

TOWN OF GROVELAND



ZONING BY-LAWS

Adopted: March 8, 1954

Revised: May, 2004



ZONING BYLAWS

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SECTION 100. GENERAL

101. Purpose.

101.1. The purpose of the zoning by-laws is to promote the health, safety, welfare and convenience of the inhabitants by dividing the Town of Groveland into districts and regulating the use and construction of buildings and premises with a view to encouraging the most appropriate use of land in the town.

102. Authority.

102.1. This zoning by-law is established in accordance with Chapter 40A of the Massachusetts General Laws, as amended by Chapter 808 of the Acts of 1975.

103. Applicability.

103.1. Except as permitted herein no use of land, use of building or structure shall be permitted.

104. Separability.

104.1. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision hereof.

104.2. These zoning by-laws shall not interfere with or annul any other by-law, rule, regulation or permit when the aforementioned specifically states that it is controlling. However, when any other by-law, rule, regulation or permit does not specifically state that it is controlling, the zoning by-laws, if more stringent, shall govern.

104.3. If within these zoning by-laws, a zoning by-law or part thereof is in conflict with another zoning by-law or part thereof, the most stringent shall apply.

Repetitive Petitions.

105.1. Zoning By-laws.

105.1.1. No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two (2) years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board. (Section 5, of Chapter 40A, as amended by Chapter 808, of the Acts of 1975.)

105. 2. Variances and Special Exemptions:

105.2.1. No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two (2) years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by a unanimous vote of a board of three (3) members or by a vote of four (4) members of a board of five (5) members or two-thirds (%) vote of a board of more than five (5) members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one (1) of the members of the planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered. (Section 16, of Chapter 40A, as amended by Chapter 808, of the Acts of 1975.)

106. Non-conforming Uses.

106.1. Except as specified in this Section 106, a by-law shall not apply to structures and/or uses lawfully in existence or lawfully begun, or to a building or special permit or renewal of a special permit issued before the first publication of notice of the public hearing on such by-law, but shall apply to any change or substantial extension of such use, to a building and/or special permit or renewal of a special permit issued after the first notice of said public hearing, to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single- or two-family residential structure does not increase the non-conforming nature of said structure. Pre-existing non-conforming structures and/or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority, as defined in these by-laws as having jurisdiction over such structures and/or uses, that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

106.2. Uses and/or structures abandoned or not used for a period of two (2) years or more shall revert to those uses and/or structures, which are specifically permitted or are allowed after issuance of a special permit in the zoning district in which such use and/or structure is contained. In the event such use and/or structure lies in two (2) zoning districts, the by-laws applicable to the most restrictive district shall apply.

107. General Regulations.

107.1. Occupancy Permit.

107.1. 1. No building erected, altered, or in any way changed as to construction or use, under a permit or otherwise shall be occupied or used without an occupancy permit, signed by the building inspector, said permit shall not be issued until the building and its uses, and the uses incident thereto, comply in all respects with this by-law.

107.1.2. If the building inspector shall refuse to issue a permit, the applicant may appeal to the permit granting authority, under the provision of Section 13 of Chapter 40A of the General Laws, as amended by Chapter 808 of the Acts of 1975.

107.2. Building Permits and Fee.

107.2.1. Application shall be made to the building inspector and a permit shall be issued by the building inspector before any building or structure is changed or any new building or structure is erected in any Residential District, Zone B or Zone C.

107.2.2. A fee shall be paid to the Town of Groveland on application for permit, according to the schedule, as approved by the selectmen, posted in the town clerk's office. The fee shall be returned to the applicant if the permit is refused.

107.3. Trailers.

107.3.1. No person shall park, store, occupy or utilize a trailer for living or business purposes except:

107.3.1.1. Such trailer may be parked or stored in a garage or other accessory building, or in the rear half of a lot owned or occupied by the owner of the trailer; providing however, that the trailer must be located at least twenty-five (25) feet from the rear and side lot lines and its use for living or business is prohibited.

107.3.1.2. The owner of land may permit occupancy of such land by a nonpaying guest, using a trailer for living purposes, for a period not exceeding four (4) weeks in any calendar year. A permit for this purpose must be obtained from the board of selectmen before the land may be so occupied.

107.3.1.3. As a temporary office or dwelling incidental to construction or development of the premises on which the trailer is located. Such use, however, is conditioned upon prior approval of the board of health and prior issuance of a permit from the board of appeals. Such permit shall run for a

period of one (1) year and may be extended for a period of one (1) year, but in no case may the trailer be so occupied for longer than a period of two (2) years, during which time the construction of the dwelling is to be completed. The approval of the board of health or the permit from the board of appeals may be revoked for cause at any time.

107.4. Appurtenant Open Space.

107.4.1. No yard or other open space required for a building by this by-law shall, during the existence of such a building, be occupied by or counted as open space for another building.

107.5. Building Projections.

107.5.1. Nothing herein shall prevent the projection of steps, un-roofed porches, cornices, window sills, belt courses and other ornamental features into any required yard.

107.6. Public Water Supply.

107.6.1. In any district, no structure shall be erected within a four-hundred foot radius of the centerline of the drill hold of any town owned well used for public water supply.

107.6.2. The Aquifer Protection District, established to protect the public water supply and defined in section 1700 of the Groveland Zoning by-laws , shall overlay other zoning districts. **Adopted: May 22,1989**

107.7. Other Regulations-Variances, Special Permits and Building Permits.

107.7.1. A special permit shall only be issued following a public hearing held within sixty-five (65) days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the town clerk by the applicant.

107.7.2. Special permit granting authorities 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 a special permit granting authority 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. Special permits issued by a special permit granting authority shall require two thirds(%) vote of boards with more than five (5) members, a vote of at least four (4) members of a five-member board, and a unanimous vote of a three member board.

107.7.3. A special permit shall lapse within one (1) year, unless otherwise specified in these by-laws, and including such time required to pursue or await the determination of an appeal from the grant thereof, if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

107.7.4. Any petition for a variance or application for a special permit which has been transmitted to the permit granting authority or special permit granting authority may be withdrawn without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the permit granting authority or special permit granting authority.

107.7.5. Construction or operations under a building or special permit or renewal of a special permit shall conform to any subsequent amendment of these by-laws unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

107.7.6. All other regulations contained in Sections 8, 10 and 11 of Chapter 808, Acts of 1975, shall apply.

107.8. Lot Size Reductions.

107.8.1. No lot shall be reduced in size so as to not conform to the zoning by-laws unless authorized by a variance from the zoning board of appeals.

107.8.2. No non-conforming lot shall be further reduced in size unless authorized by a variance from the zoning board of appeals.

107.9. Dwellings per Lot.

107.9.1. Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use on any lot in a subdivision, or elsewhere in the town, without the consent of the planning board, and that such consent shall be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

108. Site Plan Approval.

108.1. In all instances site plan approval is required. No building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service (including drive-ways giving access thereto) shall be established or substantially altered and no use shall be changed. except in conformity with a site plan bearing an endorsement of approval by the Planning Board.

and in accordance with a permit of the Planning Board where such permit is required. Site plan approval shall not be required for erection of a new building which in total does not exceed 150 square feet of gross floor area. In the event that no action is taken by the Planning Board within 30 days on a submitted application for site plan approval, said application is considered to be approved.

108.2. Procedure for Review:

108.2.1. **Application:** A completed form for site plan approval shall be submitted to the Planning Board with five (5) copies of the site plan, including all the information and supporting materials listed on the application form site plan checklist.

108.2.2. In reviewing the site plan submittal, the Planning Board shall consider the following matters:

- (a) Protection of adjoining premises against seriously detrimental uses by provisions for surface water drainage, sound and sight buffers and preservation of views, light and air;
- (b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and elderly;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (e) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw; and
- (f) Impact on the Town's resources including the effect on the Town's water supply and distribution system, sewage collection and treatment. fire protection, streets and school systems; and may impose such appropriate conditions, limitations, and safeguards as will insure compliance with the terms of approval. **ADOPTED: OCT 20,1990**

SECTION 109. - GROWTH MANAGEMENT

109.1. Purpose: The purpose of the Growth Management Zoning By-law (the By-law) is to protect and promote the public health, safety, welfare, education, and preserve rural community character of the Town of Groveland, (the town) by maintaining the growth of the town at a manageable rate, to allow time for the town to update its Master Plan in order to protect the town from uncontrolled development pending adoption of the Master Plan, and to ensure adequate time exists for the town to expand

its resources to provide those services necessary to meet the educational, infrastructure, and public safety needs of the residents, and to protect the Town from uncontrolled development pending the final adoption of a revised Master Plan. The rate of development in the town should not exceed the ability of the town to provide adequate schools, roads, police and fire protection, and other services necessary and appropriate to safeguard the health, welfare, and safety of the current and future residents.

109.2. Applicability: This By-law shall apply to the issuance of all building permits for construction of new single-family and two-family structures, with exemptions as set forth in Section 109.6. herein. This By-law shall be effective on July 1, 1996. The By-law may be extended without lapse of its provisions, conditions and limitations, by vote of a town meeting of the Town, prior to June 30, 2003. **Amended: May 21, 2001**

109.3. New Dwelling Unit Limitation Town Wide:

109.3.1. Building permits shall not be issued authorizing construction of (or conversion to) more than 36 dwelling units town-wide in single-family and two-family dwellings in any fiscal year of the town.

109.3.2. Applications refused because of this limitation shall be held and acted upon in chronological sequence based upon the time of complete application to the Building Inspector's Office.

109.4. Individual Development Phasing:

109.4.1. Building Permits shall not be issued authorizing construction of more than nine (9) dwelling units in single-family or two-family dwellings (exclusive of unused authorizations which have lapsed or have been withdrawn) in any fiscal year of the Town on any set of lots which were created from land which, as of the date of adoption of this Law, was contiguous and in the same ownership (or in different ownership each involving one (1) or more of the same principals).

109.5. Procedures:

109.5.1. No more than nine (9) single-family residential building permits shall be issued to any one applicant in any fiscal year. The procedures for issuing the single-family residential building permits referred to herein shall be as follows:

109.5.1.1. The applicant must complete and file a "Request to Submit an Application for a Building Permit" (RSAPB) to the building department. The applicant should submit the RSAPB, only after they have completed a building permit application package for the subject property.

109.5.1.2. The building department will accept RSAPB on a first-come, first-served basis during normal business hours. The department will assign consecutive numbers to RSAPBs as each is received, and will stamp the date of receipt of each request. Applicants may not submit during any fiscal year,

RSAPBs, than that number of single-family residential building permits, to which the applicant would be entitled during such year in accordance with this By-law.

109.5.1.3. The building department will notify each applicant in the order that RSAPBs are received of its standing, based on the order of submission of RSAPBs, such standing to be on a first-come, first-served basis.

109.5.1.4. The applicant must submit the building permit application by delivery in hand within 10 days after notification from the building department, that it will accept a building permit application. If a building permit application is not received within such 10 day period, the applicant must submit a new RSAPB, and will be assigned the then next consecutive request number. No building permit application will be accepted other than by delivery in hand. Building permit applications will be accepted during regular office hours only.

109.5.1.5. Building permit application packages that are incomplete or rejected for any reason will be returned to the applicant. The applicant may then file a new RSAPB and will be assigned the next consecutive request number.

109.5.1.6. If a building permit application is accepted by the building department, a building permit may be issued at any time within thirty (30) days of such submission, but not necessarily in the order of which applications were received.

109.5.1.7. If a building permit application is submitted in one (1) year and the building permit is not issued until a subsequent year, the permit shall be counted as having been issued in the month in which the application was submitted, for the purpose of determining compliance with this By-law.

109.5.1.8. Any landowner who has been denied a building permit because of this By-law may appeal to the Board of Assessors in conformity with M.G.L. ch. 59, sec. 59 for a determination as to the extent, if any, to which the temporary restriction on development use of such land may affect the assessed valuation placed on such land for the purpose of real estate taxation and abatement, if determined to be appropriate.

109.6. Exemptions: This By-law shall not apply to building permits for the construction of the following:

109.6.1. Any unit of housing to be built under any program or statute intended to assist the construction of low or moderate income housing, as defined in the applicable statute or regulation, including Town by-laws.

109.6.2. Restoration, expansion, alteration, or reconstruction of a dwelling in existence as of the effective date of this provision.

109.6.3. Permit for non-residential purposes.

109.6.4. For the purpose of this By-law, any person who owned land in Groveland prior to the adoption of this Article shall receive a one-time exemption (one building permit) from the provisions of this By-law for the purpose of construction a single-family dwelling on the parcel owned, provided that the single-family dwelling shall be owned and occupied by the owner of that parcel of land.

109.7. Definitions:

Applicant: Individuals, partnerships, corporation, trusts, and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than 1%.

Development: Lots which were at any time after January 1, 1980, part of contiguous property under common ownership, or a development approved pursuant to the Town of Groveland's Subdivision control regulations, zoning by-law regulations, or any other applicable land use regulation.

109.8. Separability: The provisions of this By-law are hereby declared to be separable, and if any such provision or the application of such provision to any person or circumstance, shall be held invalid or unconstitutional, such invalidity or unconstitutionality of any of the remaining provisions of this By-law, or the application of such provision to any person or circumstance other than those as to which such provision is held to be invalid.

Adopted: May 13, 1996; Sec. 109.2. Amended: May 21, 2001

SECTION 200. ESTABLISHMENT OF DISTRICTS

201.

In accordance with Chapter 40A of the Massachusetts General Laws, as amended, the Town of Groveland is hereby divided into the following types of use districts:

Residence District	(R-A)
Residence District	(R-B)
Residence District	(R-C)

Business District	(B)
Industrial District	(C)
Massachusetts Department of Fish and Game	(D)
Flood Plain District	(F)

202.

