation & Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the LSGMSPI, 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.

8.8 Utility Notification

No LSGMSPI shall be constructed until evidence, satisfactory to the Planning Board, has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the LSGMSPI’s owner or operator’s intent to install an interconnected Customer-Owned Generator; as well as documentation from said utility that they can and will connect the proposed Customer-Owned Generator into their power grid. Off-grid systems shall be exempt from this requirement.

8.9 Dimension and Density Requirements

The following dimensional and density requirements shall apply to all LSGMSPIs.

1. Setbacks. For LSGMSPIs, front, side, rear, and height setbacks shall be as follows:
 - a. Front yard: The front yard depth shall be at least 500 feet;
 - b. Side yard. Each side yard shall have a depth at least 500 feet;
 - c. Rear yard. The rear yard depth shall be at least 500 feet.
 - d. Height. The Height of the structure at the tallest point shall not exceed twenty five (25) feet.

2. Appurtenant Structures. All appurtenant structures to LSGMSPIs shall be subject to reasonable regulations concerning the dimensions. The height of structures shall not exceed twenty five (25) feet. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. All structures shall be a minimum of two hundred and fifty (250) feet from all surrounding property lines, and be screened from view and/or joined or clustered to avoid adverse visual impacts.

8.10 Design Standards. The following design standards shall apply to all LSGMSPIs.

1. Lighting. Lighting of LSGMSPIs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
2. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with §6.2 of the Blandford Zoning By-Law. A sign shall be required to identify the owner and operator of the LSGMSPI and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising; advertising does not include reasonable identification of the manufacturer.
3. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
4. Fencing and Screening. All fencing and screening shall be in compliance with the Blandford Zoning By-Law. The applicant shall include the fencing and screening plan for review by the Planning Board.

8.11 Safety and Environmental Standards. The following safety and environmental standards shall apply to all LSGMSPIs.

1. Emergency Services. The LSGMSPI's owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Blandford Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LSGMSPI or otherwise prescribed by applicable local, state and federal laws and regulations.

8.12 Monitoring and Maintenance.

1. Solar Photovoltaic Installation Conditions. The LSGMSPI's owner or operator shall maintain the facility and access road in good condition. Maintenance shall include, but

not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Blandford Fire Chief, Police Chief and any other local emergency services.

2. Modifications. All modifications to an LSGMSPI made after issuance of the required Building Permit shall require approval by the Planning Board.

8.13 Abandonment or Decommissioning.

1. Removal Requirements. Any LSGMSPI which has reached the end of its useful life or has been abandoned, as provided below, shall be removed by the owner or operator no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all LSGMSPIs, 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 and re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment. Absent notice to the Planning Board as provided above of a proposed date of decommissioning or written notice requesting an extension due to extenuating circumstances, the LSGMSPI shall be considered abandoned when it fails to operate or operations are discontinued for more than one year without the written consent of the Planning Board. If the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or discontinuance or the proposed date of decommissioning, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the installation.

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

8.15 Liability Insurance. The owner or operator of an LSGMSPI shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum of one million dollars in liability coverage, and that the Town of Blandford is an additional named insured thereon. Such a certificate shall be supplied on an annual basis upon the renewal of said insurance policy.

SECTION IX: SITE PLAN REVIEW

9.1 SITE PLAN REVIEW

9.1.1 Purpose

9.1.1.1 To protect the health, safety, and general welfare of the inhabitants of the Town of Blandford;

9.1.1.2 To promote attractive and viable residential, business, and agricultural districts; and

9.1.1.3 To protect the rural character, aesthetic visual qualities, natural environmental features, historical features and property values of the Town of Blandford and neighboring properties.

9.1.2 Projects Requiring Site Plan Review

No building permit shall be issued and no application for such permits shall be accepted for construction, exterior alteration, relocation, or change in use except where noted in Section 6.8.3, unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Historical Commission, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 10% of the existing floor area.

