Chapter 175

ZONING

ARTICLE I
Purpose and Scope

§ 175-1.1. Title and purpose.

This bylaw, which may be known and cited as the "Norton Zoning Bylaw," was initially adopted in 1974 and has been amended from time to time for the purpose of promoting health, safety, convenience, morals or welfare of the inhabitants of the Town of Norton, for lessening the dangers of congestion and fire, to conserve the value of the land and buildings, to encourage the most appropriate use of land and for other purposes stated in Chapter 40A of the General Laws.

§ 175-1.2. Compliance required.

No building or structure in the Town of Norton shall hereafter be erected, reconstructed, altered, enlarged, moved or changed in use, nor shall the use of any land be changed, except in conformity with the provisions of this bylaw for the district in which such building, structure or land is or shall be located. All buildings, structures and uses not hereby specifically or generally permitted in a district nor exempt by state laws, or legally nonconforming, are hereby expressly prohibited.

§ 175-1.3. Interpretation.

The provisions of this bylaw shall be deemed to be minimum requirements adopted for the purposes stated in § 175-1.1. Whenever any other bylaw of the Town of Norton, or any law or regulation of the Commonwealth of Massachusetts, imposes greater restrictions than this bylaw, such other bylaw, law or regulation shall prevail to the extent of such greater restrictions.

§ 175-1.4. Severability.

The provisions of this bylaw shall be held to be severable, and the invalidity of any section or any provision hereof shall not invalidate any other section or provision.

§ 175-1.5. Nonconforming buildings and uses.

A. Any building legally existing and any use lawfully made of land or buildings as of the effective date of the adoption or of any amendment of this bylaw and Zoning Map may be continued in the same location, to the same extent and for the same purpose and may be expanded, replaced or changed as permitted in this bylaw. A building for which a building permit has been issued prior to the publication of the first notice of the required public hearing on the adoption or amendment of this bylaw affecting such building shall be deemed to be an existing building, provided the construction thereof is commenced within six months of the permit being issued and proceeds in good faith to completion.

B. A nonconforming building or use may be changed so as to conform to the bylaw, but once made conforming no reversions to nonconforming status shall be permitted.

C. If a nonconforming use is discontinued for a period of 24 months or if a

nonconforming building remains unused for 24 months, such use or building shall be deemed to have been abandoned and no resumption of the nonconforming status shall be permitted.

D. A dimensionally nonconforming building may be structurally repaired, altered, or extended, provided it is not thereby made nonconforming to a greater extent. A dimensionally nonconforming building damaged by fire or other natural causes may be reconstructed in the same location, provided that the damage does not exceed 75% of the market value of the building prior to such damage and that the reconstruction does not enlarge the volume enclosed by the building by more than 25% or make the building dimensionally more nonconforming, and provided further that the restoration work on such building commences within 12 months after such damage; otherwise the building may only be rebuilt so as to conform to this bylaw. Where the disagreement arises regarding the market value of a building so damaged between the Building Inspector and the owner, the latter may present the opinion of a professional real estate appraiser.

E. A nonconforming use may be changed, extended or altered only upon finding by the permit granting authority that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use and is subject to such conditions and limitations as the Board of Appeals might impose. It is the intent of this subsection that such change of use be permitted by the Board of Appeals whenever the proposed use is of the same general class as the existing nonconforming use and will not significantly increase traffic, noise, bright lights, and other undesirable impacts on the surrounding environment. Except as provided in § 175-1.6 of this bylaw, in all cases where a change, extension or alteration is proposed for a nonconforming use or lot, approval from the Zoning Board of Appeals is required, including cases where the proposed change would also require a special permit from the Planning Board. **[Amended 10-23-2017 FTM by Art. 24]**

F. A nonconforming use may be expanded in size or scope of the activity within confines of the lot used therefor and to the extent permitted by the dimensional requirements for the district in which such nonconforming use is located.

G. Any nonconforming building that is unsafe or dangerous to the public by virtue of its location or structural condition, and any nonconforming use that is harmful, hazardous, noxious or offensive may be ordered to be made safe, discontinued, demolished, or closed as provided by law and notwithstanding the provisions of Subsection A of this section.

§ 175-1.6. Nonconforming single- and two-family residential structures. [Added 10-23-2017 FTM by Art. 24]

A. Nonconforming single- and two-family residential structures may be reconstructed, extended or altered as of right following a determination by the Building Commissioner that such reconstruction, extension or alteration does not increase the nonconforming nature of the structure, and does not increase the habitable floor area of the structure by more than 25%.

B. No increase in nonconforming nature. The reconstruction, extension or alteration of

a single- or two-family residential structure that is described in any of the following circumstances shall not be deemed to increase the nonconforming nature of a structure:

(1) Insufficient areas: reconstruction, extension or alteration of a single- or two-family residential structure that is located on a lot with insufficient lot area, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.

(2) Insufficient frontage: reconstruction, extension or alteration of a single- or two-family residential structure that is located on a lot with insufficient frontage, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.

(3) Yard encroachment: reconstruction, extension or alteration of a single- or two-family residential structure that does not further encroach upon one or more nonconforming front, side or rear yards, but that complies with current dimensional requirements for building coverage and building height.

C. Increase in nonconforming nature or increase in habitable floor area by 25% or more. In the event that the Building Commissioner determines that the reconstruction, extension or alteration of a nonconforming single- or two-family residential structure increases the nonconforming nature of the structure, or in the event that such reconstruction, extension or alteration increases the habitable floor area of the structure by 25% or more, a finding pursuant to MGL c. 40A, § 6 granted by the Board of Appeals shall be required to allow such reconstruction, extension or alteration. A determination may be granted by the Board of Appeals only if there is a finding by the Board of Appeals that the reconstruction, extension or alteration shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.

ARTICLE II
Definitions

§ 175-2.1. Word usage.

Whenever used in this bylaw, and not clearly inconsistent with the context, words used in the present tense include the future tense and the plural includes the singular; the word "shall" is intended to be mandatory and the word "may" permissive; and the word "person" includes a firm, association, organization, trust, company, corporation or any similar entity, as well as one or more individuals.

§ 175-2.2. Terms defined.

In addition to definitions set forth for specific regulations elsewhere in this bylaw, the following words and terms shall have the meanings indicated below, whenever not clearly otherwise intended in the context:

ACCESSORY APARTMENT — A self-contained dwelling unit incorporated into a single-family dwelling that is incidental and subordinate to the single-family dwelling and which complies with all of the criteria listed below:

A. The accessory unit shall be a complete, separate housekeeping unit containing both a kitchen and a bath;

B. The accessory unit shall not exceed 750 square feet of living area;

C. No more than one accessory unit shall be permitted within a single-family dwelling;

D. The owner(s) of the single-family dwelling in which the accessory unit is created shall occupy one of the two dwelling units as their primary residence;

E. The exterior of an accessory unit shall be designed to complement the architecture of the primary structure, by use of compatible scale, colors, exterior materials and through articulation (emphasis on architectural elements such as windows, balconies, roof lines or entrances). The entrance to the accessory unit, if located on the front of the building facing the street, shall be offset from the plane of the facade of the primary residence;

F. An accessory dwelling unit shall be occupied by no more than two persons and shall not contain more than one bedroom; however, the Planning Board, by grant of a special permit, may allow a maximum of four persons to occupy an accessory dwelling unit and may allow a maximum of two bedrooms;

G. At least one additional off-street parking space shall be available for use by the accessory dwelling unit tenant(s) for each bedroom;

H. Prior to occupancy of the accessory dwelling unit by a tenant, the owner of the property shall submit a notarized letter to the Building Inspector stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence. The notarized letter shall be recorded in the Bristol County Registry of Deeds and proof of such recording shall be provided to the Building Inspector prior to issuance of an occupancy permit;

I. If the primary residence containing the accessory dwelling unit is sold, the new owner, if the owner wishes to continue occupancy of the accessory unit, shall, within 60 days of the date of purchase, submit to the Building Inspector a notarized letter stating that the owner will occupy one of the dwelling units on the premises as his/her primary residence; otherwise, the accessory occupancy permit shall no longer be valid;

J. Prior to the issuance of a building permit to create an accessory unit, a floor plan of the existing structure and of the proposed accessory unit shall be submitted, along with drawings showing the proposed exterior elevation of the proposed accessory addition and existing structure from the front and both sides; and

K. No accessory unit shall be occupied until it has been inspected and issued an occupancy permit by the Building Inspector.

ACCESSORY USE OR BUILDING — A use or a freestanding building customarily incidental and subordinate to the principal permitted use or building, located on the same lot as the principal permitted use or building and not prohibited by § 175-4.1 hereof.

BED-AND-BREAKFAST — A private owner-occupied residence with one to three guest rooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed-and-breakfast establishment for more than 14 consecutive days in any one-year period.

BEST MANAGEMENT PRACTICES — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

BUILDING — A combination of materials having a roof and arranged to provide shelter. Unless the context unequivocally indicates otherwise, the word "building" shall be construed as though followed by the words "or structure, or part of parts thereof." A building touching, structurally connected to or attached to another building shall be considered a part of such building.

CLUSTER DEVELOPMENT — A subdivision design for single-family and multifamily housing providing reduced frontage and lot areas and open common land to preserve natural features.