The districts are located and bounded as shown on a map, entitled "Zoning Map of the Town of Groveland, Massachusetts," which is on file in the office of the town clerk. The zoning map, with all explanatory matter thereon, is hereby made a part of this by-law. Zoning districts are further defined, as required, in Appendix C of these By-laws.

203.

An Aquifer Protection District, whose boundaries are defined on a map entitled "Aquifer Protection District, Town of Groveland" November 1985, on file in the office of the Town Clerk, and which is part of the Town of Groveland Zoning by-laws, section 1700, overlays other zoning districts. Any uses permitted in the portions of the district so overlaid are permitted, subject to the provisions of Section 1700. **Adopted: May 22, 1989**

SECTION 300. RESIDENTIAL DISTRICT USES

301. In R-A, R-B and R-C Districts, no building shall be erected or altered and no building or premises shall be used for any purpose except:

301.1. Detached one-family dwelling.

301.2. Two-family dwelling in any dwelling containing more than six (6) rooms, at the time this By-law is adopted.

301.3. Two-family or duplex dwellings.

301.4. Churches and parish houses.

301.5. Farms, poultry houses, garden nursery or greenhouse selling only produce or plants, the major portion of which is raised on the premises, and excluding any use injurious, noxious or offensive to the neighborhood.

301.6. Municipal uses (buildings, schools, libraries, cemeteries, museums, parks, playgrounds, and other municipal purposes).

301.7. Accessory use on the same lot with and customarily incidental to any of the listed permitted uses and not detrimental to a residential neighborhood may be permitted. The term "accessory use" shall not include:

301.7.1. A garage for, or storage of, more than four (4) automobiles or for storage only of more than one (1) commercial vehicle except on a farm, unless authorized by the board of appeals. Recreational vehicles, such as campers and motor homes, for the purpose of this by-law are not considered to be commercial vehicles.

301.8. **Accessory Apartments in Residence Districts**

301.8.1. **Purpose and Intent:** It is the specific intent of this section to allow accessory apartments, including kitchens, within single family properties in the Residential Districts for the sole purpose of meeting the special housing needs of grandparents, parents, brothers and sisters, children and their respective spouses of families of owner occupants of properties in the Town of Groveland. To achieve this goal and to promote the other objectives of this By-law, specific standards are set forth below for such accessory apartment uses.

301.8.2. **Owner Occupancy Required:** The owner of the single family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. A Special Permit shall be issued only to the owner of the property. The Zoning Board of Appeals shall be the Special Permit Granting Authority. Should there be a change in ownership or change in residence of the owner, the Special Permit and the Certificate of Occupancy for the accessory apartment shall become null and void.

301.8.3. **Apartment Size:** The maximum floor size for an accessory apartment within a principle dwelling shall not exceed twenty-five (25%) percent of the habitable area of the dwelling in which it is located, or 900 square feet, whichever is greater. Habitable area, as referred to herein, shall exclude unfinished basements, workshops, unfinished attics, closets, and garage space.

Amended April 26, 2004

301.8.4. **Code Compliance:** The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change of occupancy. The Zoning Board of Appeals shall have the right to request verification as to the accessory use on an annual basis.

301.8.5. **Preservation of Single Family Characteristics:** The accessory apartment shall not change the single family characteristic of the dwelling except for the provision of an additional access or egress.

301.8.6. Existing detached structure may continue to be used for the same purposes subject to special conditions imposed by the Board of Appeals.

301.8.7. There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units per lot.

301.8.8. Current apartment uses, as of the effective date of this amendment, may be continued only as long as the present occupants of the accessory apartment remain in residence. The current owner of the property must also appear before the Zoning Board of Appeals to obtain a Special Permit for the affected property. **Adopted April 26, 1993**

301.20. R-A, R-B, and R-C Residential District uses requiring special permits for which the zoning board of appeals is designated as the special permit granting authority.

301.20.1. Private schools, private libraries, private cemeteries, private museums.

301.20.2. Customary home occupations conducted by resident occupants only, and not detrimental to a residential neighborhood.

301.30. R-A, R-B, and R-C Residential District uses requiring special permits for which the planning board is designated as the special permit granting authority.

301.30.1. Cluster developments for single-family dwellings.
Refer to Section 500 for specifications and procedures.

Deleted April 26, 1993

302.1. In-ground and aboveground swimming pools with a depth in excess of thirty (30) inches shall be completely enclosed by a fence or wall of not less than five (5) feet in height. All gates or doors opening through such enclosures shall be equipped with a lock device to keep such gates closed when not in use.

302.2. Deleted.
Deleted April 11, 1977

302.3. In zones 2 and 3 of the Aquifer Protection District (see section 1700 of these by-laws), no storage tank or associated pipe systems for hazardous materials, including fuel oils for domestic use, shall be in direct contact with the ground.
Adopted May 22, 1989

303. Lot Size.

303.1. In an R-A Residence District no building, except one story buildings of accessory use, shall be erected on a lot with less than [a] one hundred fifty-foot frontage and less than one (1) acre (forty-three thousand five hundred sixty [43,560] square feet) in area. No two-family or duplex dwellings shall be erected on a lot with less than [a] two hundred-foot frontage and less than sixty thousand (60,000) square feet in area.

303.2. In an R-B Residence District no building, except one story buildings of accessory use, shall be erected on a lot with less than one hundred fifty (150) foot frontage and less than thirty thousand (30,000) square feet in area. No two-family or duplex dwellings shall be erected on a lot with less than two hundred (200) foot frontage and less than forty thousand (40,000) square feet in area.

303.3. In an R-C Residence District no building, except one story buildings of accessory use shall be erected on a lot with less than [a] one hundred foot frontage and less than twenty thousand (20,000) square feet in area. No two-family or duplex dwellings shall be erected on a lot with less than one hundred thirty-foot frontage and less than twenty-seven thousand (27,000) square feet in area.

303.4. Each lot, in any district, shall contain a minimum one hundred foot inscribed circle and not include the setback requirements (area).
Adopted May 13, 1996 – Amended April 26, 2004

303.5. In all Zones, R-A, R-B & R-C, the minimum lot width from the front property line to the rear setback line shall be no less than eighty percent (80%) of the frontage required for the zoning district.
Amended May 21, 2001

303.6. No principal building shall be erected on a lot with less than the required contiguous and buildable land area shown in the following table:
Adopted May 13, 1996

District in which located	Area in square feet	Frontage in Feet (2)	Percentage of required land area to be contiguous and buildable
R-A residence single family	43,560	150	60/50 (3)
R-A residence			

two-family/duplex	60,000	200	60/50 (3)
R-B residence single family	30,000	150	60/50 (3)
R-B residence two-family/duplex	40,000	200	60/50 (3)
R-C residence single family	20,000	100	75
R-C residence two family/duplex	27,000	130	75
All other districts	varies	varies	60/50 (3)

(1) To qualify under this section, contiguous and buildable land shall not include wetlands, land with a slope in excess of twenty (20) percent; and shall include land for a sanitary absorption system, including reserve area, to be approved by the Board of Health prior to the issuance of a building permit.

(2) Measured at the street line from side lot line to side lot line except on a curve where the frontage shall be measured from side lot line to side lot line along the curve. Frontage must provide access to the lot from the right-of-way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan.

(3) Sixty percent if not serviced with Town water; fifty percent if serviced with Town water. **Adopted May 13, 1996**

304. Street Line.

304.1. In any residential district no building or roadside stand shall be erected or placed within thirty (30) feet of a street line unless it is determined that the line of houses existing at the time this by-law is adopted is less than thirty (30) feet from the street line, and no building of accessory use or farm or poultry farm building other than a dwelling, or roadside stand, or private garage, shall be built within sixty (60) feet of a street line.

305. Side Lot Line.

305.1. In an R-A Residence District no building shall be erected within fifteen (15) feet of a side lot line.

305.2. In an R-B Residence District no building shall be erected within fifteen (15) feet of a side lot line on a lot with one hundred fifty (150) feet or more

frontage. On a lot with less than one hundred fifty (150) feet frontage and in existence at the time this by-law is passed, no building shall be erected within ten feet of a side lot line.

305.3. In an R-C Residence District no building shall be erected within ten feet of a side lot line.

305.4. All rear lot line requirements shall be consistent with side lot line requirements for buildings two hundred square feet (200') or greater located in their respective zoning districts. Side lot line requirements, as outlined in section 305, will include the side lot lines and rear lot line for the set back requirements of buildings two hundred square feet (200') or greater located on the lot for all zoning districts outlined in the Zoning by-laws of Groveland.

Adopted April 26, 1993

306. Living Bulk.

306.1. Any family dwelling or family unit erected or altered or used for dwelling purposes in any district shall provide a total living bulk of at least five thousand (5,000) cubic feet, outside measure, not including carport, garage, breezeway, cellar, or basement.

SECTION 400. CONVERSION TO APARTMENTS AND CONDOMINIUMS

Any building, dwelling, or structure to be converted to apartments or condominiums must have the following minimum square feet of land area:

In Zone RA:

Two (2) living units: Sixty thousand (60,000) square feet of land area.

Three (3) living units: Ninety thousand (90,000) square feet of land area.

Four (4) living units: One hundred twenty thousand (120,000) square feet of land area.

Each additional unit of living space above four (4) units will require an additional 30,000 square feet of land area.

In Zone RB:

Two (2) living units: Forty thousand (40,000) square feet of land area.

Three (3) living units: Sixty thousand (60,000) square feet of land area.

Four (4) living units: Eighty thousand (80,000) square feet of land area.

Each additional unit of living space above four (4) units will require an additional 20,000 square feet of land area.

In Business Zone:

Requirements will be the same as in Zone RB.

In Zone RC:

Requirements will be the same as in Zone RB.

Industrial Zone:

No conversions to condominiums or apartments are allowed.

These requirements are in addition to any other zoning by-law requirements that are in effect and do not delete from other requirements.

All conversions are subject to all state and local building codes and all state statutes.

SECTION 500. CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)

I. PURPOSE AND INTENT

1. The Primary Purposes for CSD are the following:
 - a) To allow for greater flexibility and creativity in the design of residential developments;
 - b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archeological resources in a manner that is consistent with a municipality's master and open space plan, if any;

- c) 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 or grid subdivision;
 - d) To minimize the total amount of disturbance on the site;
 - e) To further the goals and policies of the master and open space plans;
 - f) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.
2. The Secondary Purposes for CSD are the following:
- a) To preserve and enhance the community character;
 - b) To preserve and protect agriculturally significant land;
 - c) To protect the value of real property;
 - d) To protect community water supplies;
 - e) To provide for a diversified housing stock;
 - f) To provide affordable housing to persons of low and moderate income.

II. ELIGIBILITY

- 1A. Minimum Size of Tract. To be eligible for consideration as a CSD, the tract shall contain a minimum of five (5) acres.
2. Zoning Classification. Only those tracts located within the Residential Districts R-A & R-B shall be eligible for consideration as a CSD.
3. Contiguous Parcels. To be eligible for consideration as a CSD, the tract shall consist of a parcel or set of contiguous parcels.
4. Land Division. To be eligible for consideration as a CSD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, s. 81P, provided, however, that CSD may also be permitted where intended as a condominium on land not so divided or subdivided.

III. SPECIAL PERMIT REQUIRED

The Planning Board may authorize a CSD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the following provisions:

IV. PRE-APPLICATION

1. Conference. The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water and Sewer Board, Fire Department, Police

Department, and Municipal Light Department. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed CSD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a CSD special permit.

2. Submittals. In order to facilitate review of the CSD at the pre-application stage, applicants are strongly encouraged to submit the following information:
 - A. Site Context Map. This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
 - B. Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, river front areas, flood plains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap/conflict.
 - C. Other Information. In addition, applicants are invited to submit the information set forth in Section VI.1 in a form acceptable to the Planning Board.
3. Site Visit. Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the SCD. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water & Sewer Board, Fire Department, Police Department, and Municipal Light Department.
4. Design Criteria. The design process and criteria set forth below in Section V should be discussed by the parties at the pre-application conference and site visit.

V. DESIGN PROCESS

At the time of the application for a special permit CSD in conformance with Section VI.1, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and a Certified Professional

Engineer and considered in determining the layout of proposed streets, house lots and open space.

1. Step One: Identifying Conservation Areas. Identifying preservation land by two steps. First, Primary Conservation Areas (such as wetlands, river front areas, and flood plains regulated by state or 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. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
2. Step Two: Locating 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, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
3. Step Three: Aligning the Streets and Trails: Align streets in order 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.
4. Step Four: Lot Lines: Draw in the lot lines, unless the CSD is utilizing Condominium Ownership.

VI. APPLICATION PROCESS

1. Application

An application for a special permit for a CSD shall be submitted on the form(s) provided by the Planning Board in accordance with the rules and regulations of the Board. Applicants for CSD shall also file with the Planning Board eight (8) copies of the following:

Concept Plan

The Concept Plan shall include a Sketch Plan and a Yield Plan (see section VII). The applicant shall submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section IV.2 above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

A. Sketch Plan.

The Sketch Plan shall be prepared by a certified Landscape Architect, or by a multi-disciplinary team of which one member must be a certified Landscape

Architect, and shall address the general features of the land, and give approximate configurations of the lots, open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section V above, and the Design Standards according to Section X below, when determining a proposed design for the development.

(1) Quality Standards

The conceptual plan shall be drawn at a scale of one hundred feet (100') to the inch or such other scale as the Board may accept. The plan shall be designated as a "conceptual plan".

(2) Required Content.