9.1.3 Exemptions from Site Plan Review

Site plan review shall not be required for:

9.1.3.1 The construction or enlargement of any single family or two family dwelling or building accessory to such dwelling;

9.1.3.2 Any building used exclusively for agriculture, horticulture or floriculture.

9.1.4 Application Procedure

9.1.4.1 Each application for Site Plan Review shall be submitted to the Planning Board by the current owner of record, accompanied by nine (9) copies of the site plan. The applicant shall file a copy of the application with the Town Clerk and the Tax Collector.

9.1.4.2 The Planning Board shall obtain with each submission a deposit sufficient to cover any fees connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

9.1.4.3 The following information shall be filed at the time of application: a site plan, which shall include landscape, utility and drainage information, building elevations as illustrated further in Section 6.8.5, and a traffic plan.

An application shall not be considered complete until all required information and fees are submitted.

9.1.5 Required Site Plan Contents

9.1.5.1 An architect, landscape architect, or professional engineer duly licensed by the Commonwealth of Massachusetts shall prepare all site plans unless the Planning Board waives this requirement because of unusually simple circumstances. All site plans shall be on standard 24" x 36" sheets at a scale of one inch equaling 20 feet, with additional narrative as necessary. Site plans shall include the following information:

- (a) Name of the project-locus, date and scale plan;
- (b) Name and address of the owner of record, developer, and seal of the engineer, landscape architect or engineer;
- (c) The location and boundaries of the lot, adjacent streets or ways, names of owners and location of all adjacent properties and those within 300 feet of the property line, and any relevant zoning district boundaries;
- (d) Existing and proposed topography at the two foot contour interval, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and base flood elevations and unique natural land features;
- (e) Existing and proposed structures, including dimensions and elevations; and all exterior entrances and exits;
- (f) The location of existing and proposed parking and loading areas, public and private ways, driveways, walkways, sidewalks, curbing, access and egress points;
- (g) The location and description of all proposed septic systems, a soil percolation test, water supply, storm drainage systems including existing and proposed drain lines, culverts, drainage swales, catch basins, drainage calculations, and sub-drainage along with soil logs, utilities, hydrants, manholes, lighting fixtures, and refuse and other waste disposal methods and facilities;
- (h) Proposed landscape features including the location and a description of buffers, screening, fencing, and plantings, including the size and type of plants material;
- (i) Location, dimensions, height, color, illumination and characteristics of existing and proposed signs;
- (j) The location and a description of proposed open space or recreation areas;

- (k) A lighting plan, including parking lot and building exterior lighting and any provision of light reduction through the use of shields, screening, or similar actions;
- (l) Estimated daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site;
- (m) A plan for the control of erosion, dust, and silt, both during and after construction sequencing, temporary and permanent erosion control, and protection of water bodies;
- (n) For commercial uses, maximum areas of the building to be used for selling, offices, business or other uses, number of employees, seating capacity where applicable, and number of parking spaces required for intended use.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. A request for a waiver(s) by an applicant must be made in writing by the applicant to the Planning Board.

9.1.6 Review Procedure

The Planning Board shall transmit one copy each to the Building Inspector, Board of Selectmen, Board of Health, Conservation Commission, Highway Department, Historical Commission, Fire Department, and Police Department, who shall review the application and submit their recommendations and comments to the Planning Board concerning:

- 9.1.6.1 The completeness and adequacy of the data and methodology used by the applicant to determine the impacts of the proposed development;
- 9.1.6.2 The effects of the projected impacts of the proposed development; and
- 9.1.6.3 Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.
- 9.1.6.4 Failure of the above boards, commissions, committees, and town staff to make recommendations within 35 days of the referral of the application from the Planning Board shall be deemed to be lack of opposition.

9.1.7 Planning Board Decision

The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application deemed to be complete and after due consideration of the recommendations received, the Board shall take final action within 90 days from the time of hearing. The Planning Board's final action in writing shall consist of either:

- 9.1.7.1 Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw;
- 9.1.7.2 Disapproval of the site plan based on a determination that the application was incomplete and insufficient information was submitted to review the proposal; or
- 9.1.7.3 Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the Criteria for Review.