COMMON DRIVEWAY — A private driveway providing vehicular access for at least two but no more than four building lots. A common driveway may be allowed by special permit from the Planning Board, but in no case shall a common driveway be considered "frontage" as defined in this bylaw. A common driveway shall satisfy all of the following criteria:

A. The distance of the common driveway measured from the street line to the point where any principal building is proposed shall not exceed a distance of 500 feet unless the Planning Board makes a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles;

B. The common drive shall be located entirely within the boundaries of the lots to which the driveway provides access and shall be separated from any other lots to which access is not being provided by an appropriately landscaped buffer area at least 20 feet in width;

C. The center-line intersection of the common driveway with the street center line shall not be less than 45°;

D. A minimum cleared width of 18 feet and a minimum travel way of 12 feet shall be maintained over the entire length of the common driveway;

E. A roadway surface with a minimum of four inches of graded gravel placed over a properly prepared base, graded and compacted to drain from the crown, shall be installed. Where the property rises in elevation from the street, the driveway shall be paved from the street to the first high point (break in grade) in order to prevent erosion toward the street;

F. The grade of each common driveway where it intersects with the public way shall not exceed 8% for a distance of 20 feet from the travel surface of the public way unless the Planning Board determines that said driveway will provide safe and reasonable access for fire, police and emergency vehicles;

G. The common driveway shall not disrupt existing drainage patterns. A grading and sloping plan, showing existing and proposed conditions, shall be submitted to demonstrate compliance;

H. Documents shall be submitted to the Planning Board demonstrating through easements, restrictive covenants or other appropriate legal devices the maintenance (including snow removal), repair and liability for the common driveway, and all public utilities shall remain perpetually the responsibility of the private parties or their successors in interest.

I. The width of a common driveway within the Village Center Core District shall range from 12 feet to 20 feet subject to site plan approval by the Planning Board or its designee. A special permit for a common driveway is not required in the Village Center Core zoning district. **[Added 10-17-2020 STM by Art. 4]**

DIGITAL/ELECTRONIC BILLBOARD — An electronic message display utilizing light-emitting diodes (LEDs), plasma or other technology that presents static or multiple static advertisements on a rotating basis, freestanding, which may or not be double-sided, which does not advertise a business or profession conducted, a service offered or a commodity sold upon the premises where such sign is located, and which is subjected to the rules and regulations of the Massachusetts Department of Transportation Office of Outdoor Advertising.**[Added 5-15-2019 ATM by Art. 19]**

DRIVE-THROUGH FACILITY — A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a car wash facility such as vacuum cleaning stations.

DWELLING or DWELLING UNIT — One or more rooms, including independent cooking, sanitary and sleeping facilities, separated physically from other dwelling units which may be located in the same building, and used as a living and housekeeping unit by a family.

A. SINGLE-FAMILY DWELLING — A home or building occupied or intended to

be occupied by one family and not more than four roomers or boarders having no independent cooking facilities.

B. DUPLEX — A building containing two dwelling units.

C. MULTIFAMILY DWELLING — A building, such as an apartment house, containing three or more dwelling units with independent cooking and sleeping facilities.

FAMILY — May consist of one or several individuals occupying a dwelling as a single housekeeping unit. A family shall not include more than six persons not related to the remaining members of the family by blood, marriage, or legal adoption.

FLOOR AREA — Includes the aggregate horizontal area of all floors of a building or several buildings on the same lot devoted to the same use, and excluding common hallways, parking garages and portions of buildings used for building services or maintenance.

FRONTAGE — The distance measured along the street line of a lot between the intersections with the sidelines or between the intersection of street line or street lines extended and either of the lot sidelines' intersections. In the case of a lot located on a cul-de-sac or turnaround, the frontage shall be determined on the curves of the street line between the intersections of the sidelines of the lot with the street line, or by the length of the setback line, whichever is less. On a cul-de-sac, in no case shall the frontage line include more than two curves centered on opposite sides of the street line within the minimum continuous frontage in feet dimension. A sketch entitled "Frontage Definition on a Cul-de-Sac," dated June 8, 1992, and a sketch entitled "Illustration of Yard Definition and Measurements," dated November 7, 1972, as revised by the Annual Town Meeting of June 8, 1992, illustrating these definitions is incorporated by reference into this paragraph.[1]

FRONTAGE AREA — The area of a lot between the facade of the principal building (existing or proposed) and the edge of the front property line. At a minimum, this area shall include the sidewalk required to comply with the standards for pedestrian circulation for the district.**[Added 10-17-2020STM by Art. 4]**

FRONTAGE BUILDING — The principal building that is used to establish the frontage area.**[Added 10-17-2020 STM by Art. 4]**

FUR ANIMALS — Animals kept or raised commercially, primarily or exclusively for their fur or pelts and the products manufactured therefrom, including without limitation mink, beaver, and chinchilla.

GROUND FLOOR — The floor of a building that has the primary entrance to the building. Where there may be more than one primary entrance, the entrance most readily accessible to the front yard of the lot shall be considered the primary entrance.**[Added 10-17-2020 STM by Art. 4]**

HEIGHT — In feet, shall be measured to the highest point of the building from the average ground level adjacent to the building. Height in stories shall include all stories suitable for human occupancy, whether or not so occupied, which are more than 50% above the average ground level adjacent to the building.

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1. Editor's Note: Said illustrations are included as an attachment to this chapter.

HOME OCCUPATIONS — Includes the performance of custom work of a domestic nature, using equipment customarily incidental to residential occupancy, the exercise of personal and professional skills in the fields of arts and crafts and the giving of individual instructions or lessons in such skills. Home occupations may include, but shall not be limited to, dressmaking, millinery, clothes washing, woodworking, piano lessons and canning or packaging fruits and vegetables.

HOUSING, TOP-OF-THE-SHOP — Residential use located in the same building as nonresidential use where the nonresidential use occupies the ground floor and the residential use occupies space above the ground floor.**[Added 10-17-2020 STM by Art. 4]**

LOT — An area of land in a single ownership with definite boundaries, ascertainable by plan or deed, used or available for use as a site of one or more buildings or for any other definite purpose. Compliance with the requirements of this bylaw determines whether or not a lot may be built upon. To the extent that they conform to the first sentence of this definition, several contiguous recorded lots in single ownership may be considered as one lot at the owner's option.

MARIJUANA ESTABLISHMENT — A type of licensed marijuana-related business as defined in MGL c. 94G, § 1 and the Cannabis Control Commission regulations, 935 CMR 500.000 et seq., including but not limited to a marijuana cultivator (indoor or outdoor), craft marijuana cooperative, marijuana product manufacturer, marijuana microbusiness, independent testing laboratory, marijuana retailer, marijuana transporter, delivery licensee, marijuana research facility licensee (as defined in 935 CMR 500.002), marijuana research facility licensee social consumption establishment (as defined in 935 CMR 500.002), social consumption establishment or any other type of licensed marijuana-related business, except a medical marijuana treatment center (MTC), all as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-14-2018 ATM by Art. 22; amended 5-8-2021 ATM by Art. 14]**

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 21, §§ 23 through 56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Norton.

PREMISES — A lot with all buildings, structures, improvements and uses thereon.

PUBLIC — Used as an adjective, means the Town of Norton, Commonwealth of Massachusetts, United States government or any agency or department of any of the above.

PUBLIC SERVICES or PUBLIC UTILITIES — Services or utilities, such as water

supply, electricity, gas, communications, waste disposal, planting of shade trees and drainage, provided to the public by a municipality, public agency or authority or a public service corporation, subject to government regulation by virtue of its natural or legal monopoly.

SHAPE FACTOR — The numerical value resulting from the division of the square of the perimeter in feet of a closed plot of land by the area in square feet of such closed plot of land.

STRUCTURE — A man-made arrangement of materials requiring a fixed location on the ground, or attached to something permanently located on the ground. The use of all structures shall conform to the provisions of this bylaw, but only structures projecting above ground level, other than fences and customary minor accessories, such as electric and telephone poles, mailbox posts, flagpoles, sign posts and benches, shall be subject to the locational requirements of § 175-6.2.

SUBSIDIZED HOUSING — Dwellings, the construction or use of which is made possible by public financial assistance and which are used for people of low or moderate income as defined in the public assistance program or legislation.

TOURIST HOME — A single-family dwelling adapted to provide room and board or rooms alone for up to 10 transients at one time in addition to providing permanent living accommodations to one family resident therein.

WAY or STREET —

A. A public way laid out and accepted by the Town or a way which the Town Clerk certifies is used and maintained as a public way; or

B. A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or

C. A way in existence when the Subdivision Control Law became effective in the Town of Norton, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction 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. No lot shall be deemed to be served by a way to which such lot has no legal or no physical access.

YARD — A space between a building and street or a lot boundary unoccupied except for minor structures exempt from the locational requirements of § 175-6.2. The minimum required yard shall be a strip of land of uniform width required by this bylaw measured from the street or lot line and contiguous thereto. The front yard shall be contiguous to the street line between side lines of a lot. Side yards shall be contiguous to such side lines between the rear line of the required front yard and the intersection with rear or other side line. The rear yard shall be contiguous to the rear line or a lot line parallel or approximately parallel to lot frontage and opposite it and be located between the side yards. On corner lots, front setbacks shall be measured from both streets. A triangular lot may have no rear lot lines or rear yard. A sketch entitled "Illustration of Yard Definitions and Measurements," dated November 7, 1982, and revised June 8, 1992, illustrating these definitions, is hereby referenced and incorporated into this paragraph.[2]

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2. Editor's Note: Said illustrations are included as an attachment to this chapter.

ARTICLE III
Zoning Map and Districts

§ 175-3.1. Districts established.

As shown on the map entitled "Zoning Map of the Town of Norton, Massachusetts," dated June 7, 1999, as amended from time to time, the Zoning Map is specifically by reference incorporated herein and made a part of the bylaw, the Town of Norton is hereby divided into the following districts:

A. Residential Eighty (R-80).

B. Residential Sixty (R-60).

C. Residential Forty (R-40).

D. Village Commercial (VC).

E. Village Center Core (VCC). **[Added 10-17-2020 STM by Art. 4[3]]**

F. Commercial (C).

G. Industrial (I).

H. Wetland Protection (WP).

§ 175-3.2. Zoning Map.