The Sketch Plan shall include the following::

- a. The subdivision name, boundaries, north point, date, legend, title "Concept Plan," and scale.
- b. The names of the record owner and the applicant, and the name of the Landscape Architect that prepared the plan.
- c. The names, approximate location, and widths of adjacent streets.
- d. The proposed topography of land shown at a contour interval no greater than ten (10) feet. Elevations shall be referred to mean sea level.
- e. The location of existing landscape features including forests, farm fields, meadows, wetlands, river front areas, water bodies, archeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section V.1. Proposals for all site features to be preserved, demolished, or moved shall be noted on the Sketch Plan.
- f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
- g. Lines showing proposed private residential lots, as located during Step-Four, Section V.4, with approximate areas and frontage dimensions.
- h. All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, off-street parking areas, etc, shall be shown on the plan and described in a brief narrative explanation where appropriate.
- i. The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- j. Proposed roadway grades
- k. Official soil percolation tests for the purpose of siting wastewater treatment options are not required for the Concept Plan. However, a narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting

parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.

- I. A narrative explanation prepared by a certified Professional Engineer proposing systems for storm water drainage and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether non-structural or structural engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins, it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any storm water management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- m. A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system.
- n. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
- o. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- p. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
- q. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
- r. If the municipal sewer system is to be used a narrative explanation prepared by a certified Professional Engineer, detailing the proposed sewer extension system shall be submitted.

B. Yield Plan.

Applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield determined according to Section V11, Basic Maximum Number (of lots/units/bedrooms).

C. Relationship between Concept Plan and Definitive Subdivision Plan.

The Concept Plan special permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- (1). an increase in the number of building lots;
- (2). a significant decrease in the open space acreage;
- (3). a significant change in the lot layout;
- (4). a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
- (5). significant changes to the storm water management facilities; and/or
- (6). significant changes in the wastewater management a systems;
- (7). significant changes in the wetlands and/or wildlife habitat resource areas.

2. Procedures

Whenever an application for a CSD 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 the development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Water and Sewer Department, Police Chief, Fire Chief, Town Engineer and/or Consultant, Board of Selectmen, Road Commissioner, and Municipal Light Department 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 of the reviewing party of all the required materials; failure of these 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 35 day period, the Planning Board shall continue the public hearing to permit the formal submissions of reports and recommendations within that 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.

3. Site Visit.

Whether or not conducted during the pre-application stage, the Planning Board shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

4. Other Information.

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a special permit for a CSD with the public hearing required for approval of a definitive subdivision plan.

VII. BASIC MAXIMUM NUMBER (OF LOTS/UNITS/BEDROOMS)

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth above in Section VI. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

VIII. REDUCTION OF DIMENSIONAL REQUIREMENTS

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for lots with a CSD, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning Board

may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

2. Lot frontage shall not be less than 50 feet. The Planning Board may waive this requirement where it is determined that such reduced frontage will further the goals by this bylaw.
3. Each lot shall have at least 2/3 of the required setbacks for the district unless a reduction is otherwise authorized by the Planning Board.
4. Lots may be reduced in area according to the following schedule³:

Minimum Open Space (%)	District Minimum Lot Area (sq. ft.)	CSD Minimum Lot Area (sq. ft.)
50	District RA-43,560	10,000
50	District RB-30,000	10,000

³*It should be noted that this table is for conceptual purposes only. Lot areas subject to 50% open space requirements were reduced by three-quarters; areas subject to 70% open space requirements were reduced by seven -eighths.*

IX. OPEN SPACE REQUIREMENTS

1. Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
 - A. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract, which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.
 - B. The open space shall be contiguous. Contiguous shall be defined as being connected. Open Space will still be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.

- C. The open space shall be used for wildlife habitat and conservation and the following additional purposes [choose]: historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).
 - D. Wastewater and storm water management systems serving the CSD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
2. Ownership of the Open Space. The open space shall be conveyed to:
- (a). the Town or its Conservation Commission; or
 - (b). a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - (c). a corporation or trust owned jointly or in common by the owners of lots within the CSD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles or incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

X. DESIGN STANDARDS

The following Generic and Site Specific Design Standards shall apply to all CSD's and shall govern the development and design process:

- 1. Generic Design Standards
 - (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and to configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
 - (b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize

cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

- (c) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings
- (d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

2. Site Specific Design Standards

- (a) Mix of Housing Types. The CSD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.
- (b) Buffer Areas. A buffer area of twenty-five (25) feet may be provided at the following locations: (a) perimeter of the property where it abuts residentially zoned and occupied properties; (b) certain resource areas on or adjacent to the tract like ponds, wetlands, streams and river front areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes; and (c) existing public ways. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disrobed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein.
- (d) Drainage. The Planning Board shall encourage the use of "soft" (non-structural) storm water management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- (e) Common/Shared Driveways. A common or shared driveway may serve a maximum number of three (3) single-family units.
- (f) Screening and Landscaping. All structural surface storm water management facilities shall be accompanied by a conceptual landscape plan.
- (g) On-Site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities

(including park land and open space) and adjacent land uses where appropriate.

- (h) Disturbed Areas. Not more than twenty five (25)% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

XI. DECISION OF THE PLANNING BOARD

The Planning Board may grant a special permit for a CSD if it determines that the proposed CSD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors;

1. whether CSD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;
2. whether the CSD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
3. whether the CSD 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. whether the CSD reduces the total amount of disturbance on the site;
5. whether the CSD furthers the goals and policies of the [choose] open space and master plan(s);
6. whether the CSD facilities the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.
7. whether the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.

XII. INCREASE IN PERMISSIBLE DENSITY

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the CSD shall not, in the aggregate, exceed thirty percent (30)% of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units permanently restricted to occupancy by persons over the age of fifty-five, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

3. For every two (2) dwelling units permanently restricted to occupancy for a period of not less than fifteen (15) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

ADOPTED: June 12, 2002

SECTION 600. CONDOMINIUMS

(See Section 700, Planned Unit Development, for By-laws pertaining to Condominiums.)

SECTION 700. PLANNED UNIT DEVELOPMENT

701. Purpose.

701.1. These are specifications and procedures only. The specifications and procedures shall apply in zoning districts, if any, allowing such special permit. For the purpose of the planned unit development By-law, the planning board is designated as the special permit granting authority.

701.2. Any planned unit development of four (4) living units or more shall be governed by this regulation in order to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town.

702. General.

702.1. Work on a planned unit development shall not begin until twenty (20) days have elapsed after the granting of a special permit by the planning board after a public hearing.

702.2. The planning board's public hearing shall be held within sixty-five (65) days after the filing of one (1) application and one (1) set of plans each with the planning board, the board of health and the town clerk. The planning board filing date shall be used to begin the sixty-five day period. The planning board shall render a decision within ninety (90) days following the public hearing for which notice has been given in accordance with Massachusetts General Laws, Chapter 40A, Section 11, and by mailing to all parties of interest. Failure of the planning board 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. A vote of four (4)

members of the five-member planning board shall be required to grant a special permit for a planned unit development.

702.3. Such special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the town clerk that said twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Essex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

702.4. A special permit for a planned unit development shall lapse within two (2) years after the granting date of the special permit (the granting date being included in the two-year period), and including such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws, Chapter 40A, Section 17, from grant thereof, if substantial construction has not begun except for good cause.

702.5. The content of a planned unit development plans shall be in conformance with Groveland's current Subdivision Rules and Regulations and the Aquifer Protection By-law to the extent considered necessary and appropriate by the planning board.

Amended May 22, 1989

702.6. Any planned unit development shall require the written recommendations of town boards and/or agencies as specified in Groveland's Subdivision Rules and Regulations. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall sent copies thereof to the planning board and to the applicant; provided, however, that failure of any such board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

702.7. Upon the granting of a special permit or any extension, modification or renewal thereof, the planning board shall issue to the owners and to the applicant, if other than the owner, a copy of its decision, certified by the planning board, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of a special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the planning board and town clerk.

702.8. No planned unit development petition which has been unfavorably and finally acted upon by the planning board shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the planning board, by a favorable vote of four (4) members, finds specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

702.9. Any petition for a planned unit development special permit which has been transmitted to the planning board may be withdrawn without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the planning board.

702.10. The planning board shall have overall responsibility for project supervision and shall use Groveland Zoning By-laws, including the Aquifer Protection By-law, Subdivision Rules and Regulations, and other sources, both written and professional, as are considered necessary and appropriate.

Amended May 22, 1989

702.11. If any of the regulations in this section are in conflict with other regulations contained in the zoning by-laws, the most stringent regulation shall apply.

703. Regulations.

703.1. After following the specified procedures, the planning board may grant a special permit for a planned unit development, provided that the following regulations are met:

703.1.1. The maximum height of any building shall be thirty five (35) feet. Height shall be measured from the mean finished ground level to the highest point on the roof of the building. The maximum number of stories shall be two and one-half (2-1/2).

703.1.2. There shall be at least two (2) parking spaces of appropriate size per dwelling unit. Parking areas shall be illuminated by a light intensity of 0.60 foot candles (average maintained). The lighting uniformity on parking areas shall be 4 to 1. All illumination on parking lots must be shielded so as not to shine upon abutting property.

703.1.3. The number of dwelling units per building shall not exceed four (4).

Amended May 21, 2001

703.1.4. No dwelling unit shall be below mean finished ground level. No dwelling unit or part thereof shall be in the attic.

703.1.5. Each dwelling unit shall have its own cooking and sanitary facilities.

703.1.6. Fire alarm and emergency lighting systems shall be installed. Said systems shall be subject to the approval of the town's fire chief.

703.1.7. Provisions shall be made for fire protection, specifically fire hydrants. Said provisions shall be subject to the approval of the town's fire chief.

703.1.8. Provisions shall be made for access to all buildings by emergency vehicles at all times.

703.1.9. At least seventy (70) percent of the total land area shall be green space which shall be exclusive of buildings, drives and parking.

703.1.10. The floor-area ratio shall be 0.15 maximum. The floor-area ratio

is defined as the gross floor area of the buildings less cellars, to the total land area.

703.1.11. No structures shall be built within thirty (30) feet of any way. No structure shall be built within fifty (50) feet of any property line. No structure shall be built within fifty (50) feet of any other structure.

703.1.12. When access to a state highway is involved, no building permit shall be issued until the applicant submits to the town building inspector a copy of an approved permit for entrance to the state highway as issued by the Massachusetts Department of Public Works.

703.1.13. Responsibility for maintenance of roads, drives, and parking areas, which shall include but not be limited to repair, snow removal, and general maintenance, shall be the responsibility of the owners of the buildings, unless and until such roads are accepted by the town. The town road commissioner shall be delegated to inspect the conditions of the drives, roadways, and parking areas at least annually and insure that appropriate action is taken to protect the inhabitants.

703.1.14. Any sewerage treatment facility shall be subject to the approval of the town board of health, the Massachusetts Department of Public Health, and the Massachusetts Department of Natural Resources. Such facility shall be the responsibility of the owner of the building, unless such facility is accepted by the town. A plan of the approved system shall be filed with the town board of health and the planning board.

703.1.15. No building shall be erected in a possible flood plain as determined by the planning board after consultation with appropriate agencies.

703.1.16. No building shall be erected within three hundred (300) feet of the perimeter of any body of water (including wetlands, streams, ponds, etc.) as measured at its highest point within the last ten (10) years.

703.1.17. Dwelling area requirements shall be consistent with the intent of the facility, and shall be subject to the approval of the planning board.

703.1.18. The average number of dwelling units per acre in any planned unit development shall not exceed four (4).

703.1.19. There shall be a minimum of ten (10) acres of land, within any parcel to be developed for a planned unit development.

703.1.20. Commercial business establishments are expressly prohibited.

703.1.21. All signs of a commercial nature are expressly prohibited.

703.1.22. All future accessory use buildings shall be subject to approval by the planning board.

703.1.23. In zones 2 and 3 of the Aquifer Protection District (see section 1700 of these By-laws), no storage tank or associated pipe systems for hazardous materials, including fuel oils for domestic use, shall be in direct contact with the ground. **Adopted May 22, 1989**

703.1.24. All buildings/dwelling units shall be connected to the Groveland Sewer System. **Adopted May 21, 2001**

703.1.25. For the purpose of traffic control each new PUD shall be located a minimum distance of one (1) mile (5,280 feet) from an existing PUD. **Adopted May 21, 2001**

703.1.26. The area (square footage) of all wetlands and steep slopes in excess of 20% within the parcel shall be excluded from the total area (square footage) of the entire parcel for the purpose of calculating the total number of units/dwellings that could be developed. **Adopted May 21, 2001**

SECTION 800. BUSINESS DISTRICT USES-ZONE B

801.

For the purpose of business district use regulations, the zoning board of appeals is designated as the special permit granting authority. In business districts, no building shall be erected or altered, and no building or land shall be used for any purpose that is injurious, noxious, or offensive to the neighborhood, by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause, existing or potential, or for any purpose except the following, and then only by a special permit from the zoning board of appeals after a public hearing. The erection of [a] residential building, which complies with frontage and lot size requirements, shall not require a public hearing or a special permit from the zoning board of appeals in the business district. The zoning board of appeals shall have the power to: set restrictions and conditions; hours of operation; signs-type, size and number; off-street parking spaces; outside lighting; road setbacks; side lot lines; rear lot lines, buffer zones; require written procedures for the storage or disposal of hazardous materials; and set fines for permit violations.

801.1. Any permitted or special permit use in the residential districts, provided that no dwelling shall be constructed on a lot having less area and/or less frontage than is required for the least restricted residential district adjacent thereto. A limit of one (1) single-family dwelling unit in the same building as the business is also permitted.

801.2. Retail establishments and any other non-manufacturing business use which will not be seriously detrimental or offensive to its district or adjoining districts, or tend to reduce property values in said districts.

801.3. Within the Aquifer Protection District (see section 1700 of these By-laws) the Zoning Board of Appeals shall consider and apply the Aquifer Protection By-law before granting any Special Permit. **Adopted May 22, 1989**

802.