The period of review for a special permit requiring site plan review shall be the same as any other special permit and shall conform to the requirements of state Zoning Act, M.G.L. Chapter 40A. Specifically, a joint public hearing to address the Special Permit application and Site Plan Review application shall be held within sixty-five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

9.1.8 Criteria for Review

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

- 9.1.8.1 The site plan conforms with all appropriate provisions of the Zoning Bylaw.
- 9.1.8.2 The site plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site.
- 9.1.8.3 The proposed development, to the extent feasible: a) is integrated into the existing landscape and protects abutting properties; b) minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas; c) minimizes obstruction of scenic views from publicly accessible locations; d) preserves unique natural or historical features; e) minimizes removal of trees, vegetation, and soil and grade changes, f) maximizes open space retention; g) screens objectionable features from neighboring properties and roadways; h) complies with all State and Federal requirements for handicap access; and i) controls offsite impacts from noise, temperature and wind conditions.
- 9.1.8.4 The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town of Blandford.
- 9.1.8.5 The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on Town services and infrastructure.

9.1.8.6 The site plan shows adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and potential for flooding, and a stormwater management plan prepared in accordance with good engineering, hydrologic and pollution control practices.

9.1.9 Enforcement

9.1.9.1 The Planning Board may require the posting of a bond or other adequate security to assure compliance with the site plan and conditions and may suspend any permit or license when work is not performed as required.

9.1.9.2 Any site plan issued under this section shall lapse within one (1) year if a substantially complete use (as defined in this zoning bylaw) thereof has not commenced sooner except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws shall be included within the one (1) year time limit.

9.1.9.3 The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.

SECTION X: FLOOD PLAIN DISTRICT

10.1 FLOODPLAIN DISTRICT

10.1.1 STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

10.1.1.1 Ensure public safety through reducing the threats to life and personal injury;

10.1.1.2 Eliminate new hazards to emergency response officials;

10.1.1.3 Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

10.1.1.4 Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the municipality beyond the site of flooding;

10.1.1.5 Eliminate costs associated with the response and cleanup of flooding conditions;

10.1.1.6 Reduce damage to public and private property resulting from flooding waters;

10.1.1.7 To protect, preserve, and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for public health and safety; and

10.1.1.8 To assure the continuation of the natural flow pattern of the water course(s) within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

10.1.2 FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

10.1.2.1 Floodplain District Boundaries and Base Flood Elevation Data

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Blandford Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated July 26, 1974 as Zone A, which indicates the 100-year regulatory floodplain. The FIRM is incorporated herein by reference and is on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

10.1.2.2 Base Flood Elevation and Floodway Data

- (a) Floodway Data. In Zone A 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 municipality during the occurrence of the base flood discharge.
- (b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

10.1.3 NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Municipalities
- 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

10.1.4 USE REGULATIONS

10.1.4.1 Reference to Existing Regulations

The Floodplain Overlay District is established as an overlay district to all other districts. All regulations in the Town of Blandford Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain Overlay District imposes additional regulations, such regulations shall prevail. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107, "Flood Resistant Construction");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

If any variance from the above-referenced state regulations has been granted, such variance must be included in any building and/or special permit issued for a use in the Floodplain Overlay District.

10.1.4.2 Other Use Regulations

- (a) All applications for a preliminary or definitive subdivision plan must be designed to assure that:
 - (i) Such plans minimize flood damage;
 - (ii) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (iii) Adequate drainage is provided to reduce exposure to flood hazards.
- (b) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- (c) There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

10.1.4.3 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted

in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- (a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (b) Forestry and nursery uses.
- (c) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (d) Conservation of water, plants, wildlife.
- (e) Wildlife management areas, unpaved foot, bicycle, and/or horse paths.
- (f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (g) Structures lawfully existing prior to the adoption of these provisions.