The original tracing of the Zoning Map of the Town of Norton, Massachusetts, which may consist of one or more sheets, shall be identified as such by a statement reading as follows: "This is to certify that this is the Official Zoning Map of the Town of Norton, Massachusetts, adopted as a part of the Norton, Massachusetts Zoning Bylaw of 1974 on April 16, 1974, by vote of the Norton Town Meeting under Article 6 of the Warrant," and as amended by vote of Town Meeting through the date shown on the Zoning Map signed by the majority of the Board of Selectmen and attested by a signature of the Town Clerk and the imprint of the Town Seal. The original tracing shall be held in custody of the Town Clerk, who shall cause to be prepared and certify copies thereof and may charge a reasonable fee therefor. Notwithstanding the existence of copies or prints, the original tracing, including the amendments or any explanatory matter thereon, shall be the Official Zoning Map of the Town of Norton.

§ 175-3.3. Map amendments.

The Zoning Map may be amended from time to time by vote of the Town Meeting in the same manner as the Zoning Bylaw and such amendments, adding, deleting or modifying district lines and designations or dimensions of districts, shall be made on the Zoning Map as soon as possible upon the approval of the amendments by the Attorney General, together with a notation on the map signed by the Town Clerk and indicating the date of the Town Meeting vote, the number of the warrant article and in brief the substance of the amendment, but the failure to show an amendment on the map shall not affect its validity.

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3. Editor's Note: This ordinance also redesignated former Subsections E through G as Subsections F through H.

§ 175-3.4. Adoption of new map.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to read because of the nature of amendments, the Town Meeting may, in the manner provided for the adoption and amendment of the Zoning Map, replace it with a new Zoning Map.

§ 175-3.5. Determination of boundaries.

Unless otherwise shown on the Zoning Map, the boundaries of districts shall be the center lines of streets, railroad baselines, mean water lines of rivers, brooks and ponds, or lines parallel to, and dimensioned district from the center lines of streets or mean water lines, but no change in street or lot boundary lines or watercourses and bodies subsequent to the adoption of the Zoning Map shall have the effect of changing or relocating district boundaries from their original location.

ARTICLE IV
Use Regulations

§ 175-4.1. Permitted uses. [Amended 10-17-2020 STM by Art. 4

In each district, except Village Commercial and Village Center Core, only the principal and the accessory uses enumerated herein and the uses necessarily or customarily incidental and accessory to such permitted principal uses shall be permitted, including without limitation the accessory signs and off-street parking in accordance with the provisions of the bylaw, and subject to applicable conditions and limitations. In the Village Commercial District and Village Center Core District, more than one principal use is allowed on a single lot, subject to applicable dimensional regulations. Streets, public sewer facilities, public wastewater pumping stations and easements for public services are permitted uses in all districts. In the Village Center Core District, no dwelling unit nor any internal space associated with a dwelling unit shall occupy any ground floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. Ground floor residential dwelling units shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than 40% of the ground floor gross floor area (GFA) shall be used for residential purposes, of which not more than 15% of said GFA shall be associated with or incidental to, required entries, stairs or elevator towers, or other purposes related to the residential use.

Y	Use permitted within the district (Uses allowed by right may require a special permit if they are above certain thresholds. See Article XV, Site Plan Review.)
N	Use not permitted within the district
SP	Special permit needed for use within the district

§ 175-4.2. Residential uses. [Amended 5-15-2019 ATM by Art. 16; 10-17-2020 STM by Art. 4]

	Zoning Districts						
	Allowed Uses						
Principal Uses	**R-80**	**R-60**	**R-40**	**VC**	**VCC**	**C**	**I**
Single-family dwelling	Y	Y	Y	Y	N	N	N
Single-family dwelling with accessory apartment, provided that the appearance of a single-family home is maintained and Board of Health requirements are met	Y	Y	Y	Y	N	N	N
Duplex	SP	SP	SP	SP	N	N	N
Common driveway	SP	SP	SP	SP	Y	SP	SP
Multifamily dwelling (excluding cluster development)	N	N	SP	SP	N	N	N

Principal Uses	Zoning Districts Allowed Uses						
	R-80	R-60	R-40	VC	VCC	C	I
Top-of-the-shop housing	N	N	N	Y	Y	N	N
Cluster development	SP	SP	SP	N	N	N	N
Housing for the elderly	SP	SP	SP	SP	SP	SP	N
Tourist or rooming house	SP	SP	SP	Y	SP	N	N
Bed-and-breakfast	SP	SP	SP	Y	Y	Y	N
Mobile home park	N	N	N	N	N	N	N
Mobile home (temporary)	SP	SP	SP	SP	N	N	N
Institutional, educational facilities	Y	Y	Y	Y	Y	Y	Y
Religious facilities	Y	Y	Y	Y	Y	Y	Y
Hospitals, nursing or convalescent homes	SP	SP	SP	SP	N	SP	N
Public or government buildings or uses	SP	SP	SP	Y	Y	Y	N
Private nursery school, day-care center	Y	Y	Y	Y	Y	Y	Y
Nonprofit, membership-owned health or recreational club, including country club serving residents of Norton	N	N	N	Y	SP	Y	N
Fraternal lodge or other nonprofit civic use serving residents of Norton	N	N	N	Y	SP	Y	N

§ 175-4.3. Open space, agriculture and recreation uses. [Amended 5-14-2018 ATM by Art. 21; 5-15-2019 ATM by Art. 16; 10-17-2020 STM by Art. 4

Principal Uses	Zoning Districts Allowed Uses						
	R-80	R-60	R-40	VC	VCC	C	I
Public parks, playgrounds	Y	Y	Y	Y	Y	Y	N
Horticulture, floriculture and minor agriculture	Y	Y	Y	Y	N[1]	Y	Y
Cemetery	Y	Y	Y	Y	N	Y	Y
Recreational day camp	Y	Y	Y	Y	N	Y	N
Public recreation areas	Y	Y	Y	Y	Y	Y	N

Principal Uses	Zoning Districts Allowed Uses						
	R-80	**R-60**	**R-40**	**VC**	**VCC**	**C**	**I**
Passive outdoor recreational noncommercial uses such as parks, beaches, picnic groves, camping and other similar uses	SP	SP	SP	SP	SP	SP	N
Golf course	SP	SP	SP	SP	N	SP	N
Health or recreational club	N	N	N	SP	SP	Y	SP
Outdoor lighting for nonresidential use in excess of 30 feet in height	SP	SP	SP	SP	N	SP	SP
Farms, orchards, nursery, greenhouse agriculture and tree farms	Y	Y	Y	Y	N[1]	Y	Y
Farms, livestock (excluding swine), horses, poultry, and rabbits if confined or caged (over 50) on 5 or more acres	Y	Y	Y	Y	N[1]	Y	Y
Farms, livestock (excluding swine), horses, poultry, and rabbits if confined or caged (over 50) on less than 5 acres	Y	SP	SP	N	N[1]	N	N
Rabbits and poultry, confined or caged (50 or under), on 5 acres or more	Y	Y	Y	Y	N[1]	Y	Y
Rabbits and adult hens (not roosters) confined or caged (12 or under) for personal use on less than 5 acres	Y	Y	Y	SP	N	SP	SP
Rabbits and poultry, confined or caged (13 to 50), on less than 5 acres	Y	SP	SP	SP	N	SP	SP
Kennel, veterinary hospital	Y	N	N	SP	N	Y	SP
Roadside stands for agricultural, horticultural products, a major portion of which is grown on the premises by resident proprietor	Y	Y	Y	Y	Y	Y	Y

Notes:
[1] Agricultural uses meeting the requirements of MGL. c. 40A, § 3 and MGL c. 128, § 1A shall be allowed.

§ 175-4.4. Commercial uses. [Amended 5-14-2018 ATM by Art. 22; 5-15-2019 ATM by Art. 16; 10-17-2020 STM by Art. 4; 10-17-2020 STM by Art. 6]

Principal Uses	Zoning Districts Allowed Uses						
	R-80	R-60	R-40	VC	VCC	C	I
Administrative, professional offices	N	N	N	Y	Y	Y	Y
Banks, financial institutions	N	N	N	Y	Y	Y	Y
Retail stores, shops, trade services	N	N	N	Y	Y	Y	Y
Home craftsman shops (no employees)	SP	SP	SP	Y	N	Y	N
Hotel, motel	N	N	N	SP	SP	Y	Y
New or used cars, trailer or boat sales	N	N	N	N	N	Y	Y
Funeral home	N	N	N	SP	N	Y	N
Home occupation-professional offices except veterinary, provided that no more than 3 persons are employed in addition to resident and that no more than 25% of the total floor area is devoted to such office	SP	SP	SP	Y	N	Y	N
Home occupation-custom work in home or accessory building by resident with no more than 1 other person regularly employed and not more than 25% of floor area regularly devoted to such use and there is no exterior storage or display of products, materials, or equipment	Y	Y	Y	Y	Y[1]	Y	N