No business shall be relocated within the business district, or to another district permitting business, without the issuance of a special permit by the zoning board of appeals after a public hearing.

803.

No business shall be expanded beyond the limits set forth by the zoning board of appeals or by any other means, without the issuance of a special permit by the zoning board of appeals after a public hearing.

804.

In addition, a separate special permit is required in the flood plain district.

805. In Business Districts.

805.1. Zoning shall be effective for a depth of one hundred fifty (150) feet from the centerline of a street unless otherwise specified in the Zoning By-laws. Where another street intercepts this area, the depth of Business District B shall be further limited to the centerline of the interceptor street.

805.2. In a business district no building shall be erected on a lot with less frontage and less area as required in the nearest RB or RC Residential District. No building shall be erected within thirty (30) feet of the adjacent right-of-way line of the street, unless it is determined that the existing line of buildings is less than thirty (30) feet from said line, and no building of accessory use shall be built within sixty (60) feet of said line. No building shall be erected within ten (10) feet of a side lot line. Building coverage shall not exceed forty (40) percent of the lot area.

805.3. No filling stations, new or used car lots, or garages shall be permitted within one hundred (100) yards in any compass direction of any residential dwelling, church, hospital or school. A filling station shall not be permitted within one thousand (1,000) yards in any compass direction of another filling station, existing or authorized.

805.4. Self-service filling stations are expressly prohibited.

805.5. Height of structure/buildings shall not exceed 35 feet. This limit does not apply to radio antennas. **Adopted October 20, 1990**

805.6. Structure/building setbacks shall be a minimum of 15 feet for front, side and rear. **Adopted October 20, 1990**

805.7. Parking requirements shall be individually determined by the Special Permit granting authority. **Adopted October 20, 1990**

805.8. Impervious materials shall not cover more than 80% of the lot area, and the remaining portion shall be retained as open space. **Adopted October 20, 1990**

SECTION 850. LIMITED BUSINESS DISTRICT USES-ZONE LB

851.

For the purpose of limited business district use regulations, the zoning board of appeals is designated as the special permit granting authority. In limited business districts, no building shall be erected or altered, and no building or land shall be used for any purpose that is injurious, noxious or offensive to the neighborhood, by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause, existing or potential, or for any purpose except the following, and then only by a special permit from the zoning board of appeals after a public hearing. The erection of a residential building, which complies with frontage and lot size requirements, shall not require a public hearing or a special permit from the zoning board of appeals in the limited business district. The zoning board of appeals shall have the power to: set restrictions and conditions; hours of operation; signs type, size and number; off-street parking spaces; outside lighting; road setbacks; side lot lines; rear lot lines, buffer zones; require written procedures for the storage or disposal of hazardous materials; and set fines for permit violations.

851.1. Any permitted or special permit use in the residential districts, provided that no dwelling shall be constructed on a lot having area and/or less frontage than is required for the least restricted residential district adjacent thereto. A limit of one (1) single-family dwelling unit in the same building as the business is also permitted.

851.2. Business, financial, professional or administrative offices, personal or consumer serviced establishments. Such uses shall not be detrimental or offensive to its district or adjoining districts, or tend to reduce property values in said districts.

851.3. Within the Aquifer Protection District (see section 1700 of these By-laws) the Zoning Board of Appeals shall consider and apply the Aquifer Protection By-law before granting any Special Permit. **Adopted May 22, 1989**

852.

No business shall be relocated within the limited business district, or to another district permitting business, without the issuance of a special permit by the zoning board of appeals after a public hearing.

853.

No business shall be expanded beyond the limits set forth by the zoning board of appeals or by any other means, without the issuance of a special permit by the zoning board of appeals after a public hearing.

854.

In addition, a separate special permit is required in the flood plain district.

855. In limited business districts:

855.1. Zoning shall be effective for a depth of one hundred fifty (150) feet from the centerline of a street unless otherwise specified in the zoning by-laws. Where another street intercepts this area, the depth of Limited Business District LB shall be further limited to the centerline of the interceptor street.

855.2. In a limited business district no building shall be erected on a lot with less frontage and less area as required in the nearest RB or RC Residential District. No building shall be erected within thirty (30) feet of the adjacent right-of-way line of the street, unless it is determined that the existing line of buildings is less than thirty (30) feet from said line, and no building of accessory use shall be built within sixty (60) feet of said line. No building shall be erected within ten (10) feet of a side lot line. Building coverage shall not exceed forty (40) percent of the lot area.

855.3. No filling stations, new or used car lots, or garages shall be permitted within one hundred (100) yards in any compass direction of any residential dwelling, church, hospital or school. A filling station shall not be permitted within one thousand (1,000) yards in any compass direction of another filling station, existing or authorized.

855.4. Self-service filling stations are expressly prohibited.

SECTION 900.-INDUSTRIAL DISTRICT USES-ZONE C

901.

For the purpose of industrial district use regulations, the zoning board of appeals is designated as the special permit granting authority. In business [industrial] districts, no building shall be erected or altered, and no building or land shall be used for any purpose that is injurious, noxious, or offensive to the neighborhood, by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause, existing or potential, or for any purpose except the following, and then only by a special permit from the zoning board of appeals after a public hearing. The zoning board of appeals shall have the power to: set restrictions and conditions; hours of operation; signs-copy, type, size and number; off-street parking spaces; outside lighting; road setbacks; side lot lines; rear lot lines, buffer zones; require written procedures for the storage or disposal of hazardous materials; and set fines for permit violations.

901.1. Any permitted or special permit use in the residential districts or business district, except the erection of any residential dwellings with the provision that a limit of one (1) single-family dwelling unit in the same building as a business is permitted.

901.2. No industrial or manufacturing use which will not be seriously detrimental or offensive to its district or adjoining districts, or tend to reduce property values in said districts.

901.3. Within the Aquifer Protection District (see section 1700 of these By-laws) the Zoning Board of Appeals shall consider and apply the Aquifer Protection By-law before granting any Special Permit. *Adopted May 22, 1989*

902.

No industrial or manufacturing use or business use shall be relocated within the industrial district, or to another district permitting such uses, if any, without the issuance of a special permit by the zoning board of appeals after a public hearing.

903.

No industrial or manufacturing use or business use shall be expanded beyond the limits set forth by the zoning board of appeals or by any other means, without the issuance of a special permit by the zoning board of appeals after a public hearing.

904.

In addition, a separate special permit is required in the flood plain district.

905.

In an industrial district, all industrial and/or business buildings shall be set back at least fifty (50) feet from the adjacent right of way line of a public or private way, and shall be at least twenty-five (25) feet from the side lines and rear line of the lot.

Amended October 20, 1990

906.

Height of the structures/buildings shall not exceed 35 feet. This limit does not apply to radio antennas. **Adopted October 20, 1990**

907.

Paving setbacks shall be a minimum of 10 feet front, side and rear.

Adopted October 20, 1990

908.

Parking area shall be a minimum of one space (8' x 20') for each 300 square feet of gross building/structure floor area. **Adopted October 20, 1990**

909.

Impervious materials shall not cover more than 50% of the lot area, and the remaining portion shall be retained as open space. **Adopted October 20, 1990**

910.

Restricted and Prohibited Uses-Prohibited Uses: Salvage yard, junk yard, and all open-air storage of junk, waste products and salvage materials (including non operable automobiles) are expressly prohibited in all industrial and business districts of the Town, as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, slaughterhouse, rendering plant, fertilizer plant, race track, and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this By-law. Town sponsored transfer stations shall be exempt from this prohibition provided a Special Permit is issued by the Special Permit granting authority after an advertised public hearing. **Adopted October 20, 1990**

SECTION 950
AFFORDABLE HOUSING REQUIREMENTS

951. Purpose and Intent:

951.1. to increase and maintain in perpetuity the supply of housing that is available and affordable to low, moderate and upper-moderate income households.

951.2. to prevent the displacement of Groveland residents.

951.3. to outline and implement a set of policies and objectives for the development of affordable housing in compliance with G.L. c. 40B sect. 20-24 and various initiative programs developed by state, county and local government.

951.4. that the affordable housing units that result from this bylaw be considered as Local Initiative Units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development.

952. Definitions: The following definitions shall apply in this bylaw. Where a term is undefined herein, the definition set forth in the Affordable Housing Guidelines adopted pursuant to this bylaw, if any, shall control. All other undefined terms in this section either be governed by Definitions of this Zoning Bylaw or shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.

952.1. **AFFORDABLE HOUSING GUIDELINES:** Written policies and criteria, recommended by the Groveland Housing Authority, or their designee, and adopted by the Planning Board, which supplement and serve to aid in the interpretation of this section. They may be revised from time to time without an amendment to the Zoning Bylaw.

952.2. **AFFORDABLE HOUSING PLAN** means a document that constitutes the applicant's showing of compliance with the requirements of this section.

952.3. LOCAL HOUSING FUND. An account established by: (a) the Town for the specific purpose of creating affordable housing, including use by the Groveland Housing Authority for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for affordable housing occupants; or (b) a housing trust or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts.

952.4. AFFORDABLE HOUSING UNIT. A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of the Lawrence median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c.40B sect. 20-24 and the Commonwealth's Local Initiative Program.

952.4.1. Rental units shall be made available at an initial rent that is calculated such that a hypothetical household with 1.5 persons per bedroom and with an income of 80% of median income would be paying 30% of gross income on rent and tenant-paid utilities, unless the occupant has a tenant-based subsidy, in which case the rent may be the amount allowed under the subsidy, provided that the occupant is not paying more than 30% of gross income on rent and tenant-paid utilities.

952.4.2. Sales units shall be made available at a sales price that is calculated such that a hypothetical household with 1.5 persons per bedroom and with an income of 80% of area median income would be paying 30% of gross income towards a mortgage, mortgage insurance, condominium fee and property taxes for a standard thirty-year mortgage at 95% of sales price.

952.5. QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT. An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as determined by regulations promulgated by the United States Department of Housing and Urban Development (HUD) and the Commonwealth's Local Initiative Program, or any successor federal or state program.

952.6. PROJECT: Any residential or other development, including a cluster development, which results in the construction of new dwelling units, including those set forth in Section 953, subparagraph 953.1., 953.2, or 953.3 herein. Where the project is a life care facility development, as set forth in paragraph 953.3, the term "dwelling unit" shall be construed to mean "assisted living unit".

953. Applicability. This section shall apply to:

953.1. Division of Land. The division of land into four (4) or more lots shall require a special permit from the special permit granting authority (SPGA). A special permit shall be required for land divisions under G.L. c.40A sect. 9 as well as for "conventional" or "grid" divisions allowed by G.L. c.41 sect. 81-L and sect. 81-U, including those divisions of land that do not require subdivision approval.

953.2. Multiple Units. Any project that results in any net increase of four (4) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space, whether on one or more contiguous parcels, shall require a special permit from the SPGA.

953.3. Any life care facility development that includes four (4) or more assisted living units and accompanying services.

953.4. The intentional segmentation of projects designed to avoid the requirements of this bylaw (e.g. subdividing one large tract into two smaller tracts, each of which will contain fewer than 4 units or phasing a development such that each phase will contain fewer than 4 units) is expressly forbidden. Parcels held in common ownership as of the passage of this bylaw cannot later defeat the requirements of this regulation by segmenting the development.

954. Mandatory Provision of Affordable Units:

954.1. The SPGA shall, as a condition of approval of any development referred to in Section 953, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this bylaw and more fully described in Section 955.

955. Provision of Affordable Units:

955.1. The SPGA shall deny any application for a special permit for development under this bylaw if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units, except as the provisions of subparagraph 955.2 below shall apply:

If the average sale price of project units is affordable to households earning the following median income:	The percentage of units which are subject to rents and selling prices per section 952 shall be:	The percentage of units which are subject to marketing and continued affordability provisions per section 952 shall be:
Less than 80%	0%	10%
80% to 119.9%	10%	10%
120% to 239.9%	12.5%	12.5%
240% to 359.9%	15%	15%
Over 360%	18%	18%

955.2. For projects resulting in a net increase of four (4) to nine (9) dwelling units, the applicant may choose to make a cash payment to the Local Housing Fund based on Section 958 of this bylaw.

955.3. The units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

955.3.1. constructed or rehabilitated on the locus subject to the special permit (see Section 956); or

955.3.2. constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 957); or

- 955.3.3. an equivalent fees-in-lieu-of payment may be made (see Section 958);
or
- 955.3.4. an applicant may offer, and the SPGA may accept, donations of land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw/ordinance, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.
- 955.3.5. The applicant may offer, and the SPGA may accept, any combination of the Section 955.3.1 – 955.3.4. requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this zoning bylaw.

956. Provisions Applicable to Affordable Housing Units On- and Off-Site:

956.1. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

956.2. In determining the total number of affordable units to be constructed Or rehabilitated, a fractional unit of 0.4 or more shall be regarded as a whole unit. If an equivalent fee-in -lieu-of payment is to be made the fee shall be a fractional proportion of the fee for a whole unit.

956.3. Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same design, appearance, construction, insulation, mechanical systems, and quality of materials and finishes as market units, except that affordable units with up to two bedrooms may have only one bathroom, affordable units with three bedrooms shall have at least 1.5 bathrooms, and affordable units with four bedrooms shall have at least two bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the SPGA specifically approves, in advance, a request for different finishes and/or appliances.

956.4. The affordable units shall contain square footage which is no less than 90% of (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the smaller:

1 bedroom:	900 square feet
2 bedrooms:	1200 square feet
3 bedrooms:	1500 square feet
4 bedrooms:	1800 square feet

956.5. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-rate Unit %	Affordable Housing Unit %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Fractions of units shall not be counted.