10.1.4.4 Uses Allowed by Special Permit

- (a) No structure or building shall be erected, constructed, substantially improved over 50 percent of market value or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Zoning Board of Appeals. Such permit shall be subject to the following provisions in addition to those set forth elsewhere in this Bylaw.
- (b) Application for special permit shall include plans showing all proposed work with certification by a registered professional engineer that these plans show full compliance with Section 4.5.4.1 above.
- (c) Within ten (10) days of receipt of application, a copy shall be transmitted to the Conservation Commission, Board of Health, Planning Board, and Building Inspector. Final action shall not be taken until reports have been received from all of the above, or until thirty-five (35) days from the date of transmission. A special permit shall not be granted unless the issuing Board finds, on review of the application, submitted reports, and testimony before it, that the application shows full compliance with Section 4.5.4.1 above, and that the proposed use would not create increased flood hazards which would be detrimental to the public health, safety or welfare.
- (d) The following uses may be allowed by special permit from the Zoning Board of Appeals in accordance with the requirements of the Zoning Bylaw and the additional restrictions and criteria contained herein regarding the Floodplain Overlay District:
 - (i) Single family detached dwelling;
 - (ii) Commercial golf course, recreation, or camp facility;

(iii) Commercial landing strip or heliport.

- (e) Within a Zone A where base flood elevation is not provided on the FIRM the applicant shall obtain any existing base flood elevation data. This data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

10.1.4.5 Additional Special Permit Criteria

In addition to the Special Permit criteria specified in the Zoning Bylaw, the Zoning Board of Appeals may grant a Special Permit if it finds:

- (a) The proposed use will not create increased flood hazards which shall be detrimental to the public health, safety and welfare.
- (b) The proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.
- (c) The proposed use is in compliance with all applicable state and federal laws, including the Massachusetts Building Code and the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131. Section 40).

10.1.4.6 Prohibited Uses

The following uses are specifically prohibit and may not be allowed by special permit:

- (a) Solid waste landfills, junkyards, and dumps.
- (b) Business and industrial uses, not agricultural, which manufacture, use process, store, or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, and auto body repair.
- (c) The outdoor storage of salt, other de-icing chemicals, pesticides, or herbicides shall be prohibited without suitable overhead protection from weather and an impervious containment area to hold the volume of stored chemicals.
- (d) Any encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels in the community during the occurrence of the base 100 year flood discharge.

10.1.5 DEFINITIONS

The following Definitions shall apply to the Floodplain Overlay District.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a municipality subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for municipalities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a municipality issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a municipality issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a municipality on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the municipality.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers,

travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of the Floodplain Overlay District Zoning Bylaw.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD. REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, AI-30, AE, A99, AH, V, V1 -30, VE.

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AI-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

SECTION XI: WIRELESS COMMUNICATIONS FACILITIES

11.1 PURPOSE

The Town of Blandford seeks to allow telecommunications and wireless services with minimal effect to the public health, safety and general welfare, and to minimize the visual impact of such facilities.

11.2 DEFINITIONS

11.2.1 ABOVE GROUND LEVEL (AGL): A measurement of height from the natural grade of a site to the highest point of a structure.

11.2.2 CO-LOCATE: A term meaning that more than one wireless communications facility can be installed and operated on a single tower.

11.2.3 ELEVATION: The measurement of height above sea level.

11.2.4 MONOPOLE: A style of tower characterized by a single round pole having the general configuration of a flag pole. The monopole does not appear significantly larger at its base than at the point of maximum height.

11.2.5 S.P.G.A.: Special Permit Granting Authority. In Blandford, the Zoning Board of Appeals serves in this role.

11.2.6 TELECOMMUNICATIONS TOWER: A monopole structure with antennas, if any, designed to facilitate the following types of services: cellular telephone service, personal communications services, and/or enhanced specialized mobile radio service.

11.2.7 WIRELESS COMMUNICATION FACILITY: Any tower (including antennas, if any), or antenna placed on existing building or structure, or any device, wiring or equipment designed to facilitate or be utilized in connection with the provision of the following types of specialized mobile radio service as well as any structures, buildings and/or appurtenances utilized primarily for the installation and operation of equipment necessary for the provision of such services. This definition does not include an antenna used by a federally licensed amateur radio operator or television antennas or satellite dishes which are accessory to a residential use.