Principal Uses	Zoning Districts Allowed Uses						
	R-80	R-60	R-40	VC	VCC	C	I
Home occupation-including professional offices, provided there are no employees other than residents and there is no visible exterior storage of products, materials or equipment	Y	Y	Y	Y	Y[1]	Y	N
Repair and service shops, including auto repair, provided that work is done in an enclosed building and there is no long-term outside storage of wrecked cars, and including welding, auto body repair, soldering and painting incidental to automobile repair	N	N	N	Y	N	Y	Y
Electronic message center (EMC)	N	N	N	SP	SP	SP	SP
Wholesale offices, showrooms with no on-site storage	N	N	N	Y	SP	Y	Y
Bus or railroad terminal, passenger station	N	N	N	Y	N	Y	Y
Commercial parking facilities	N	N	N	Y	SP	Y	Y
Gasoline filling/service station, car wash	N	N	N	SP	N	Y	Y
Commercial recreational facilities, tennis and other playing courts, not including drive-in theaters, and no less than 150 feet from nearest residential boundary	N	N	N	SP	N	Y	Y
Restaurants, night clubs and other places serving food or beverages	N	N	N	Y	Y	Y	Y
Drive-through facility	N	N	N	SP	N	SP	SP
Wireless communication facility (located on a monopole)	N	N	N	N	N	SP	SP

Principal Uses	Zoning Districts Allowed Uses						
	R-80	**R-60**	**R-40**	**VC**	**VCC**	**C**	**I**
Wireless communication facility (on existing structure, excluding monopole)	Y	Y	Y	Y	Y	Y	Y
Body art establishment	N	N	N	N	N	N	SP
Adult entertainment, including adult motion-picture theaters, adult bookstores and activities defined in MGL c. 272, § 31	N	N	N	N	N	N	SP*
Medical Marijuana Treatment Center (MTC)	N	N	N	N	SP+	SP+	SP+
Allowed-by-right principal uses as enumerated in § 175-4.4, Commercial uses, with 10,000 or more square feet of floor area or 25 or more parking spaces (See § 175-4.8 for detailed explanation.)	SP	SP	SP	SP	SP	SP	SP
Marijuana Establishment, excluding "Social Consumption Establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	SP+	SP+	SP+
Marijuana Establishment, "Social Consumption Establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	N	N	N

Notes:

* If 1,000 feet from all other zoning districts and cemeteries and 500 feet from like uses.

+Only areas designated on Marijuana Overlay District.

[1]Parking is subject to verification and approval by the Inspector of Buildings/Building Commissioner and Planning Director.

§ 175-4.5. Industrial uses. [Amended 5-15-2019 ATM by Art. 19; 10-17-2020 STM by Art. 4]

Principal Uses	Zoning Districts Allowed Uses						
	R-80	R-60	R-40	VC	VCC	C	I
Research, technical laboratories	N	N	N	SP	N	SP	Y
Warehouse, storage and distribution facilities	N	N	N	SP	N	SP	Y
Wholesale offices or showrooms with storage on premises	N	N	N	SP	N	SP	Y
Sales of new or used construction or materials handling equipment, farm implements and machinery	N	N	N	N	N	SP	Y
Light processing and fabrication	N	N	N	N	N	SP	Y
Factories, manufacturing firms	N	N	N	N	N	N	Y
Machine-intensive processing, fabrication and assembly	N	N	N	N	N	N	Y
Auto body repair, paint, soldering or welding shop	N	N	N	N	N	N	Y
Earth removal	SP	SP	SP	SP	SP	SP	SP
Allowed-by-right principal uses as enumerated in § 175-4.5, Industrial uses, with 10,000 or more square feet of floor area or 25 or more parking spaces (See § 175-4.8 for detailed explanation)	SP	SP	SP	SP	N	SP	SP
Large-scale, ground-mounted solar photovoltaic installations (See Article XXII, § 175-22.3A)	–	–	–	–	N	–	–
Digital/electronic billboard	N	N	N	N		N	SP

§ 175-4.6. Prohibited uses.

Any use which would be harmful, detrimental, hazardous, offensive, or would tend to reduce property values in the district where it is located by reason of excessive dust, dirt, glare, odor, fumes, smoke, refuse, noise, vibration, electric or electronic interference, air or water pollution, danger of explosion, radiation, fire or any other reason is hereby prohibited, whether or not enumerated around the uses otherwise permitted in any

district.

§ 175-4.7. Solid waste disposal facilities.

Referencing Section 10 of the Solid Waste Act of 1987, no facility as defined in MGL c. 111, § 150A, as amended, shall be permitted, sited, or expanded within the Town of Norton, unless such facility is entirely within a locus zoned for industrial use and unless said facility is not prohibited by the ordinances and bylaws of the Town of Norton in effect as of July 1, 1987, and unless all permits and licenses required by law have been issued to the proposed operator. In addition, no such facility located on a locus zoned for industrial use shall be permitted, sited, or expanded if such locus is, in whole or in part, located within recharge areas of surface drinking water supplies as shall be reasonably defined by rules and regulations of the Department of Environmental Quality Engineering, or within areas subject to MGL c. 131, § 40, and the regulations promulgated thereunder, as amended, or within areas within the zone of contribution of existing or potential public supply wells as defined by said department. Any facility located in an industrial zone shall require a special permit issued by the special permit granting authority after public hearing; said special permit shall be issued for a term not to exceed 24 months, and shall impose reasonable conditions on the construction and operation of the facility, which shall include prior site approval from the Board of Health. Said special permit shall be renewable after hearing, subject to such reasonable conditions on the operation of the facility as the special permit granting authority shall then impose, for additional terms not to exceed 24 months each. Whereas such a facility was prohibited throughout the Town of Norton under other ordinances and bylaws in effect on July 1, 1987, nothing herein shall be construed to allow such a facility in a locus zoned for industrial use before or after July 1, 1987. The provisions of this bylaw shall be severable, and the invalidity of any provision hereof shall not invalidate any other provision.

§ 175-4.8. Special permits for certain uses.

A special permit shall be required for the construction of any commercial or industrial building which equals or exceeds 10,000 square feet in area; for any addition to an existing building which causes the building to equal or exceed 10,000 square feet in area; and for the construction of any additional freestanding building which causes all combined buildings to equal or exceed 10,000 square feet in area. In addition, once 10,000 square or more of combined square footage has received a special permit, a further special permit shall be required each time that an addition or new building is proposed that would result in new square footage of 5,000 square feet or more. In any case, where an addition or new building is less than 1,000 square feet in area, a special permit will not be required irrespective of the combined total area.[4]

4. **Editor's Note: Former § 175-4.9, Temporary moratorium on recreational marijuana establishments, added 10-23-2017 FTM by Art. 25, which immediately followed this subsection, was repealed 5-8-2021 ATM by Art. 14.**

ARTICLE V
Wetland Protection District

§ 175-5.1. Purpose.

There are hereby established in the Town of Norton Wetland Protection Districts as delineated on the Zoning Map and described below. The purposes of the Wetland Protection District are as follows:

A. To protect the health and safety of the residents by maintaining and protecting against depletion or pollution of water supplies and water recharges areas within the Town.

B. To provide that lands in the Town of Norton subject to periodic or seasonal flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.

C. To protect persons and property against the hazards of flood inundation by providing for the unimpeded natural flow of watercourses and for adequate and safe flood storage capacity.

§ 175-5.2. Overlay district.

The Wetland Protection Districts shall be considered as overlying other zoning districts as defined in Article III hereof. All requirements, regulations, and uses applicable to such underlying districts remain in force in Wetland Protection Districts, except to the extent that greater or additional requirements and restrictions are imposed by this Article V due to the special character of Wetland Protection Districts, such greater requirements and restrictions shall prevail.

§ 175-5.3. Permitted uses.

In Wetland Protection Districts, no dumping, filling, earth transfer or relocation shall be permitted, nor shall any new building or structure be erected, constructed or moved, except for one or more of the following purposes or in accordance with a special permit by the Planning Board:

A. Public parks and playgrounds, public educational and religious facilities and uses.

B. Agricultural, orchard, plant nursery and other farming uses as permitted in Residential-Agricultural Districts, but provided that new buildings and structures pertaining to such uses shall not be located within the Wetland Protection District, except as provided in § 175-5.4.

C. Outdoor recreational uses as permitted in the underlying district and subject to all restrictions thereof, but provided new buildings and structures pertaining to such uses shall not be located within the Wetland Protection District, except as provided in § 175-5.4.

D. Accessory signs as permitted in the underlying district and subject to all restrictions thereof.

E. Nature study and conservation areas, including the preservation and management

of plants and wildlife.

F. Existing homes, buildings and uses, including additions to and alterations of existing buildings.

G. Construction of a single-family home on a frontage lot.

§ 175-5.4. Special permit uses.

The Planning Board may, after a duly advertised public hearing, and as provided in § 175-10.7 hereof, grant a special permit for any building, structure or use in a Wetland Protection District, provided such building, structure or use is permitted in the Wetland Protection District or in the underlying zoning district or accessory to one or more of the uses so permitted and subject to such conditions, limitations and safeguards as the Planning Board shall impose and the following:

A. The Planning Board shall refer the application for the special permit to the Board of Health and the Conservation Commission and receive advisory reports or 35 days shall elapse following such referral.

B. The Planning Board shall find that the proposed buildings, structures or uses will not be detrimental to public health, safety and welfare and that the granting of the special permit will not be contrary to the purposes of the Wetland Protection District or that the land with respect to which the special permit is sought is not subject to periodic or seasonal flooding or inundation.

§ 175-5.5. Boundaries.

The Wetland Protection Districts shall include all the lands bounded and described as follows, the elevations referring to mean sea level (MSL) as used on United States Geological Survey Quadrangle Maps:

1. All that land at or below the elevation 110 feet MSL draining to Wading River east of North Worcester Street between the Mansfield Town line and the center line of Sanlin Street extended easterly.

2. All that land at or below the elevation 100 feet MSL draining to Wading River between the center line of Sanlin Street extended easterly and a line parallel to and 525 feet northwesterly from the center line of West Main Street.

3. All that land at or below the elevation 110 feet MSL draining to the Read Tributary of Wading River between the Attleboro city line and North Worcester Street.