956.6. Local preference. Local preference for 70% of the sales units shall be given to residents of Groveland. Verified proof of current or past residency for at least 12 of the previous 36 months shall satisfy this requirement.

956.7. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local Housing Plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

956.8. Affordability restrictions shall be embodied in applicable deed covenants, restrictive covenant agreements, other contractual agreements, land trust arrangements, and/or other mechanisms designed to ensure compliance with this section.

956.9. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any building permit or certificate of occupancy, as the SPGA shall deem appropriate.

957. Provision of Affordable Housing Units Off-Site:

957.1. As an alternative to the requirements of Section 956 or 958, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 955 off-site. All requirements of this bylaw that apply to on-site provision of affordable units shall also apply to

provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the special permit review and approval process.

958. Fees-in-Lieu-of Affordable Housing Unit Provision:

958.1. As an alternative to the requirements of Section 956 or Section 957, an applicant may contribute to the Local Housing Fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

958.2. Calculation of fees-in-lieu-of units. The applicant for development subject to this bylaw may pay fees in lieu of the construction of affordable units. For the purposes of this bylaw, and based on Greater Lawrence region averages, the fee in lieu of the construction or provision of affordable units is determined to be 50% the difference between the median sale price of market rate unit and the maximum sale price of a comparable affordable dwelling unit, or \$80,000, per unit, whichever is smaller.

958.3. Schedule of fees in lieu of payments. Fees in lieu of unit payments shall be made according to the schedule set forth in Section 956.5., above.

959. Maximum Incomes and Selling Prices:

959.1. Initial Sale: To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development, and as may be revised from time to time.

959.2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Division of Housing and Community Development, or Local Initiative Program.

960. Preservation of Affordability; Restrictions on Resale:

960.1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be

established through a restriction on the property and shall be in force in perpetuity.

960.1.1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 960.1., above. For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this bylaw, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500--75 percent of the appraised value of \$150,000.

960.1.2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

960.1.3. The SPGA shall require, as a condition for special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 960.1.2, above. The Building Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

961. Conflict with Other Bylaws/Ordinances: The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw/ordinance, or provisions therein, shall apply.
962. Review by Special Permit Granting Authority (SPGA): The Planning Board shall be designated as the SPGA under this bylaw.
963. Severability: If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Groveland's zoning bylaw.

Adopted May 19, 2003

**SECTION 1000. CONSERVATION DISTRICT
(RESERVED)**

SECTION 1100. FLOOD PLAIN DISTRICTS

1101.

The purpose of this section, in addition to the purposes enumerated in Section 100 of these zoning by-laws, is to provide that lands in the Town of Groveland subject to seasonal or periodic flooding as described herein shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof. For the purpose of the flood plain district regulations, the zoning board of appeals is designated as the special permit granting authority.

1102.

A flood plain district shall be considered to be superimposed over any other district established by these by-laws. Land in the district may be used for any purpose otherwise permitted in the underlying district, except:

1102.1. No building or structure may be erected in a flood plain district; provided, that the special permit granting authority, after a hearing with due notice given, may grant a special permit for the construction or use of a building or structure which:

1102.1.1. Will not be used for sustained human occupancy;

1102.1.2. Will not substantially interfere with the natural flow of water; and

1102.1.3. Will not constitute a danger to the public health or safety.

1102.2. No dumping, filling, dredging, excavation, transfer or removal of any material which will reduce the natural flood water storage capacity of the land or will interfere with the natural flow of water over the land shall be permitted.

1103.

Any person desiring a permit to erect or place a building or structure within the flood plain district shall submit an application for a permit to the building inspector. The application shall be accompanied by one (1) copy of a definitive plan showing the details as specified in paragraph 1106 of this section.

1104.

A second set of plans shall be transmitted to the board of health. A third set of plans shall be transmitted to the planning board. A fourth set of plans shall be transmitted to the conservation commission. Comments on these plans should be sent to the special permit granting authority by the respective boards. No building permit should be issued until authorization is received from the special permit granting authority after a public hearing by said authority.

1105.

All of the aforementioned definitive plans shall be made available to the indicated town boards and officials at least thirty (30) days prior to the public hearing by the special permit granting authority. If replies are not received by the special permit granting authority at the time of the public hearing, all missing recommendations shall be construed to be favorable to the applicant.

1106.

Prior to deciding on applications for a permit under this section, the special permit granting authority shall require the applicant to provide a fifth set of the definitive plans, prepared by a registered engineer, of the building or structure and of the premises on which it is to be situated showing the land contours at two-foot intervals related to elevations above mean sea level, indicating the benchmarks used, and certified by a registered land surveyor, so that the special permit granting authority may ascertain that at least the following requirements are met:

1106.1. That the floor levels of areas to be occupied by human beings shall be at least three (3) feet above the September 1938 flood profile shown on the U. S. Army Corps of Engineers plan and profile map of the Merrimack River, miles 14.0 to 17.0.

1106.2. That other land in the flood plain district is protected against detrimental or offensive uses of the premises, and that no sewage effluent is disposed into the area below three (3) feet above the September 1938 flood profile.

1106.3. That safe vehicular and pedestrian movement to and from the premises is provided over ways above three (3) feet above the September 1938 flood profile.

1106.4. That the methods of drainage of the area covered by the permit are adequate under normal and flood conditions to maintain the flow of water below three (3) feet above the September 1938 flood profile.

1106.5. That the methods by which the premises are filled or otherwise elevated, as may be required, will assure that the premises are free from danger to the health or safety of the occupants thereof, and shall not interfere with the natural function of the flood plain.

1107.

The special permit granting authority may grant a special permit for the use of land for any purpose permitted in the underlying district, provided that such land is not subject to flooding as described in paragraph 1106.1. The special permit granting authority may consider the elevation of the particular land, its history of flooding, and any other relevant evidence. The special permit granting authority may request and consider information on the question from any other public official, board or agency.

1108.

The portion of any lot in a flood plain district may be used to meet lot area requirements for the district in which the remainder is located. This is not to be construed to permit the portion in a flood plain district to be used for a purpose specified for the non-flood plain district. Each situation will be evaluated on its own merit and flood plain areas will be used only as directed in this section.

1109.

The provisions of this section shall not apply to any building or structure in a flood plain district that was in existence [existence] at the time of the adoption of this section. Such buildings may be repaired or altered in compliance with zoning laws and applicable state and local laws and regulations. Enlargement or rebuilding of such buildings or structures shall be subject to the provisions of this section.

1110.

A site plan approval issued by the special permit granting authority or a building permit issued by the building inspector before the effective date of this section shall be deemed to be a permit hereunder.

1111.

Nothing contained in this section shall limit the authority of the board of health with respect to premises in the flood plain district or affect the applicability of the Groveland Building Code in the flood plain district.

1112.

The location of the flood plain district is shown on a map entitled "U. S. Army Corps of Engineers, Merrimack River, Plan and Profile, mile 14.0 to 17.0, February 1951," which is filed with the town clerk and hereby made a part of the zoning map of the Town of Groveland, and such district shall include all those areas identified on such map and specifically described as follows:

1112.1. All land along the Merrimack River and its tributaries within a level three (3) feet above the September 1938 flood profile.

1113.

The degrees of flood protection required by this by-law is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This does not imply that areas outside the floor plain district or land uses permitted within such districts will be free from flooding or flood damages. This by-law shall not create liability on the part of the Town of Groveland or any officer or employee thereof for any flood damages that result from reliance on this by-law or any administrative decision lawfully made thereunder.

SECTION 1200. WIRELESS COMMUNICATIONS FACILITIES

1201. Purpose

1201.1. The purpose of this subsection is to (1) minimize the visual and environmental impacts of personal wireless communications facilities (hereinafter "WCF"); (2) minimize the overall number and height of such facilities to only what is essential; (3) promote shared use of existing facilities to reduce the need for new ones; (4) and encourage the most appropriate use of the land and to guide sound development while promoting the health, safety and general welfare of the Town.

1202. Wireless Communication District

1202.1. To achieve the above purpose, this subsection establishes the following Wireless Communication regulations:

1202.1.1. There is hereby created a Wireless Communication Overlay District consisting of all Industrial land as shown on the official Zoning Map for the Town and the following parcels located in the RB residential district as shown on the official Zoning Map for the Town and on Assessors' Map #6, Lot 1, Lot 1C (Municipal Complex site), Map 11, Lot 112 (5.6 acres of land located to the rear of Gardner Street adjacent to town water tank) and Map 17, Lot 69 (1 acre site located to the rear of Gardner Street and the present location of the town's water tank). Within the overlay district all of the underlying zoning requirements continue to apply, with the exception of the maximum height allowance, which is established in paragraph 3 of this section. The following additional uses shall be allowed:

Amended April 26, 2004

1202.1.1.1. Indoor WCFs, allowed as-of-right anywhere in the town subject to the dimensional requirements, performance and design standards of this subsection. Indoor WCFs shall be fully enclosed within a building or structure. No part of an indoor WCF may be visible from the exterior of the building or structure;

1202.1.1.2. Building-mounted and modifications to existing free-standing WCFs allowed anywhere in the Town subject to Site Plan Review from the Planning Board and the dimensional requirements, performance and design standards of this subsection;

1202.1.1.3. New free standing WCFs, allowed only in the Wireless Communication Overlay District subject to a special permit from the Zoning Board of Appeals and site plan review from the Planning Board and subject to the dimensional requirements, performance and design standards of this subsection.

1203. Dimensional Requirements for WCFs

1203.1. Free-standing and building-mounted WCFs shall comply with the following dimensional requirements:

1203.1.1. Free-standing WCFs shall:

1203.1.1.1. not exceed one hundred twenty (120) feet in height, measured from the ground to the highest point of the tower or its projections;

1203.1.1.2. be set back from the property lines of the lot on which it is located by at least one hundred (100) feet measured from the center of the structure of the WCF base;

1203.1.1.3. be located a minimum of three hundred (300) feet from the nearest residential building within a residentially zoned district; and

1203.1.1.4. be separated from each other by a minimum of two (2) miles, provided that the Zoning Board of Appeals may waive this separation to a lesser distance if the applicant can demonstrate that the two-mile requirement will have the effect of prohibiting service from a significant portion of the community.

1203.2. Based on a clear display that additional height of the tower or reduced setbacks of the tower from buildings or property lines will not adversely affect any purpose of this bylaw and will in fact help to promote the objectives set forth herein, particularly as it relates to co-location, the Zoning Board of Appeals may, by Special Permit, allow the height of the tower to be increased, or the required setbacks or separation reduced, up to a maximum of twenty-five (25%) percent.

1203.2.1. Building-mounted WCFs shall not:

1203.2.1.1. exceed fifteen (15) feet above the roof top of a supporting building, including any penthouse, parapet or other similar structure extending above the roof top; and

1203.2.1.2. exceed fifteen (15) feet above the highest point of a water tower.

1204. Performance Standards/General Requirements

1204.1. The following performance standards and general requirements shall apply to all WCFS:

1204.1.1. Compliance with Federal and State Regulations. All WCFs shall be erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunications Acts.

1204.1.2. Co-location of WCFS. WCFs shall be designed to accommodate the maximum number of users technologically practical . Shared use of free-standing, building mounted, or indoor WCFs by commercial carriers is required unless such shared use is shown to be not technologically practical. The intent of this requirement is to reduce the number of separate facilities which will require location within the community.

1204.1.2.1. All owners and operators of land used in whole or in part for a WCF and all owners and operators of such WCF shall, as a continuing condition of installing, constructing, erecting and using a WCF, permit other public utilities or FCC licensed commercial entities seeking to operate a WCF to install, erect, mount and use compatible WCF equipment and fixtures on the equipment mounting structure on reasonable commercial terms; provided, however, that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing WCF, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional WCF or fixtures.

1204.1.3. Removal of Abandoned WCF. Any WCF that is not operational for a continuous period of twelve (12) months shall be considered abandoned, and the WCF shall be removed by the owner of the WCF or the owner of the property, and the site restored to its original condition, with the exception of any landscaping that has been provided due to installation of said WCF, within ninety (90) days of receipt of notice from the Building Inspector notifying the owner of such abandonment.

1204.1.3.1. If such WCF is not removed within ninety (90) days, such WCF shall be deemed to be in violation of this Zoning Bylaw and the appropriate enforcement authority may begin proceedings to enforce and/or cause removal. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

1205. Design Standards

1205.1. The following design standards shall apply to all exterior free-standing WCFs, as appropriate:

1205.1.1. All exterior WCF equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to occupants or residents of surrounding buildings, streets and properties. WCF equipment and fixtures visible against a building or structure shall be colored to blend with such building or structure. WCF equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background. The maximum amount of vegetation shall be preserved during construction of any WCF.

1205.1.2. All free-standing WCFs shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.

1205.1.3. The only type of free-standing WCFs allowed shall be monopoles, with associated antenna and/or panels. In addition, so-called stealth or camouflaged towers may also be permitted. Whenever technologically feasible, antennas shall be mounted flush against a pole, provided that such mounting does not compromise the potential for co-location. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

1205.1.4. To the extent feasible all network interconnections from any WCF shall be installed underground, or inside an existing structure.

1205.1.5. A Security Barrier shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town. Fencing shall not be of razor wire.

1205.1.6. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with Section 1300 of the Zoning Bylaws.

1205.1.7. Night lighting of free-standing WCFs shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

1205.1.8. There shall be a maximum of one (1) parking space for each free-standing WCF, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

1205.1.9. Accessory buildings and/or storage sheds shall be limited to one building per use per tower. If more than one (1) use, the accessory buildings shall be connected by a common wall. Each building shall not exceed three hundred

(300) square feet in size and ten (10) feet in height, and shall be of the same design and color.