11.3 SPECIAL PERMIT REQUIREMENTS

A wireless communications facility shall require a building permit in all cases and may be permitted as follows:

11.3.1 All wireless communications facilities shall require a Special Permit from the Zoning Board of Appeals.

11.3.2 No wireless telecommunications facilities shall be erected or installed except in compliance with the provisions of this Section. Any proposed modifications to an existing wireless communications facility including, but not limited to extension in the height, addition of antennas or panels, or construction of a new or replacement of a facility shall be subject to these provisions and shall require a new application. The SPGA may, at its discretion, waive any application requirements for modifications to existing facilities. Wireless communications facilities shall, if feasible, be located on pre-existing load-bearing structures, buildings or towers, provided such installation shall preserve the character of the structure, building or tower. The applicant shall demonstrate that there are no pre-existing structures, buildings or towers available prior to approaching the SPGA with an application proposing the construction of a new structure or mount for an antenna. If there are no feasible pre-existing structures, buildings or towers, then wireless communication facilities shall, if feasible, be located on public land. All newly constructed wireless communications facilities shall be located in the Agricultural district.

11.3.3 New towers shall be free-standing monopoles.

11.3.4 Providers of wireless communication services shall report to the Building Inspector and the SPGA any cessation in the use or operation of any wireless communications facility that exceeds 30 days. All facilities, attachments, and accessory structures which have not been used for a period of one (1) year shall be dismantled and removed at the owners expense. The applicant shall post an initial bond to cover demolition costs and to cover the removal of the facility in the event of non-operation in an amount approved by the Zoning Board of Appeals. Said bond shall be posted with the Town Treasurer.

11.4 SITING AND CONSTRUCTION GUIDELINES

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

11.4.1 To the maximum extent possible, all service providers will co-locate on a single structure. Structures shall be designed to accommodate the maximum number of users technologically practical. The intent of this condition is to reduce the number of towers located within Blandford.

11.4.2 No tower, including any attachments, shall be erected nearer to any existing structure than a distance equal to 125 % of its vertical height.

11.4.3 All towers shall be pre-engineered to fail at a pre-determined height enabling the structure to collapse upon itself in the event of a catastrophic failure.

11.4.4 No wireless communications facility shall exceed 200 feet in height as measured from the mean finished grade at the base of the tower. Exterior lighting of the towers and any accessory structures shall be prohibited.

11.4.5 Facilities shall not be located within 1500 feet of the peak of a significant hill or located in such a way as to adversely impact the view of a significant hill in the community.

- 11.4.6 Siting shall be such that the view of the facility and tower shall be as limited as possible when viewed off-site. Facilities shall be screened to provide an effective year-round visual buffer. The buffer shall be of sufficient height and depth to sufficiently screen the facility. The Special Permit Granting Authority shall determine the types of plant materials and the size of the buffer based on conditions on the site. Existing vegetation shall be used for screening wherever possible.
 - 11.4.7 Existing on-site vegetation shall be preserved to the maximum extent practicable. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize scarring of the landscape or siting of streams or wetlands.
 - 11.4.8 All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the facility on adjacent abutters, residential neighbors and other areas of town, and blend in with the surrounding landscape or the structure on which they are located.
 - 11.4.9 Fencing shall be provided to control access to wireless communications facilities and shall reflect the visual character of the neighborhood or natural surroundings.
 - 11.4.10 Signage is limited to providing the following information, and must adhere to the Town's current signage bylaw; the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four (24) hour basis must be clearly displayed; a no trespassing sign; a sign displaying the Federal Communications Commission registration number; and any signs required to warn of danger.
 - 11.4.11 There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site. There shall be no storage of vehicles or equipment on the site.
 - 11.4.12 To the extent feasible, all network interconnections from the communications site shall be via land lines.
 - 11.4.13 Applicants proposing to erect wireless communications facilities on municipally-owned land or structures shall provide evidence of contractual authorization from the Town of Blandford to conduct wireless communications services on municipally-owned property.
- 11.5 APPLICATION REQUIREMENTS

For an application to be considered complete, the following information must be submitted:

- 11.5.1 A color photograph or rendition of the proposed wireless communication facility including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating views of the proposed wireless communication facility from the surrounding areas.
- 11.5.2 A landscape plan showing the proposed site before and after development including topography and screening proposed to protect abutters.