4. All that land at or below the elevation 106 feet MSL draining to Chartley Pond between the Attleboro city line and South Worcester Street.

5. All that land at or below the elevation 96 feet MSL draining to Wading River and Barrowsville Pond between the line parallel to and 525 feet northerly from West Main Street and Barrows Street.

6. All that land at or below the elevation 100 feet MSL draining to Wading River at Barrowsville via an unnamed brook and located between the Penn Central Railroad and Harvey Street west of South Worcester Street and Dean Street.

7. All that land at or below the elevation 100 feet MSL west of Dean Street and draining to Goose Branch.

8. All that land at or below the elevation 90 feet MSL south and west of South Worcester Street draining to Goose Branch.

9. All that land at or below the elevation 70 feet MSL draining to Wading River west of the pipeline.

10. All that land at or below the elevation 60 feet MSL draining to Wading, Rumford and Three Mile Rivers east of the pipeline, southwest of Pine Street and extending southerly to the Taunton city line.

11. All that land located at or below the elevation 70 feet MSL and draining to Rumford River west of the pipeline and south of East Main Street.

12. All that land located at or below the elevation 80 feet MSL draining to Rumford River between East Main Street and Cross Street.

13. All that land at or below the elevation 90 feet MSL and draining to Rumford River north of Cross Street.

14. All that land lying at or below the elevation 90 feet MSL and draining to Canoe River between the Mansfield town line and the line parallel to and 3,000 feet northeasterly from the baseline of the Penn Central Railroad.

15. All that land at or below the elevation 90 feet MSL draining to a tributary of Canoe River running generally parallel to North Washington Street and Essex Street between the Mansfield town line and a line parallel to and 2,020 feet southeasterly from the center line of Newcomb Street.

16. All that land lying at or below the elevation 80 feet MSL and draining to Canoe River directly or via tributaries, between the line parallel to and 2,020 feet southeasterly from the Newcomb Street center line and East Main Street.

17. All that land lying at or below the elevation 70 feet MSL and draining to Canoe River, Mulberry Meadow Brook, Winnecunnet Pond and their tributaries between East Main Street and the Taunton city line.

18. All that land at or below the elevation of 80 feet MSL northeast of Pine Street, south of Plain Street and north of Briggs Street and physically draining to either Canoe River or Rumford River.

19. All that land at or below the elevation of 100 feet MSL draining to Birch Brook and located west of East Hodges Street.

20. All that land located between East Hodges Street and a line parallel to and 820 feet northeasterly from its center line, draining to Birch Brook and lying at or below the elevation 100 feet MSL north of said brook and the elevation 96 feet MSL south of said Birch Brook.

21. All that land lying at or below the elevation 90 feet MSL north of the Taunton city line and south of East Hodges Street and southwest of South Worcester Street.

22. All that land at or below the elevation of 80 feet MSL draining to Meadow Brook north of East Hodges Street and southwest of South Worcester Street.

23. All that land lying at the elevation 70 feet MSL draining to Meadow Brook and Meadow Brook Pond, between South Worcester Street and Taunton Avenue.

24. All that land at or below the elevation 105 feet MSL draining to the Norton Reservoir or being a part thereof.

25. All that land at or below elevation 110 feet MSL located south of Union Street beginning at the intersection of the Attleboro-Norton boundary line and the electric power line, southeasterly along said power line to a point 425 feet from Maple Street and thence westerly 425 feet from and parallel to said street to the Town line, thence northerly along the Town line to the point of beginning.

26. All that land known as "Hemlock Swamp" and/or "Hemlock Island" located at or below elevation 110 feet MSL and bounded by a line beginning at a point on the Attleboro-Norton boundary line 425 feet south of West Hodges Street and thence easterly 425 feet from and parallel to said street to the electric power line and thence southeasterly along said power line to a point 425 feet from Dean Street, thence east and south 425 feet from and parallel to Dean Street to the Rehoboth-Norton town boundary, thence westerly along said boundary to the Attleboro-Norton boundary, thence northerly along said boundary to the point of beginning.

27. All that land at or below the elevation 100 feet MSL southerly of South Worcester Street, northerly from Penn Central Railroad, being part of the wetland described in Subsection 6 of this § 175-5.5, draining via an unnamed brook into the Wading River at Barrowsville.

28. All that land at or below the elevation 90 feet MSL draining via an unnamed brook in an east-northeast direction to the Wading River at Barrowsville; the unnamed brook located southeasterly of Dean Street and South Worcester Street intersection, and then east of South Worcester Street and south of Penn Central Railroad.

29. All that land at or below the elevation 106 feet MSL draining to the Barrowsville Pond via Log Run Brook and an unnamed brook to Norton Reservoir located south of Baker Street, west of Freeman Street, north of West Main Street, east of Valentine Tool Company and Messenger Street.

30. All that land at or below the elevation 75 feet MSL northwest of John Scott Boulevard, Eddy Street and South Worcester Street intersection that drains into an unnamed brook to Meadowbrook Pond, being a portion of the wetland prior to the construction of John Scott Boulevard.

ARTICLE VI
Dimensional Regulations

§ 175-6.1. General requirements.

A. For every principal permitted dwelling erected or moved hereafter, requirements of Table 6.2 shall be met and the principal dwelling and accessory building shall be located on the lot so as to conform to the requirements of said Table 6.2. Unless otherwise specifically provided herein, within residential districts only one principal permitted building shall be located on a single lot. No lot shall be changed in size or shape so as to result in a violation of the requirements of Table 6.2, except through taking or acquisition for public purpose.

B. Multiple commercial and industrial buildings may be allowed on a lot in Village Commercial, Commercial and Industrial Zoning Districts and multiple buildings may be allowed for housing for the elderly in Commercial Zoning Districts as long as the total percentage of the lot covered by buildings does not exceed 33% as specified in § 175-6.2 of the Zoning Bylaw. All setbacks shall be observed. The minimum distance between buildings shall be 15 feet. **[Amended 10-17-2020 STM by Art. 4]**

C. All residential uses that are permitted either by right or by special permit in a Commercial Zone must meet all of the dimensional requirements of the nearest residential zone as it appears on the Zoning Map. In cases where more than one residential zone applies, the more stringent regulations shall be adhered to.

D. Multiple buildings may be allowed on a lot in the Village Center Core District as long as the total percentage of the lot covered by buildings does not exceed what is specified in § 175-6.2 of the Zoning Bylaw. All required setbacks shall be observed. All residential uses that are permitted either by right or by special permit in the Village Center Core District shall comply with the dimensional requirements in the Village Center Core District. **[Added 10-17-2020 STM by Art. 4[5]]**

E. Calculation of lot shape factor.

(1) Single-family and/or duplex residential structure. To meet the minimum area requirements for construction of a single-family or duplex residential structure, a lot must contain a closed plot of land having an area of not less than 1/2 the minimum lot area required for such structure in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by MGL c. 131, § 40, as amended; and such closed plot of land shall have a shape factor not exceeding the numerical value of 22;

(2) Multifamily residential structure. To meet the minimum lot area requirement for construction of a multifamily residential structure, a lot must contain a closed plot of land having an area of not less than 1/2 the minimum lot area required for such structure in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river, pond, lake or

5. **Editor's Note: This ordinance also provided for the redesignation of former Subsection D as Subsection E.**

reservoir or portion thereof, nor any freshwater wetland as defined by MGL c. 131, § 40, as amended; and such closed plot of land shall have a shape factor not exceeding the numerical value of 22;

(3) Nonresidential structure. To meet the minimum lot area requirement for construction of a nonresidential structure(s), a lot must contain a closed plot of land having an area not less than 1/2 the minimum lot area required in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by MGL c. 131, § 40, as amended; and such closed plot of land shall have a shape factor not exceeding the numerical value of 22;

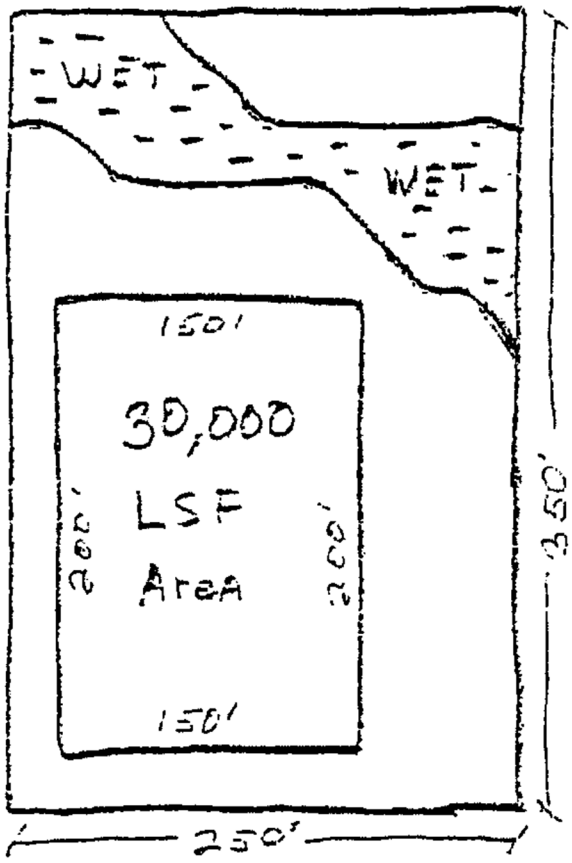
Illustration of Lot Shape Factor Calculation

The diagram below illustrates the calculation of the lot shape factor. For the purpose of illustration, assume this lot is located within the Residential-60 Zoning District, which requires 60,000 square feet of dry, contiguous land for a building lot.