1206. Special Permit

1206.1. Application Process

1206.1.1. All special permit applications for WCFs shall be made and filed on the appropriate application form. For an application to be considered complete, it shall comply with the rules and regulations governing granting of Special Permits, and shall also provide five copies of the following information:

1206.1.1.1. A color photograph or rendition of the proposed monopole with its antenna and/or panels. A rendition shall also be prepared providing eight (8) view lines in a one (1) mile radius from the site, and any other view points deemed necessary by the permit granting authority; shown beginning at true north and continuing clockwise at forty-five degree intervals.

1206.1.1.2. A description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

1206.1.1.3. Confirmation that the monopole complies with all applicable Federal and State standards, including, but not limited to, the Federal Aviation Administration, Federal Communications Commission, Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

1206.1.1.4. A description of the capacity of the monopole including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.

1206.1.1.5. If the permit granting authority determines it necessary, an amount of money shall be placed in an Engineering Review Revolving Account for use by the permit granting authority to retain a technical expert in the field of RF Engineering.

1206.1.1.6. The Special Permit Granting Authority 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.

1206.1.1.7. Within fourteen (14) days prior to the public hearing, the applicant shall arrange to locate a crane, or an alternative temporary structure approved by the Special Permit Granting Authority, at the site in a manner that replicates the exact height and location of the proposed monopole. The crane or structure shall remain in position for no less than three (3) consecutive

days, for at least twelve (12) hours per day unless the zoning board agrees that fewer hours per day may be allowed.

1207. Review Criteria

1207.1. In addition to applying any Special Permit general conditions described in this zoning bylaw, and the standards, requirements, or conditions set forth herein above, the Board shall review the special permit application in accordance with the following criteria:

1207.1.1. An applicant proposing a free-standing WCF shall prove to the satisfaction of the Board that the visual, noise level, economic and aesthetic impacts of the facility on the community will be minimal. The applicant must also demonstrate that the facility needs to be located at the proposed site due to technical, topographical or other unique circumstances. In determining whether to issue a special permit, the Board shall consider the following factors: height of the proposed WCF; the nature of uses adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; the visual and noise impact of the facility on the abutting neighborhoods and streets; and the impact on existing vistas and natural resources.

1207.1.2. No free standing WCF shall be erected or installed except in compliance with the provisions of this Section. Any proposed extension in the height, or construction of a new or replacement of a facility, shall be subject to a new application for a special permit. The addition of cells, antenna or panels to an existing facility does not require the issuance of a special permit but is subject to site plan review.

1208. Conditions of Approval

1208.1. The following conditions of approval shall apply to all grants of applications for WCFs that require a Special Permit as indicated by the above Table of Uses in paragraph 3 herein:

1208.1.1. Annual certification must be provided to the Town's Director of Code Enforcement which demonstrates continuing compliance with the standards, rules and regulations of the Federal Communications Commission, Federal Aviation Administration, National Institute of Standards and Technology, Massachusetts Aeronautics Commission, Massachusetts Department of Public Health, and other applicable federal, state and local laws.

1208.1.2. If a free-standing, exterior WCF is to be placed on municipal property the following conditions must be satisfied:

1208.1.2.1. Certificate of Insurance for liability coverage in the amounts of \$1,000,000.00 must be provided naming the Town as an additional insured.

1208.1.2.2. An agreement whereby the user indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use or occupancy of the Town owned property by the user.

1208.1.2.3. A cash bond in a reasonable amount determined and approved by the Board shall be in force to cover removal of WCF and restoration of site to the condition that the premises were in at the onset of the lease, when use of said WCF becomes discontinued or obsolete. The amount is to be payable to the Town in the event that the user breaches the agreement in Section 1205.1.3. above.

1208.3. A maintenance bond shall be posted for the access road, site and monopole in amounts approved by the Board.

1208.4. In addition to the above, the Board may impose additional conditions as needed to minimize any adverse impacts of the proposed WCF.

1209. Exemptions

1209.1. The following types of WCFs are exempt from this Section 1200:

1209.1.1. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose.

1209.1.2. Facilities used for the purposes set forth in M.G.L., c. 40A, section 3.

1209.1.3. Facilities used solely by the municipality for the purpose of public safety.

1210. Definitions

Antenna. The surface from which wireless radio signals are sent and received by a personal wireless service facility.

Co-location. 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 carrier.

Accessory buildings. An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Guyed Tower. A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Monopole. 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.

Mount. The structure or surface upon which antennas are mounted, including the following four 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.

Panel Antenna.. A flat surface antenna usually developed in multiples.

Radio frequency Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Security Barrier. A locked, secure wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Special Permit Granting Authority shall be the Zoning Board of Appeals for the purpose of this bylaw.

Wireless Communication Facility. Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

Adopted May 21, 2001

SECTION 1300. SIGN REGULATIONS

1301. General Regulations-All Zoning Districts.

1301.1. Advertising signs, whether of a temporary or permanent nature, shall comply with the following in all zoning districts:

1301.1.1. No animated, revolving, or flashing sign shall be permitted in any district. This prohibition includes signs lighted by flashing or blinking lights or by use of a change in light intensity or by repeated motion. Excepted for purposes of this by-law are parts of signs that serve solely as indicators of time and/or temperature.

1301.1.2. The erection or continued maintenance of non accessory signs is not permitted.

1301.1.3. The use of signs that are mounted on wheels or on a trailer so as to make them mobile or portable are prohibited. Excepted for purposes of this by-law re signs mounted on trucks, taxicabs, or other motor vehicles, and which are incidental to the use of such motor vehicles.

1301.1.4. No signs shall overhang a walkway or street.

1301.1.5. On any lot, there shall be no more than one (1) advertising sign.

1302. Residential Districts.

1302.I. No sign shall exceed two (2) square feet in area including descriptive material, background and appendages.

1303. Business and Industrial Districts.

1303.I. No sign shall exceed twelve (12) square feet in area including descriptive material, background and appendages.

1303.2. The zoning board of appeals may issue special permits for larger signs, when it can be demonstrated that such signs are essential to the operation of a business or industry, and further, that such signs are not detrimental to the surrounding property nor injurious to the public welfare.

SECTION 1400. PARKING AND LOADING REGULATIONS (RESERVED)

SECTION 1500. GENERAL ADMINISTRATION

1501. Zoning Enforcement Officer.

1501.1. The board of selectmen shall, in April of each year, appoint a zoning enforcement officer, and other enforcing agents, who shall hold office for the term of one (1) year or until such time as successors are appointed. Compensation for the zoning

enforcement officer shall be determined at the annual town meeting preceding appointments.

1501.2. He shall not be interested in any contract or in the furnishing of materials for any building.

1501.3. The board of selectmen shall have power to discharge the enforcing officer for failure to perform his duties and to fill any vacancy in the office.

1501.4. He shall keep a record of all business of the department, which record and all other books and papers relating to the transactions of the department, shall be open at all times to the inspection of the selectmen, and shall submit to them a yearly report on such business and such other reports as they may require.

1501.5. Except as otherwise provided, this by-law shall be enforced by the enforcing officer. He shall approve no applications of any kind or plans or specifications of intended use which are not in all respects in conformity with this by-law.

1502. Penalties.

1502.1. Any person or other entity who violates:

- (a) Any provision of this zoning by-law; or
- (b) Any of the conditions under which a permit, special permit or zoning variance is granted; or
- (c) Any decision rendered by the zoning board of appeals;

shall be fined not more than three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.

1502.2. Non-criminal Disposition. In addition to the procedures for enforcement as described in Section 1502.1. the provisions of this Zoning By-law may also be enforced by the Building Inspector, by non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this Zoning By-law shall be as follows:

- \$100.00 for the first offense;
- \$200.00 for the second offense; and
- \$300.00 for the third and each subsequent offense.

Adopted October 20, 1990

1503. Board of Appeals.

1503. 1. The board of selectmen shall appoint a board of appeals, consisting of five (5) members, and three (3) associate members, either of whom may be designated by the chairman of the board to sit in the place of any member incapacitated by personal interest, illness or absence, which shall act in matters within its jurisdiction under this by-law, in the manner prescribed in Section 12 of Chapter 40A of the General Laws as

amended by Chapter 808, of the Acts of 1975 and shall serve without remuneration, except the clerk of the board of appeals whose compensation shall be regulated by the board of selectmen and not to exceed two hundred fifty dollars (\$250.00) annually. This board of appeals shall be appointed according to methods described in said chapter of the General Laws.

1504. Certification (Reserved).

SECTION 1600. - RESERVED

Section 1700: AQUIFER PROTECTION DISTRICT BYLAW

1. PURPOSE OF DISTRICT

The purpose of this Aquifer Protection District is to:

- a. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Groveland;

- b. preserve and protect existing and potential sources of drinking water supplies of the town and surrounding communities;
- c. conserve the natural resources of the town; and
- d. prevent temporary and permanent contamination of the environment.

2. SCOPE OF AUTHORITY

The Aquifer Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses in a portion of one of the underlying zoning districts which fall within the Aquifer Protection District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

3. DEFINITIONS

For the purposes of this section, the following terms are defined below:

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Aquifer Protection District: The zoning district defined to overlay other zoning districts in the Town of Groveland. The Aquifer Protection District includes specifically designated recharge areas.

DEP: Department of Environmental Protection or present state regulatory agency
Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Potential Drinking Water Sources: Areas which could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers, Recharge areas include areas designated as Zone I, Zone II, or Zone III.

SPGA: Special Permit Grant Authority shall be the Planning Board.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Groveland. Toxic or hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter(c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

Zone I: The 400 foot protective radius around a public water system well or well field which must be owned by the water supplier or controlled through a conservation restriction.

Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

Zone III: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II as defined in 310 CMR 22.00.

4. ESTABLISHMENT AND DELINEATION OF AQUIFER PROTECTION DISTRICT

For the purposes of this district, there are hereby established within the town certain groundwater protection areas, consisting of aquifers or recharge areas designated as Zone I, II and III, which are delineated on a map. This map is at a scale of 1 inch to 1,000 feet and is entitled "Town of Groveland, Aquifer Protection District," dated December 14, 1998, revised January 27, 1999. This map is hereby made a part of the town zoning bylaw and is on file in the Office of the Town Clerk.

5. DISTRICT BOUNDARY DISPUTES

If the location of the District boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation. The district boundary is defined by hydrogeologic research, testing and field analysis; therefore, a professional engineer, hydrologist, geologist or soil scientist may define or redefine the recharge boundary; however, the Zone II district boundary and methodology must be approved by DEP. The determination of the location and extent of Zone II shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems.

The burden of proof shall be upon the owner(s) of the land to show where the bounds should be located. At the request of the owner(s), the town may engage a professional engineer, registered land surveyor, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for the cost of the investigation.

6. USE REGULATIONS

In the Aquifer Protection District the following regulations shall apply:

A. Uses in Zone I

Only uses related to the operation and maintenance of the public water supply are permitted in the Zone I defined in 310 CMR 22.00. All other uses are prohibited.

B. Permitted Uses

The following uses are permitted within Zones II and III of the Aquifer Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- i. conservation of soil, water, plants, and wildlife;
- ii. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- iii. foot, bicycle and/or horse paths, and bridges;
- iv. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- v. maintenance, repair, and enlargement of any existing structure, subject to Section C (prohibited uses) and Section D (special permitted uses);
- vi. residential development, subject to Section C (prohibited uses) and Section D (special permitted uses);
- vii. farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section C (prohibited uses) and Section D (special permitted uses);
- viii. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.
- ix. underground storage tanks related to these activities are not

categorically permitted.

C. Prohibited Uses

The following uses are prohibited within Zones I, II and III:

- i. landfills and open dumps as defined in 310 CMR 19.006;
- ii. automobile graveyards and junkyards, as defined in M.G.L.c. 140B, §1;
- iii. landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to M.G.L.c. 21, §26 through 53; M.G.L.c. 111, §17; M.G.L.c. 83, §6 and 7, and regulations promulgated thereunder;
- iv. petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
- v. storage of liquid hazardous materials, as defined in M.G.L.c. 21 E, and liquid petroleum products, unless such storage is:
 - (a) above ground or floor level; and
 - (b) on an impervious surface; and
 - (c) either:
 - i) in container(s) or above ground containers(s) within a building;
or
 - ii) outdoors in covered container(s) or above ground tank(s) in an area that has a covered containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest containers storage capacity, whichever is greater;
- vi. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- vii. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 6 feet of historical high groundwater as determined from site specific soil analysis, monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works, where substances removed are redeposited within 45 days of removal on site to achieve a final grade not less than 6 feet above the historical high water table.
- viii. discharge via floor drain(s), with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system, in any industrial or commercial facility if such floor drain is located in either:

- a) an industrial or commercial process area, or
 - b) a petroleum, toxic, or hazardous materials and/or waste storage area.
- ix. discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:
- a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b) treatment works approved by the DEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
 - c) publicly owned treatment works;
- x. storage of commercial fertilizers, as defined in MGL Chapter 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

The following uses are prohibited within Zone I, and II:

- i. facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L.c. 21C and 310 CMR 30.00, except for the following:
 - a) very small quantity generators as defined under 310 CMR 30.000;
 - b) household hazardous waste centers and events under 310 CMR 30.390;
 - c) waste oil retention facilities required by M.G.L. c. 21, § 52A;
 - d) water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
- ii. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- iii. storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;
- iv. stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

D. Uses and Activities Requiring a Special Permit

The following uses and activities are permitted in Zone I, II, III only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

- i. enlargement or alteration of existing uses that do not conform to the Aquifer Protection District;
- ii. those activities that involve the handling of pesticides, herbicides, fertilizers, fuels and potentially toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section C). Such activities shall require a special permit to prevent contamination of groundwater;
- iii. any use that will render impervious more than 15% or 2,500 square feet of

any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality, For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

- iv. any activity that involves the withdrawal of water from the Aquifer Protection Zones I and II for uses other than a Public Water Supply Source including but not limited to irrigation, livestock, recreation – pool filling, water slides, residential and commercial uses. In addition to a Special Permit regulating flow rate, quantity, backflow protection, type of equipment. They may also be controlled under DEP Water Management Act.

7. PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT

A. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer/Consultant, Department of Public Works, and Water Commission that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

B. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer/Consultant, Department of Public Works, and Water Commission for their written recommendations. Failure to respond in writing within 35 days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.

C. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 6 of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:

1. in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Aquifer Protection District;
2. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

D. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the municipality.

E. The applicant shall file eight copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified

professionals, The site plan and its attachments shall at a minimum include the following information where pertinent:

1. a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
2. for those activities using or storing such hazardous materials, a Hazardous Materials Management Plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
 - a) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - b) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
 - c) evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
3. proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

F. The SPGA shall hold a hearing, in conformity with the provision of MGL Chapter 40A, Section 9, within 65 days after the filing of the application and after the review by the Town Boards, Departments, and Commissions.

Notice of the public hearing shall be given by publication, posting and by first-class mailings to "parties of interest" as defined in MGL Chapter 40A, §11. The decision of the SPGA and any extension, modification, or renewal shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by §11.

8. ENFORCEMENT

- i. The provisions of this bylaw shall be enforceable by the appropriate police powers of the Town, subject to any legal course available to an affected party.
- ii. Enforcement procedure shall be initiated by filing a written notice of the alleged violation with Water Department and the Building Inspector. Written notice of any violations of this Article shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated, the nature of the

violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. Copies of such notice shall be submitted to the Building Inspector, Zoning Board of Appeals, Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer/Consultant, Department of Public Works, and Water Commission. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

iii. Upon receiving written notice of a violation the owner/operator of the property shall cease any activity that constitutes a violation. Within (30) thirty days of receiving notice submit plans and time table to remove or remedy the violation with measures to be taken to prevent future violation.

iv. Failure to comply with the provisions of this may result in the levy of fines of not less than \$200.00 and not more than \$1000.00 per day that the violation exists in accordance with Chapter 111 Section 31 and 122.

9. SEVERABILITY

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

and,

furthermore, that the Groveland Zoning Map be amended as shown on "Town of Groveland Aquifer Protection District Overlay Map, Prepared by W.C. Cammett Engineering Inc. dated Oct. 2, 1997, revised Jan. 27, 1999, Scale 1" = 1000'."

Amended April 26, 1999

APPENDIX A. VALIDITY

A.1.

This appendix is an integral part of the zoning by-laws.

APPENDIX B. DEFINITIONS

B.1.

For the purpose of this By-law the following words and terms are hereby defined or the meaning thereof explained or limited. In the event of conflict with the body of the Zoning By-law, the more stringent definition will apply unless otherwise indicated. Words used in the present tense include the future, the singular number includes the plural and the plural includes the singular, the word "lot" includes the word "plot", the word "building" includes the word "structure", the word "shall" is intended to be mandatory, the word "may" is intended to be permissive, the words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied," the word "person" includes a group, partnership or corporation as well as an individual.

Accessory use or building. Use or building customarily incident to and located on the same lot with the use or building to which it is accessory and not detrimental to the neighborhood.

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

Amusement, indoor. Movie theater, bowling alley, or other commercial recreation wholly carried on indoors.

Amusement, outdoor. Auto race, drive-in theater, golf driving range, or other commercial recreation carried on in whole or in part outdoors.

Apartment. A building or group of buildings, each containing four (4) or more independent units including individual cooking and sanitary facilities.

Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, net site. The total area within the property lines excluding external streets.

Auto court. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and by similar names.

Auto salesroom. Premises licensed for First Class auto sales.

Basement. A story partly underground but having at least one-half (V2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of floor area measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet and used for dwelling purposes.

Billboard. Any sign not an accessory sign, regardless of size.

Boarding house. Any dwelling in which more than two (2) persons either individually or in family units or housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.

Boathouse, private. Facility for storage of boats for private use and not for hire.

Building. A combination of materials having a roof and forming a shelter for persons, animals, property, or an activity. The word "building" shall be construed, where the context allows, as though followed by words "or structure or part or parts thereof." Where appropriate in the context the word "building" shall include the principal and accessory use or uses to which the building is put.

Building, accessory. A supplemental building or a portion of the main building, the use of which is defined under "accessory use."

Building, front line of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

Building height. The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs.

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

Bulk storage. Exposed storage tanks for oil, gas, etc., outside storage of sand, lumber or other bulk materials

Business office. A building or part thereof devoted to the administration of a business or commercial enterprise which involves clerical, accounting and other administrative procedures but excludes the receipt, processing and sale of merchandise; or premises devoted to the professional office of a physician, lawyer, engineer, architect, accountant, real estate or insurance agent or broker, or similar activity.

Camp. Any one (1) or more of the following, other than a hospital, place of detention or school offering general instruction:

Any area of land or water on which are located two (2) or more cabins, tents, shelters, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or

Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children either as individuals, families or groups.

Camping-ground. A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

Cellar. A story partly underground and having more than onehalf (%) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible livable floor area.

Club. An organization catering exclusively to members and their guests, or premises and buildings, for recreational or athletic purposes, which are not conducted primarily for

gain, provided there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purpose of such club.

Conversion of a dwelling unit. An alteration of a dwelling, or a change in its use, so as to accommodate a family or families in addition to or less than the number of families for which it was designed.

Coverage. That percentage of the plot or lot area covered by the building area.

Diner or lunch cart. A restaurant designed to externally resemble a railroad dining car.

Dog kennel. A structure used for the harboring of more than three (3) dogs that are more than six (6) months old.

Drive-in restaurant. Any premises used for the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may consume the food, refreshments or beverages on the premises.

Dump. A lot of land or part thereof used for the disposal by abandonment, dumping, burial, burning or any other means and/or whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling. A building designed or used exclusively as the living quarters for one (1) or more families.

Dwelling unit. A structure, whether attached or detached, designed or converted to use exclusively as a residence for a single family, and which contains complete and independent kitchen, cooking and sanitary facilities.

Dwelling, single-family. A detached structure of one (1) dwelling unit.

Dwelling, two-family. A detached structure consisting of two (2) attached dwelling units.

Duplex. A detached structure consisting of two (2) attached dwelling units, both units having living space on the ground level, and each unit having a distinct and separate entrance.

Dwelling, multiple-family. A single structure consisting of three (3) or more attached dwelling units.

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

Family. One (1) or more persons occupying a dwelling unit and living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Farm. Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, hogs, riding academies, livery or boarding stables and dog kennels.

Filling station. An area of land, including structures thereon, that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used for polishing, greasing, washing or otherwise cleaning and servicing such motor vehicles. Such work shall not include body work or the painting of vehicles or other than minor repair work.

Fire lane. An open space in which no automotive vehicles may be parked and in which no building or structure may be erected without written permission from the chief of the Groveland Fire Department, except that buildings may be interconnected by corridor or walkways, if provision is made for access by fire apparatus to all outside walls. The open space shall be between a building and a line parallel to and fifteen (15) feet equidistant from a building.

Flood. An overflow of lands not normally covered by water and that are used or usable by man. Floods have two (2) essential characteristics: the inundation of land is temporary; and the land is adjacent to and inundated by overflow from a river, stream, ocean, lake or other body of standing water.

Flood, intermediate regional. A flood having an average frequency of occurrence in the order of once in one hundred (100) years although the flood may occur in any year, i.e., all the flood plain area has a one (1) percent chance of being flooded each year while some portion of it may be flooded every year.

Flood plain. The areas adjoining a river, stream, watercourse, ocean, lake, or other body of standing water that have been or may be covered by floodwater.

Floor area. The aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot measured from the exterior faces of walls enclosing each building, exclusive of garages, and of cellar, basement and other areas used only for storage or for services incidental to the operation or maintenance of such building or buildings. In the absence of information as to what portion of a building will be used for such storage and services, eight (8) percent of the aggregate floor area shall be deemed to be the floor area for the purpose of making any required calculations.

Floor area, livable. The sum of the gross horizontal area of the floors of a dwelling unit used or intended to be used for living, sleeping and cooking purposes, excluding cellar, basement floor areas with less than ten (10) percent of its wall area devoted to window space, bathrooms, toilets, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces, garages, breezeways, carports, porches and any area with less than a five-foot clear headroom under sloping ceilings.

Floor area, ratio. The ratio of the total floor area of a building or buildings on one lot to the total area of the lot.

Frontage, lot. A continuous portion of the boundary between a lot and a abutting street lot lines or, in the case of a corner lot, between a lot line and the intersection of street lines or of street lines extended. The measurement of lot frontage shall not include jogs in street width, back-up strips and other irregularities in street line.

Frontage, street. A street which provides the required lot frontage for a building. When a lot is bounded by more than one (1) street, any one (1) of them, but only one (1), may be designated as the frontage street by the owner, provided that the street meets the frontage requirements and that the principal permitted building on the lot is numbered on such frontage street. However, in the case of a lot bounded by two (2) streets forming an interior angle of more than one hundred thirty-five (135) degrees, their combined frontage between lot lines may be used to satisfy the lot frontage requirement, but only one (1) street may be designated as the frontage street by the owner.

Garden apartment. A residence for eight (8) or more families, with at least two (2) detached or semidetached buildings, each containing not fewer than four (4) nor more than twelve (12) dwelling units.

Garage, private. A garage used for storage purposes only and having a capacity of not more than four (4) automobiles. Space thereon may be used for not more than one (1) commercial vehicle not to exceed two (2) tons' capacity, and space may be rented for not more than one (1) vehicle of other than the occupants of the building to which such garage is accessory.

Garage, public. Any garage not a private garage and one which is used for the sale, servicing, repair, storage or rental of motor vehicles and which in connection therewith supplies gasoline and oil and accessories to such motor vehicles.

Half story. See "story, half."

Home occupation. An occupation or a profession which:

Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and

Is carried on by a member of the family residing in the dwelling unit; and

Is clearly incidental and secondary to the use of the dwelling for residential purposes; and

Which conforms to the following additional conditions:

The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

No person outside the family shall be employed in the home occupation.

There shall be no exterior display, no exterior sign except as permitted under Section 1300, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.

In particular, a home occupation includes, but is not limited to the following:

- Art studio.
- Dressmaker.
- Professional office of a physician, dentist, lawyer, engineer, architect, real estate agent or broker or accountant within a dwelling occupied by the same.

However, a home occupation shall not be interpreted to include the following:

- Tourist home.
- Barber shops.
- Commercial stables and kennels.
- Restaurants and tea rooms.
- Dancing instruction.
- Band instrument instruction.
- Convalescent homes.
- Mortuary establishments.

House trailer. Any portable or mobile vehicle used or designed to be used for living purposes and standing on wheels or on rigid supports.

Junk. Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk yard. The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

Light industry. Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet

machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Line, street. The dividing line between the street right-of-way and the lot.

Lodge building. Structure occupied by a nonprofit social or civic organization.

Lot. Parcel of land occupied or intended to be occupied by one (1) main building or use and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of the zoning by-laws, having not less than the minimum area and width required by the by-law for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

Lot area. Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if title to such street is held by the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

Lot, corner. A lot bounded by more than one (1) street which has an interior angle of one hundred thirty-five (135) degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such lot or by an extension of such street lines. A lot bounded by one street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines of the lot form, or would form if extended, an interior angle of one hundred thirty-five (135) degrees or less.

Lot depth. The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot frontage. See "Frontage, lot."

Lot, interior. A lot other than a corner lot.

Lot lines. The lines bounding a lot as defined herein.

Lot, through. An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot, width of. The mean width at the building line measured at right angles to the depth.

Motor hotel or motel. See "auto court."

Municipal. The word "municipal" means the Town of Groveland.

Nonconforming use or building. A building or land lawfully occupied at the time of the adoption or subsequent amendment of this by-law by a use that does not conform to the regulations of the district in which it is situated.

Nursery. The business of propagating plants, including trees, shrubs, vines, seed, grass, live flowers and other plants, and the storage and selling of such plants grown on the premises.

Nursery school. A school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age inclusive, and operated on a regular basis.

Nursing or convalescent home. Any dwelling or building with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire.

Occupancy permit. A permit issued by the building inspector authorizing the occupancy and the use of land/or buildings.

Open area, percentage. That percentage of the lot area is not occupied by any structure.

Open space. An unoccupied space open to the sky on the same lot with a building free of all structures, parking, pavement or other uses that preclude landscaping.

Parking, private. Space for parking accessory to principal use, not to include parking for fee or parking of more than one (1) commercial vehicle except on farms.

Parking space. An area in a building or on a lot available for parking one (1) motor vehicle, having a width of not less than nine (9) feet and an area of not less than one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto, and with free and unimpeded access to a street over unobstructed passageways or driveways.

Permit. Special permit, unless otherwise specified.

Planned unit development. Land used for dwellings (single, multiple or apartments) having reduced area or frontage or both, subject to a variance issued by the board of appeals in accordance with the provisions of Section 700 of the Zoning By-laws.

Porch, open. A porch that has no walls or windows other than that of the main building to which it is attached.

Public. The word "public" means the Town of Groveland, Commonwealth of Massachusetts, United States Government or an agency thereof.

Quarry, sand pit, gravel pit. A lot of land or part thereof used for the purpose of extracting stone, sand or gravel for sale or for use at a site removed from said lot, exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Rear line of a lot. A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street. Where because of irregular lot shape, the building inspector and the lot owner cannot agree as to whether a lot line is a side or a rear line, it shall be considered a rear line.

Recorded. The due recording in the Essex County Registry of Deeds, or, as to registered land, the due filing in the Essex County Land Registration Office.