- 11.5.3 A description of the wireless communication facility including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type, size and number of transmitters and a technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.
- 11.5.4 The technical and other reasons for the proposed location, height and design including, but not limited to, a survey of all sites which are feasible for providing the intended services both within and directly adjacent to the Town of Blandford and the reason(s) the proposed site was selected over at least one alternative site.
- 11.5.5 A survey of all pre-existing structures, buildings or towers which are capable of supporting the equipment necessary to provide the intended service, and a technical report which demonstrates why any such structure, building or tower cannot be used by the applicant.
- 11.5.6 A description of the capacity of the tower including the number and type of panels, antenna and/or transmitter receivers that it can accommodate, and the basis for these calculations.
- 11.5.7 A statement that the sound levels under normal operating conditions, whether emanating directly from, or as a result of natural wind blowing through the wireless communications facility, measured at the boundary of the total on which it is sited, shall not be greater than would otherwise exist in the absence of such facility.
- 11.5.8 A statement of the services to be supported by the proposed wireless communication facility and a delineation on the Zoning District Map of all areas in Blandford which will not be served by the proposed installation for the primary site and an alternate site.
- 11.5.9 A description of the special design features utilized to minimize the visual impact of the proposed wireless communication facilities.
- 11.5.10 A certification that the applicant possesses all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service.
- 11.5.11 Within thirty days after riling the application for any new tower or extension in height (hereto, the applicant shall arrange to fly a balloon at the primary and an alternate site at the maximum height of the proposed installation on a weekend day and one weekday between the hours of 10 a.m. and 6 p.m. The balloon shall be of size and color that can be seen from every direction for a distance of one mile. The applicant shall be responsible for posting the date and location of the balloon(s) as a legal advertisement at least 14 days, but not more than 21 days before the flights in at least two different issues of a newspaper with a general circulation in the Town of Blandford.

11.6 SEVERABILITY

The invalidity, unconstitutionality, or illegality of any provision in this bylaw shall not have any effect upon the validity, constitutionality, or legality of any other provision of this bylaw.

SECTION XII: SCHEDULE OF USES TABLE

Use	AG	RR	BB	LPWP	Notes	
2.0 Community Facilities						
2.1	Religious, Educational, or Municipal Use	Y	Y	Y	N	
2.3	Convalescent Home or Nursing Home	SP	N	N	N	
3.0 Agricultural Uses						
3.2	Agriculture, Horticulture, Floriculture, or Viticulture on parcels of land with 5 acres or fewer	Y	Y	Y	N	Excludes the raising of hogs, pigs or fur-bearing animals.
3.3	Raising of Hogs, Pigs, or Fur-bearing Animals on parcels of land with more than 5 acres	Y	Y	Y	N	Such activity must be carried on at least 500 feet from any property lines.
3.4	Raising of Hogs, Pigs, or Fur-bearing Animals on parcels of land with fewer than 5 acres	SP	SP	N	N	Such activity must be carried on at least 500 feet from any property lines.
3.6	Nursery on parcels with fewer than 5 acres	Y	Y	N	N	
3.7	Farm Stand on parcels of land with 5 acres or more	Y	Y	Y	N	For the display and sale of natural products, the majority of which are raised in town during the months of June, July, August and September of every year.
3.8	Farm Stand on parcels of land with fewer than 5 acres	Y	Y	Y	N	For the display and sale of natural products, the majority of which are raised in town during the months of June, July, August and September of every year.