In this example, assume the total lot area is 87,000 square feet (250 x 350 feet). Also, assume that a wetland area of 14,375 +/- square feet runs across the lot and separates a smaller dry area of 7,500 +/- square feet from the majority of dry land. Thus, 65,625 square feet of dry, contiguous land remains and, therefore, the lot meets the requirement that it have a minimum of 60,000 square feet of dry, contiguous land. However, the lot also must meet the requirement of the lot shape factor (LSF). The LSF requires that the lot contain a closed plot of land having at least 1/2 the area required by the R-60 Zoning District (in this case 30,000 square feet), and such closed plot of land must also have a lot shape factor of 22 or less. The 30,000 square foot area is used to comply with the LSF requirement. In the illustration, the perimeter of the LSF area is 700 feet. Thus, to calculate the LSF, square the perimeter and divide by the area:

1. 700 x 700 = 490,000.
2. 490,000 divided by 30,000 = 16.3.
3. The lot shape factor is 16.3.

As long as the lot shape factor is 22 or less, the lot is suitable for building.



§ 175-6.2. Table of Dimensional Requirements. [Amended 10-17-2020 STM by Art. 4

Table 6.2

Dimensional Requirements

Residential Eighty (R-80)

Residential Sixty (R-60)

Residential Forty (R-40)

Village Commercial (VC)

Village Center Core (VCC)

Commercial (C)

Industrial (I)

Use	Zoning District Dimension Requirements in Feet/Square Feet*						
	R-80	**R-60**	**R-40**	**VC**	**VCC**	**C**	**I**
Single-family dwelling (including accessory apartment if allowed)	80,000	60,000	40,000	18,000	NA	18,000	45,000
2 units per building	80,000	80,000	80,000	26,000	5,000		
3 units per building			110,000	34,000	5,000		
4 units per building			130,000	40,000	5,000		
5 units per building			150,000	50,000	10,000		
6 units per building			180,000	60,000	10,000		
7 units per building					10,000		
Minimum continuous frontage in feet (see § 175-6.10)	150	150	150	120	75	120	150
Minimum front yard for principal building (in feet)	50	40	40	10	10[1]	50	40
Maximum front yard					40		
Minimum side yard for principal building (in feet)	35	25	25	10	10[1]	15	30
Minimum side yard for accessory building (in feet)	10	10	10	10	10[1]	10	10
Minimum rear yard for principal building (in feet)	25	15	15	20	20	20	40
Minimum rear yard for accessory building (in feet)	10	10	10	20	20	10	10
Maximum percentage of lot covered by building	12%	16%	20%	50%	75%[2]	33%	33%
Maximum height of building (in feet)	35	35	35	45	60	45	50
Maximum height (in stories)	3	3	3	3	4	3	3
Maximum height of chimneys, domes, spires, towers, radio or television antennas in any zone (in feet)	65	65	65	65	70	65	65

Use	Zoning District Dimension Requirements in Feet/Square Feet*						
	R-80	R-60	R-40	VC	VCC	C	I
Maximum height in feet for wireless communication facilities is 125 feet. * Wetlands and water bodies are not computed in lot area (see § 175-6.4). For setbacks applicable to large-scale, ground-mounted solar photovoltaic power generation installations, see Article XXII, § 175-22.3. [1]Distance could be decreased pursuant to a special permit granted by the Planning Board. [2]Percentage could be increased pursuant to a special permit granted by the Planning Board.							

§ 175-6.3. Small lots; contiguous lots; nonconforming lots.

A. A vacant lot having at least 50 feet frontage and 5,000 square feet area, lawfully laid out by a recorded plan or deed prior to the adoption of the Zoning Bylaw in 1974 and not adjoining at the time of said adoption any other vacant lot or lots and/or any other non-vacant lot or lots of the same owner, may be built upon so as to conform to a minimum side yard of 13 feet and a minimum front setback of 25 feet from the road. The rear setback shall at all times be a minimum of 13 feet from the rear property line.

B. If the lot or lots in Subsection A at the time of the adoption of the Zoning Bylaw in 1974 adjoin other vacant lot or lots or non-vacant lot or lots of the same owner, they may be built upon within five years from the date of the recording of the deed or plan establishing such lot or lots or from the date of the endorsement of the plan as not requiring subdivision approval, whichever is earlier.

C. Any nonconforming adjoining lots held in single ownership established by recorded plan or deed prior to the adoption of the Zoning Bylaw in 1974 shall be combined for building purposes in order to provide a lot as close to the zoning minimum requirements as possible.

§ 175-6.4. Wetlands and waterways.

In computing the area of a lot, no portion of a way or street, as defined by the bylaw, nor any brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by the Massachusetts Wetlands Protection Act may be included. The lot must contain the minimum lot area for the district in which the land is located in a single contiguous site, not separated by any portion of a way, water body or wetland. Where a lot is bounded by a way or by a water body or by a freshwater wetland, the required setbacks shall be measured from the mean water line or the vegetative transition line or from the side line of the right-of-way or layout of the way; and where no right-of-way or layout is ascertainable, the way shall be deemed to have a width of 50 feet centered on the middle of the traveled or paved portion.

§ 175-6.5. Commercial District buffers.

In Commercial Districts adjacent to the boundary of a Residential Eighty (R-80), Residential Sixty (R-60), or Residential Forty (R-40) District, there shall be provided, other than along a street, a buffer strip not less than 50 feet wide. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which may provide a visual screen, and may contain fences, ornamental and acoustic walls, driveways, and walks, but no part of any building, structure, or paved space intended or used as a parking area shall be located within such buffer strip. Where commercial properties adjoin residential properties, regardless of zoning district, a buffer of 20 feet shall be reserved and screening adequate for the situation and characteristics of the use shall be provided in the form of thick planting, walls or earthen berms, to be at least four feet high or higher if prescribed.

§ 175-6.6. Industrial District buffers.

In Industrial Districts adjacent to the boundary of a Residential Eighty (R-80), Residential Sixty (R-60), or Residential Forty (R-40) District, other than along a street, there shall be provided a buffer strip not less than 100 feet wide. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which may provide a visual screen, and may contain fences, ornamental and acoustic walls, driveways and walks, but no part of any building, structure, or paved space intended or used as a parking area shall be located within such buffer strip. Where industrial properties adjoin residential properties, regardless of zoning district, a buffer of 20 feet shall be reserved and screening adequate for the situation and characteristics of the use shall be provided in the form of thick planting walls or earthen berms, to be at least four feet high or higher if prescribed.

§ 175-6.7. Lot area modifications.

The minimum lot area requirements specified in Table 6.2 shall be modified as follows:

A. Within the Water Resource Protection District, the minimum lot requirements shall be modified as follows: Within Zone II, the minimum lot area for residential and nonresidential uses shall be 80,000 square feet per unit; within Zone III, the minimum lot area for residential and nonresidential use shall be 60,000 square feet per unit, except that in the Village Commercial Zoning District and Village Center Core District, the minimum lot area for residential and commercial uses shall be as per the dimensional requirements of the Village Commercial District and the Village Center Core District. **[Amended 10-17-2020 STM by Art. 4]**

B. No existing lot used for multifamily dwellings shall be changed in size so as to result in a violation of the requirements of this section.

C. Lots may be reduced through the residential cluster development special permit process (§ 175-6.8), provided that the provisions of § 175-6.8C(2), as amended in Article 23, Norton Town Meeting of May 2, 1988, are met.

§ 175-6.8. Residential cluster developments.

A. Single-family, duplex, and multifamily cluster development may be allowed by a

special permit in zoning districts specified in Table 4.2.

B. In order to encourage better site planning in the placement of buildings and improvements, the Planning Board may allow more than one building to be located on a single lot.

C. Dimensional requirements.

(1) The site proposed for cluster development shall be not less than 10 acres for single-family, 15 acres for duplex and 20 acres for multifamily in area and shall be under a single owner or a group of owners acting jointly.

(2) No site shall be developed in a manner which would result in a greater number of dwelling units being constructed in a cluster development than would be permitted in a conventional single-family development on the same site.

(3) In a cluster development made up of individual lots, each lot may be reduced in size up to 50% from the minimum size allowed in the zoning district in which the site is located. Where on-site sewage disposal is required, a minimum lot area of 40,000 square feet shall be required.

(4) In townhouse or rowhouse development without individual lots, the area allocated to buildings, streets, parking and storage areas shall not exceed 50% of the building site area if the maximum number of allowable units is proposed. The area allocated to buildings, streets, parking and storage areas may be reduced from 50% of total building site area in a ratio equivalent to the proportion of units proposed to the maximum number of units possible.

(5) Within cluster developments which have individual lots, the Planning Board shall establish reasonable setbacks for buildings and accessory units.

(6) For the purposes of conventional development plans showing multifamily or duplex lots, the required frontage shall be 200 feet.

(7) Within townhouse or rowhouse developments without individual lots, the minimum distance between buildings shall be 50 feet. The minimum setbacks of all buildings from the street shall be 30 feet.

(8) All lots fronting on an existing Town way shall maintain the frontage required in conventional zones.

(9) Not more than 100 linear feet of any right-of-way strip associated with a drive may be used in computing the minimum square footage of any lot.

D. Open space areas.

(1) In any cluster development, at least 35% of the buildable area used in calculating the permitted density shall be set aside as open space. This area shall not include wetlands, ponds, marshes or other protected natural area, although this shall not prevent these areas from being added to the 35% minimum open space.

(2) All open space areas shall have dry access to the street suitable for use by maintenance and emergency vehicles.

(3) Parking areas, streets or other areas associated with the residential development shall not be included in the open space area.

(4) Ownership of the open space area shall be as described in MGL Chapter 40A, with the Planning Board having final approval of the ownership method. In the event that the open space area is conveyed to a homeowners' association, the association must grant an easement and/or restriction and such easements and/or restrictions to the Town allowing the Town to control all building rights in the area. Such restrictions shall be for the benefit of and enforceable by the Town.