Restaurant. Structure for indoor sale and consumption of meals. Does not include "drive-ins."

Roadside stand. A structure of a semi-permanent type or of a temporary nature located in an agricultural district, or one in which agricultural uses are allowed, from which the products, the major portion of which are produced upon the premises, are offered for sale to the public.

Sanitary sewer. A public sanitary sewer of the Town of Groveland.

Setback. The distance from the street line to the nearest point of any structure. In the case of a corner lot, setback shall refer to the distance from each street line, considered separately, to the nearest point of any structure.

Side line of a lot. A line separating a lot from other lots or from land in a different ownership, other than a street line or a rear lot line.

Sign. Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" but does not include the following:

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

Any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Legal notices, identification, informational or directional signs erected or required by governmental bodies.

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, accessory. Any sign or other advertising device which advertises, calls attention to, or indicates the person or activity occupying the premises on which the sign

is erected or that advertises the property or some part of it for sale or lease, and which contains no other advertising matter.

Sign, area of. The area of a free-standing sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the designs, but for purposes of this by-law, shall not be considered part of the sign area unless used for lettering, wording or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangular or other regular shape which encompasses all of the letters and symbols.

Sign, non-accessory. Any billboard or sign not an accessory sign.

Stable, private. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Stable, public. A building in which any horses are kept for remuneration, hire or sale.

Story. That portion of a building contained between any floor and the floor or roof next above it, but not including either the lowest portion so contained if more than one-half (1/2) of such portion vertically is below the mean finished grade of the ground adjoining such building, or the uppermost portion so contained if under a sloping roof and not designed to be used for human occupancy.

Story, half. A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than three (3) feet above the floor level on at least two (2) exterior walls.

Street, road or way. An area of land dedicated, approved by the planning board, or legally open for public travel under at least one (1) of the following classifications:

A public way duly laid out by the Town of Groveland, the Essex County Commissioners, or the Commonwealth of Massachusetts, or a way which the Groveland Town Clerk certifies is maintained by public authority and used as a public way; or

A way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law; or

A way in existence on the town map, having in the opinion of the planning board, road commissioner, and water commissioner, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the 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; or

A public way or private way as described above shall not be deemed to be a "street" to any lot of land that does not have rights of access to and passage over said way.

Street line. The boundary of a street right-of-way or layout.

Structure. Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, or the like, or the parts thereof, and swimming pools capable of having a depth of two (2) feet or more at any point and a surface area of more than one hundred (100) square feet. However, this definition does not include a boundary wall or fence less than six (6) feet in height above the mean finished grade of the adjoining ground.

Temporary structure. Tent, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one (1) year.

Temporary use. Use, operation or occupancy of a parcel of land, building or structure for a period not to exceed one (1) calendar year.

Tourist home. A dwelling of residential character in which overnight accommodations are provided or offered for transient guests for compensation.

Transport terminal. Yards or structures for the storage and/or servicing of two (2) or more commercial vehicles.

Warehouse and open storage. Storage of bulk goods either indoors or out for distribution but not for sale.

Way. See "street, road or way."

Way, private. A way which has not been accepted by the town as a public way, or one which has not been dedicated to public use, or one which is not a part of an approved subdivision, or one in which the public has not acquired rights of usage by prescription.

Wholesaling. Sale of goods except at retail, without outdoor storage.

Yard. An open space on a lot unoccupied by a building or structure or such parts thereof as covered or uncovered porches, steps, cornices, eaves and other projections; provided, however, that fences, gates or security stations, yard accessories, ornaments and furniture, and customary summer awnings are permitted in any yard lot shall be subject to height limitations. Yard depth shall be measured from the street or lot line to the nearest point on a building in a line perpendicular or normal to such lot or street line. The minimum required yard shall be a strip of land of uniform depth required by the by-law measured from the lot or street line and adjacent thereto.

Yard, front. An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending to the side lines of the lot.

Yard, rear. An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, side. An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

APPENDIX C. - DEFINITION OF ZONING DISTRICTS

C.1.

For a pictorial description of zoning districts see the "Zoning Map," Town of Groveland, shown as Exhibit D. 1.

C.2. INTERPRETATION OF DISTRICT BOUNDARIES (Reserved).

C.3.1 RESIDENTIAL DISTRICT (R-A)

C.3.1.1 Beginning at a point 250 feet west of the centerline of Salem Street on the Groveland-Haverhill line; thence proceeding in a southeasterly direction along a line parallel to and 250 feet west of the centerline of Salem Street to a point on the westerly bound of the Industrial Zone; thence in a southerly direction along the westerly bound of the Industrial Zone and a portion of another R-A Zone, defined in C.3.1.3. below to a bound on the Groveland-Georgetown line; thence in a southerly direction along the Groveland-Georgetown line to the Groveland-Boxford line; thence in a northwesterly direction along the Groveland-Boxford line to the Groveland-Haverhill line; thence in a northeasterly direction along the Groveland-Haverhill line to the point of the beginning.

C.3.1.2 Beginning at a point 250 feet southeast of the centerline of Center Street on the Groveland-West Newbury line; thence in a southeasterly direction along the Groveland-West Newbury-Newbury line to the Groveland-Georgetown line; thence in a southwesterly direction along the Groveland-Georgetown line to the easterly bound of the Industrial Zone, thence in a northwesterly direction along the easterly bound of said Industrial Zone to the northwest bound of the Industrial Zone, thence in a westerly direction along the Industrial Zone to a point 250 feet east of the centerline of School Street, thence in a northerly direction along a line parallel to and 250 feet east of the centerline of School Street to a point 250 feet southeast of the centerline of Center Street; thence in a northeasterly direction along a line parallel to and 250 feet southeast of the centerline of Center Street to the point of beginning, with the exception of the following:

Excluding all Massachusetts Department of Fish and Game Land, but including all private land that may be used for residential purposes.

- C.3.1.3 Beginning at a point on the Groveland-Georgetown town line, 600' west from the sideline of Salem Street where it intersects the Georgetown town line; thence in a westerly direction along the Groveland-Georgetown town line to a bound at the corner of Groveland-Georgetown Town Line; thence in a northerly direction along the Residential RA Zone described above, in subsection C.3.1.1, to the boundary of the Industrial Zone which is 208'+/- from the Georgetown corner; thence in an easterly direction, along the southerly boundary of the Industrial Zone, 200' from and parallel to the Georgetown town line to a point 550' west of the sideline of Salem Street; thence in a southeasterly direction along the Business Zone, 283' +/- to the point of beginning.

C.3.2 RESIDENTIAL DISTRICT (R-B)

- C.3.2.1 The Residential District RB is all areas of Town not described by other Districts.

C.3.3 RESIDENTIAL DISTRICT (R-C)

- C.3.3.1 All of the land bounded by Gardner Street, on the east; King Street, on the north; the Business B Zone - C. 3.4.1, on the west; and Main Street on the west and south.

C.3.4 BUSINESS DISTRICT (B)

- C.3.4.1 Starting at a point at the intersection of Main Street and Broad Street, then northwesterly 150' perpendicular to Main Street; then running parallel to, and 150' from, the centerline of Main Street southwesterly to a point 425' west of the intersection of Marjorie Street and Main Street; then 150' to the centerline of Main Street; then running westerly along the centerline of Main Street to a point 50' west of the intersection of Chestnut Street and Main Street; then, northerly, perpendicular to Main Street, 150' to a point; then west and southwest 150' from and parallel to the center line of Main Street to a point 400' southwest of the Bates Bridge; then 150' southeast to the intersection of School Street and Main Street; then southeasterly along the centerline of School Street to a point 150' perpendicular to Main Street; then northeasterly 150' from and parallel to the centerline of Main

Street to a point 150' from the westerly side of the Elm Park Right of Way; then southeasterly 150' from and parallel to the westerly side of Elm Park to the northerly boundary of Spring Street; then 150' easterly along the sideline of Spring Street to the sideline of Elm Park; then northerly along the sideline of Elm Park to a point 200' from the centerline of Main Street; then easterly 200' from and parallel to Main Street to the centerline of Chestnut Street; then northerly along the centerline of Chestnut Street to a point 150' from the centerline of Main Street; then northeasterly, along a line 150' from and parallel to the centerline of Main Street, to a point 150' southeast of the intersection of Broad Street and Main Street; then 150', northwesterly, to the point of beginning.

C.3.4.2. Beginning at the centerline of Main Street at its intersection with Washington Street, and extending 150' westerly and 150' easterly of the centerline of Washington Street; and thence southerly and parallel with Washington Street, in a 300 foot strip, to the centerline of Center Street.

C.3.4.3. Beginning at a point on the Groveland-Georgetown line, said point being at the westerly side line of Salem Street; thence in a westerly direction 600' along the Groveland-Georgetown line; thence in a northwesterly direction 283' along the R-A Zone to the Industrial C Zone; thence in an easterly direction, 200 feet north of and parallel to the town line, along the Industrial C Zone, about 550' to the west sideline of Salem Street; thence in a southeasterly direction along Salem Street about 320' to the point of beginning.

C.3.5. LIMITED BUSINESS DISTRICT (LB)

C. 3.5.1. The Limited Business Zone shall extend to a depth of one hundred twenty-five (125) feet when measured from the following line: [The Limited Business Zone shall be on the southeasterly side of Elm Park] beginning at the intersection of the centerlines of Gardner Street and Elm Park (Route 97); thence in a southerly direction along the centerline of Elm Park (Route 97) to the intersection of the centerlines of Elm Park (Route 97) and School Street (Route 97); thence in a southerly direction along the centerline of School Street (Route 97) to a point sixty-five (65) feet south of the intersection of the centerlines of Elm Park (Route 97), School Street (Route 97), and Gardner Street.

C.3.6 INDUSTRIAL DISTRICT (C)

C.3.6.1 Beginning at a point on the easterly sideline of School Street at the corner of parcel 94/96, about 680' south of the centerline of Ashcroft Terrace; thence running easterly approximately 1142' to the southwesterly line of the Mass Electric Company easement; thence southeasterly along said easement about 2,800', to the Groveland-Georgetown line; thence running southwesterly along the Groveland-Georgetown line to the northerly side of Salem Street; thence running

northwesterly by the northerly line of Salem Street to the point of beginning.

C.3.6.2 Beginning at a point on the westerly side line of Salem Street, 320' northwest of the Groveland-Georgetown line; thence in a westerly direction, 200' north of and parallel with the town line, about 6,111' to the Residential RA Zone; thence in a northerly direction about 3,500' to a point on Center Street, 1400' east of the intersection of Salem and Washington Street; thence in a northerly direction about 2,100' on a line 150' east of the thread of the stream known as Grindle Brook, which point is about 1,075' from the intersection of Main Street and Washington Street; thence in an easterly direction about 2,800' to a point on the westerly side line of Mass Electric Company easement; thence in a southerly direction, along the westerly side line of Mass Electric Company easement, about 2,280' to a point 150' north of Center Street; thence in a westerly direction about 2,100', along a line 150' north and parallel to Center Street; thence in a southerly direction 150' to the north side line of Center Street; thence in a westerly direction about 870', along the north side line of Center Street, to a point; thence in a southerly direction, 200' west of and parallel with Murray Avenue, approximately 1800' to a point 200' west of Murray Avenue, on the south side of Salem Street; thence in an easterly direction along the south side line of Salem Street about 3,000'; thence in a southeasterly direction along Salem Street a distance of about 2,800' to the point of beginning.

C.3.6.3 Beginning at a point on the Groveland-Georgetown town line, 600' west from the sideline of Salem Street where it intersects the Georgetown town line; thence in a westerly direction along the Groveland-Georgetown town line to a bound at the corner of Groveland-Georgetown Town Line; thence in a northerly direction along the Residential RA Zone described above, in subsection C.3.1.1, to the boundary of the Industrial Zone which is 208' +/- from the Georgetown corner; thence in an easterly direction, along the southerly boundary of the Industrial Zone, 200' from and parallel to the Georgetown town line to a point 550' west of the sideline of Salem Street; thence in a southeasterly direction along the Business Zone, 283' +/- to the point of beginning.

Section C.3. amended on May 21, 2001

**APPENDIX E. - INDEX OF AMENDMENTS
(Not an Integral Part of the Bylaws)**

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	Section 104.3	9-13-76
	Nonconforming Uses	
	Section 106	9-13-76
	Public Water Supply	
	Section 107.6	4-12-76
	Section 107.6.2.	5-22-89
	Other Regulations, Variances, Special Permits, and Building Permits	
	Section 107.7	9-13-76
	Lot Size Reductions	
	Section 107.8	9-13-76
	Dwelling Per Lot	
	Section 107.9	9-13-76
	Site Plan Approval	
	Section 108.1 - 108.2.2.	10-20-90
	Growth Management	
	Section 109.1. - 109.8.	5-13-96
200	Establishment of Districts	
	Section 200 - 203	5-22-89
300	Residential District Uses	
	Section 301.4	4-11-77
	Section 301.6	4-11-77
	Section 301.7	4-11-77
	Section 301.8	4-11-77

	Section 301.8.3.	4-11-77-Amended-4-26-04
	Section 301.8.8	4-26-93
	Section 301.20	4-11-77
	Section 301.20.1	4-11-77
	Section 301.20.2	4-11-77
	Section 301.30	4-11-77
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	Section 302.1	4-11-77
	Section 302.2	4-11-77-Deleted
	Section 302.3.	5-22-89
	Section 303.	
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500	Conservation Subdivision Design Bylaw (CSD)	6-12-02
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700	Planned Unit Development	
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	Section 702.10	5-22-89-Amended
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900	Industrial District Uses	
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Deleted - 5/21/01
08-26-80-Deleted 5/21/01
Deleted 5/21/01
01-10-80 - Deleted 5/21/01
Deleted - 5/21/01