Use	AG	RR	BB	LPWP	Notes	
3.10	Commercial kennels or stables, riding schools on parcels of land with not fewer than 3 acres	SP	N	N	N	No dogs are to be kept in any building or enclosures within 150 feet of any property line.
3.11	Lumbering, portable sawmills, and portable planing mills	Y	N	N	N	
5.0 Wholesale, Transportation and Industrial Uses						
5.1	Milk Bottling and Distribution	SP	N	SP	N	
5.2	Soil, Gravel, Loam and Sand Removal	SP	N	N	N	
5.3	Large-Scale Ground-Mounted Solar Photovoltaic Installations	Y	Y	Y	Y	Subject to the provisions of Section VIII on a lot of twelve (12) acres or more in area, or take any action relative thereto.

We call the town's attention to Section 2.1 of the *Schedule of Uses Table* that pertains to religious and educational uses. Religious and educational uses are prohibited in the town's LPWP district. In approving this portion of the *Schedule of Uses Table*, we remind the town of the protections accorded to religious and educational uses under G.L. c. 40A, § 3. Section 3 provides zoning protections for religious and non-profit educational uses and provides in pertinent part:

“No zoning ... by-law shall prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth...”

SECTION XIII: DEFINITIONS

- 13.1 APPLICANT, ALSO SUBDIVIDER: shall include an owner or his agent or representative, or his assigns.
- 13.2 BOARD: In the Site Plan Review, shall mean the Planning Board of the Town of Blandford.
- 13.3 HIGHWAY SUPERINTENDENT: The superintendent of streets or other official designated by the Board of Selectmen in charge of streets and roadways in the Town of Blandford.
- 13.4 LOT: shall mean an area of land in single ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.
- 13.5 MUNICIPAL SERVICE: shall mean public utilities furnished by the city or town in which a subdivision is located, such as water, sewage, gas, or electricity.

- 13.6 RECORDED: shall mean recorded in the registry of deeds of the county or district in which the land in question is situated, except that as affecting registered land. It shall mean filed with the recorder of the land court.
- 13.7 REGISTER OF DEEDS: shall mean the register of deeds of the county or district in which the land in question, or the city or town in question, is situated, and, when appropriate, shall include the recorder of the land court.
- 13.8 REGISTERED MAIL: shall mean registered or certified mail.
- 13.9 S.P.G.A.: Special Permit Granting Authority. In Blandford, the Zoning Board of Appeals or Planning Board serves in this role.
- 13.10 SUBDIVISION: shall mean the division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on:
- 13.10.1 A public way or a way which the Town Clerk of the Town of Blandford certifies is maintained and used as a public way, or
- 13.10.2 A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or
- 13.10.3 A way in existence when the Subdivision Control Law became effective in the Town of Blandford, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.
- Such frontage shall be of at least such distance as is required by the Zoning By-Law of the Town of Blandford for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such manner as not to leave any lot so affected without the frontage above set forth, of the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Blandford into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.
- 13.11 SUBDIVISION CONTROL: shall mean the power of regulating the subdivision of land granted by the Subdivision Control Law.
- 13.12 SUBSTANTIAL IMPROVEMENT, SITE PLAN: Any repair, reconstruction, or improvement of a structure or site, the cost of which equals or exceeds fifty (50) percent of the market value of the structure and other improvements on a site including, but not limited to, utilities, drainage, parking, access ways, lighting, landscaping, signage before the improvement or repair is started.

- 13.13 SUBSTANTIAL IMPROVEMENT, STRUCTURE: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if damaged, the value of the structure to be restored prior to being damaged.
- 13.14 SUBSTANTIAL IMPROVEMENT, SUBDIVISION: Substantial improvement of an approved subdivision shall mean that 1) the construction of all approved streets has been completed with the exception of the final coat of paving, and 2) all required utilities have been installed.
- 13.14.1 Large-scale ground-mounted solar photovoltaic installations. *See Section VIII.*
- 13.15 SUPERINTENDENT OF STREETS: The superintendent of streets or other official designated by the Board of Selectmen in charge of streets and roadways in the Town of Blandford.
- 13.16 TOWN: The Town of Blandford, Massachusetts.
- 13.17 TRAILER: A vehicle which can be drawn, carried on or incorporated in a motor vehicle whether on temporary or permanent supports, designed for dwelling or sleeping purposes or as a temporary business or construction office.