(5) The applicant shall submit a plan for maintenance of the open space area. The plan must be approved by the Planning Board.

(6) The applicant shall give evidence that a functional relationship exists between the open land and the proposed clusters. Such land shall be of such size, shape, dimension, character and location as to assure its utility for park, conservation or recreation purposes.

(7) Open space shall be restricted to recreational uses such as parks, playgrounds and conservation areas and shall not be built upon except as approved by the Planning Board. Only structures incidental to recreation, conservation or parks shall be allowed, subject to approval by the Planning Board.

E. Townhouse or rowhouse structures. Not more than four attached townhouse units shall be built in a row with the same, or approximately the same, front building line. No row of attached units shall contain more than six units.

F. Multifamily dwellings. Except as modified by this section, all multifamily dwellings in a cluster development shall conform to the standards and restrictions set forth in the Zoning Bylaw.

G. Off-street parking. Facilities for off-street parking shall be provided in conformance with Article VII of the Zoning Bylaw.

H. Signs. Signs erected, installed or displayed in a cluster development shall be in conformance with Article VIII of the Zoning Bylaw.

I. Administration and enforcement.

(1) Cluster development is allowed in certain zoning districts by special permit only. Guidelines for submission and approval of special permit applications shall be followed by the Planning Board in reviewing cluster development proposals.

(2) In addition to the information required on all special permit applications, cluster development proposals shall contain documentation relevant to the specific requirements of this section. Additional information which the Planning Board may require for the consideration of the above cluster regulations shall be provided at the applicant's expense.

§ 175-6.9. Gerrymandered lots.

No pork chop, excessively funnel-shaped or other unusually gerrymandered lots shall be allowed if the shape is caused solely by an attempt to meet the lot size requirements of these bylaws by evading the bylaw's intent to regulate building site density.

§ 175-6.10. Minimum street frontage exceptions for large lots in R-80, R-60, and R-40 Districts.

A lot need not have the specified amount of street frontage, provided all of the following apply:

A. The buildable area of the lot exceeds by five times the minimum lot area required for that district; and

B. The lot has a continuous street frontage of not less than 50 feet at any point between the street and the site of the dwelling; and

C. There is not another such lot of frontage less than that required by § 175-6.2 contiguous to it on the same street; and

D. No such lot, as described above on, which a dwelling exists, shall be hereafter reduced in area below the minimum area required in Subsection A.

ARTICLE VII
Off-Street Parking and Loading

§ 175-7.1. Space required.

No new building or structure shall be erected and no building, structure or use shall be expanded, substantially altered or changed unless permanently maintained off-street automobile parking and loading spaces have been provided in accordance with the requirements of this article. Existing parking and loading facilities or spaces shall not be eliminated, reduced or assigned to other uses so as to leave any premises without the parking or loading facilities required by this section or to reduce further inadequate existing facilities.

§ 175-7.2. Nonconforming uses.

A lawful use of building or land existing at the time of adoption of this bylaw may be expanded in accordance with other provisions of this bylaw and the number of occupants or employees located therein may be increased by not more than 25% of the number at the time of the adoption of this bylaw, even though such building or land will thereby become nonconforming or more nonconforming as regards the provision of parking required by this article.

§ 175-7.3. Design standards.

A. As used in this bylaw, parking space for one passenger car shall be capable of accommodating wholly within it a rectangle nine feet by 19 feet, so that no part of such rectangle projects into any aisle, driveway, buffer strip or walk.

B. There shall be appurtenant to each parking space an access area of such dimensions as to permit a vehicle to enter or leave the parking space without reversing its direction more than once or interfering with other vehicles or structures, including a turning space sufficient to permit a vehicle to enter the street in a forward motion without having to reverse the direction of such vehicle more than once. The clear width of access driveways shall be not less than 11 feet.

C. Parking spaces may be in the open or in a carport or a garage, freestanding, attached or within a building, and shall have a firm all-weather surface. For single-family residence and agricultural uses, such parking areas, including access driveways, may have a concrete or a waterbound macadam surface; for all other uses, including multifamily residences, the parking space and access driveways shall be paved with bituminous or cement concrete or an equivalent paving material acceptable to the Building Inspector, and shall include adequate drainage provisions.

D. Where loading facilities are required, they shall be provided in such manner as not to obstruct any parking, pedestrian or vehicular way.

E. The owner of the premises shall maintain the required parking and loading spaces in good condition, free of holes, dust, trash, or debris, and shall not use or permit such spaces and the accesses thereto to be obstructed or used for any other purpose.

F. Any parking or loading space intended to be used during the hours of darkness shall be illuminated for safety in such a way that the light is not directed onto properties

and does not interfere with the driver's vision.

G. The required parking area shall be located on the lot which it serves in residence districts and on the lot of the same owner as the principal use served by such parking and within 500 feet of such use in all other districts.

§ 175-7.4. Residential parking requirements.

A. For each single-family dwelling there shall be provided not fewer than two parking spaces.

B. For residential uses, other than detached single-family homes, there shall be provided parking spaces at a ratio to the number of dwelling units not exceeding the ranges indicated below:

(1) For government-subsidized housing for low-income elderly: not less than one parking space or more than two parking spaces per dwelling unit.

(2) For government-subsidized housing for individuals or families of low or moderate income: not less than 1.25 parking spaces nor more than 1.75 parking spaces per bedroom or other room designed for sleeping; but in no case more than three parking spaces per dwelling unit.

(3) For all other multidwelling residential buildings: not less than 1.75 parking spaces per dwelling containing one bedroom or other room designed for sleeping, not less than two parking spaces per dwelling containing two such rooms, not less than 2.5 parking spaces per dwelling containing three such rooms, and not less than three parking spaces per dwelling containing four or more such rooms, but in no case more than three parking spaces per dwelling unit.

C. The parking spaces for uses permitted in R-80, R-60, and R-40 Districts shall not be located within the minimum required side and rear yards. Single- and two-family dwellings shall be an exception. Multifamily dwellings may have parking in the rear and front setbacks. Outdoor parking spaces for multifamily dwellings shall not be located within 20 feet of any building used for human occupancy.

D. Not more than one truck over 6,000 pounds' gross vehicle weight registered as a commercial vehicle shall be parked on any residential lot for more than three consecutive days or on more than 15 days in any calendar year. This shall not include repair and construction vehicles accessory to work being performed on or within such lot or the dwelling and buildings thereon when parking during the time of performing such work.

§ 175-7.5. Nonresidential parking requirements.

For all uses, other than residential uses listed in § 175-7.4 above, but including residential care and other institutions, dormitories and group quarters, and all agricultural, institutional, commercial, industrial and other uses, there shall be provided off-street parking and loading spaces in accordance with Table 7.6 below. The uses not specifically enumerated shall be deemed to be subject to the requirements applying to the generic classification of such uses and to other similar uses. In cases of new or different

uses, the Building Inspector shall determine the classification within which they fall, but subject to an appeal to the Board of Appeals under the provisions of MGL c. 40A, § 13, as amended. The requirements of Table 7.6 shall apply to uses conforming to the provisions of this bylaw, to uses established under a Board of Appeals special permit or variance and to nonconforming uses consistent with §§ 175-7.1 and 175-7.2 hereof. In all instances where the minimum number of spaces required is based on the multiple of a number of persons or area in square feet, such multiple shall be interpreted as if followed by the words "or a fraction thereof."

A. In Commercial and Industrial Districts, several users may provide jointly the cumulative number of parking spaces required for their aggregate floor area, provided that a legal agreement assuring the availability of the required number of parking spaces for each user is executed in a form acceptable to the Town Counsel and a copy is filed with the Building Inspector. Where such joint parking is provided, joint access shall also be provided in conformance with the provisions of § 175-7.10 of this bylaw.

B. Whenever the number of off-street parking spaces required or provided exceeds 12, their arrangement or location shall be indicated by striping.

C. Landscaping for required parking lots shall comply with the requirements in § 175-18.6 of the Zoning Bylaw.

§ 175-7.6. Nonresidential parking and loading requirements.

The following parking requirements shall be used to determine parking need for all nonresidential uses. However, the Planning Board recognizes that the inflexible application of the parking standards set forth below may result in a development either with inadequate parking space or parking spaces in excess of needs. Therefore, in the case of those uses which require a special permit pursuant to § 175-4.4, Commercial uses, and § 175-4.5, Industrial uses, and for those uses which require site plan approval, the Planning Board may permit deviations from the presumptive requirements and may require more parking or allow less parking and shall determine the final number of parking spaces required based upon reference to available studies and data and, at the Board's discretion, with the assistance of qualified expert consultants.

Use Class	Including But Not Limited to the Following Uses	Minimum Number of Off-Street Parking Spaces to Be Provided
Farming	Agriculture, arboriculture, horticulture, plant nurseries, dairy and other animal farms	At least 5 spaces in addition to the number required for dwelling and retail sales uses
Residential care and public assembly	Camps for adults or families, convents, homes for the aged, hospitals, nursing and convalescent homes, penal and correctional institutions, and sanitariums, commercial recreational facilities, fraternal lodges, hotels and motels, places of worship, private clubs, sports facilities and indoor theaters	At least 1 space for each 2 beds or 2 persons of rated or design capacity; in the absence of a design capacity, 1 space for each 100 square feet of floor area or fraction thereof
Non-public primary schools	Nursery, kindergarten, elementary or junior high schools, schools for students mostly under 16 years of age	At least 1 space for each eight students of design capacity or actual enrollment, whichever is greater, but not fewer than 5 spaces
Non-public secondary and occupational schools	High schools, universities, colleges, business, trade, vocational, and other schools for students mostly 16 years of age or older	At least 2 spaces for each 3 beds of rated capacity or dormitories or other sleeping quarters for live-in schools and 1 space for each 3 students of design capacity or enrollment, whichever is greater over or above the live-in capacity
Office, stores, services	Administrative, business, professional and public offices; department and retail stores, except those listed under special uses; craftsmen, tradesmen, dry-cleaning, laundry and other personal service establishments, clinics and medical laboratories, kennels and veterinary hospitals; other retail and customer services not listed below	At least 1 space for each 200 square feet of floor area devoted to commercial uses or offices. This requirement shall apply to office and customary home occupations permitted in a dwelling and shall be in addition to the required residential parking spaces.
Special uses	Eating, drinking places, restaurants, theaters and night clubs	1 space for every 4 seats determined by the seating capacity of the establishment

Use Class	Including But Not Limited to the Following Uses	Minimum Number of Off-Street Parking Spaces to Be Provided
	Food, grocery supermarkets, roadside stands, funeral homes, retail farm outlet, auto repair garages and service stations	1 space for every 100 square feet of floor area open to customers, visitors and the public, or used for sales or customer service
Cultural institutions, financial institutions, retail of bulky items	Art galleries, libraries and museums; appliance, automotive, furniture, rug or tire sales; banks and financial institutions; bakeries and printing shops; dealers in boats, fuel, grain, lumber	At least 1 space for each 400 square feet of floor area open to customers, visitors, the public or used for sales or customer services
Industrial and manufacturing uses	Research and development laboratories and other manufacturing and processing plants, including the space therein used for offices and storage	At least 1 space for each 800 square feet of floor area
Warehouses	Warehouses, storage and distribution facilities involving no sales or customer services on the premises, freight terminals	At least 1 space for each 3,000 square feet of floor area

§ 175-7.7. Special permits for reduced requirements.

If it can be demonstrated to the satisfaction of the Board of Appeals that the land needed to provide the number of parking spaces specified in Table 7.6 for a particular building or use is available, but that such number of parking spaces is not currently required, the Board of Appeals may, after a duly advertised public hearing as provided for in § 175-10.3, grant a special permit for a period not to exceed three years to reduce the paved area and the number of parking spaces provided to not less than 50% of the requirements in Table 7.6. Such special permit may be reapplied for and renewed in the same manner as originally issued, if use conditions warrant.

§ 175-7.8. Storage of junk vehicles.

The parking outdoors of more than one unregistered, unserviceable or wrecked or partially dismantled automobile, or the accumulation in the open of discarded automobile parts or other items not used by the occupant is specifically prohibited, except where accessory to a permitted automobiles sales or repair business and limited to the number of parking spaces available to the lot pursuant to § 175-7.3.

§ 175-7.9. Parking for multiple uses.

Where a lot or a building is used for several purposes having different off-street parking requirements according to Table 7.6, the parking requirement for each use or component

of use may be calculated separately on the basis of its capacity or floor area, as applicable, specified in Table 7.6 for such use, and the several parking requirements added together to establish the total number of parking spaces to be provided.

§ 175-7.10. Commercial Districts.

A. In a Commercial District, adjoining parcels may combine in the use of drives and access to two for every three buildings of any area of 2,000 square feet or greater or every 500 feet wherever possible. Said drive and subsequent shared parking areas may be deeded as common by easement.

B. Entrance and exits points — driveways.

(1) No more than two driveways shall be allowed on any street frontage unless such frontage exceeds 500 feet, in which case more driveways may be authorized by a variance from the Board of Appeals. In the case of smaller lots, the Board of Appeals may authorize a smaller distance between driveways, not to be less than 100 feet to any driveway on any adjoining lot. No driveway shall be closer than 60 feet to any street intersection.

(2) Driveway widths shall fall within the following limits:

(a) Commercial driveway widths:

[1] One-way: 11 feet to 20 feet.

[2] Two-way: 22 feet to 30 feet.

(b) Industrial driveway widths:

[1] One-way: 22 feet to 30 feet.

[2] Two-way: 50 feet.

(3) In an industrial use, the driveway into the property will be twice the length of the longest trailer in use or 66 feet. Said driveway shall be defined by curb and landscaped areas, and any gate shall be set back the length of the drive.

(4) Notwithstanding the above driveway requirements, the Planning Board recognizes that the inflexible application of such requirements may result in a development that is less than optimal. Therefore, in the case of those uses which require a special permit pursuant to § 175-4.4 Commercial uses, and § 175-4.5 Industrial uses, and for those uses which require site plan approval, the Planning Board may permit deviations from the presumptive driveway requirements based upon reference to available studies and data and at the Board's discretion, with the assistance of qualified expert consultants. **[Added 5-15-2019 ATM by Art. 18]**

C. Parking lots may contain visual relief from vast expanses of unbroken blacktop. In parking areas exceeding one quarter acre parking area, said divider shall be landscaped with trees expected to attain a lowest branch height of six feet and shrubs expected to attain a height of two feet, provided that visual space is reserved. Measures shall be taken to prevent erosion and protect the vegetation on these

islands.

D. Parking spaces and turnaround areas shall conform to §§ 175-7.3, 175-7.5 and 175-7.6 of this article.

E. Loading areas as required by this Article (§ 175-7.1) shall be defined by painted markings and shall provide sufficient space for large trucks to turn around without having to back more than once in maneuvering in and out of the loading area. Drives to the loading area may be held in common with those to parking areas, provided that they are of the maximum width for the drive.

§ 175-7.11. Design review.

All parking areas greater than one quarter acre in area shall be referred to the Planning Board by the Building Inspector for design review prior to the construction of buildings.

ARTICLE VIII
Signs

§ 175-8.1. Purpose and scope.

A. Purpose. The purpose of this bylaw shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communications requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate recordkeeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this bylaw.

B. Scope. This bylaw shall not relate to building design; nor shall the bylaw regulate official traffic or governmental signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point-of-purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign. Thus, the primary intent of this bylaw shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.

§ 175-8.2. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

ABANDONED SIGN — A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

ANIMATED SIGN — Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "flashing sign").

AREA — See "sign, area of."

AWNING — A shelter projecting from and supported by the exterior of a building constructed of nonrigid materials on a supporting framework (compare "marquee").

AWNING SIGN — A sign painted on, printed on, or attached flat against the surface of an awning.

BANNER SIGN — A sign made of fabric or any nonrigid material with no enclosing framework.

BILLBOARD — See "off-premises sign."

BUILDING — As defined in Article II, § 175-2.2, of the Norton Zoning Bylaw.

CHANGEABLE COPY SIGN (AUTOMATIC) — A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic and temperature units.

CHANGEABLE COPY SIGN (MANUAL) — A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

CLEARANCE (OF A SIGN) — The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

CONSTRUCTION SIGN — A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

COPY — The wording on a sign surface in either permanent or removable letter form.

DIRECTIONAL/INFORMATION SIGN — An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking and exit and entrance signs.

DOUBLE-FACED SIGN — A sign with two faces.

ELECTRICAL SIGN — A sign or sign structure in which electrical wiring, connections or fixtures are used.

ELECTRONIC MESSAGE CENTER (EMC) — A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC may be allowed only upon grant of a special permit from the Planning Board and shall be subject to all of the following standards:

A. The EMC shall contain messages using only letters, numbers and symbols (as punctuation marks and mathematical symbols) and static images, but shall not contain moving images;

B. Each message on the EMC sign shall be displayed for a minimum of 10 seconds;

C. The change of the message shall be accomplished immediately (no dissolve, fade, scrolling or travel of the message);

D. No more than one EMC shall be allowed per lot;

E. The maximum size for an electronic message center shall not exceed 16 square feet in area;

F. Each EMC shall have a default mechanism that freezes the sign in one position if a malfunction occurs;

G. Notwithstanding any other section of this bylaw, an EMC shall not be lit between the hours of 11:00 p.m. and 6:00 a.m., except as special emergency messages (for example, an Amber Alert, major road hazard, etc.);

H. Each EMC shall have a light detector which automatically adjusts the brightness according to ambient light conditions;

I. Each EMC shall contain a brightness regulator which does not allow the sign

to register more than 0.3 footcandle over ambient light levels and shall be accompanied by a manufacturer's certification of such compliance.

FACADE — The entire building front, including the parapet.

FACE OF SIGN — The area of a sign on which the copy is placed.

FESTOONS — A string of ribbons, tinsel, small flags, or pinwheels.

FLASHING SIGN — A sign which contains an intermittent or sequential flashing light source used primarily to attract attention; does not include changeable copy signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "animated sign," "changeable copy sign").

FREESTANDING SIGN — A sign supported upon the ground by poles or braces and not attached to any building.

FRONTAGE — The length of the property line of any one premises along a public right-of-way on which it borders.

FRONTAGE, BUILDING — The length of an outside building wall on a public right-of-way.

GOVERNMENT SIGN — Any temporary or permanent sign erected and maintained by the Town, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

HEIGHT (OF A SIGN) — The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "clearance").

IDENTIFICATION SIGN — A sign whose copy is limited to the name and address of a building, institution, or a person and/or to the activity or occupation being identified.

ILLEGAL SIGN — A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN — A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

LOT — A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

MAINTENANCE — The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design or structure of the sign.

MANSARD — A sloped roof or roof-like facade architecturally comparable to a building wall.

MARQUEE — A permanent roof-like structure or canopy of rigid materials supported by extending from the facade of a building (compare "awning").

MARQUEE SIGN — Any sign attached to or supported by a marquee structure.

NAMEPLATE — A nonelectric on-premises identification sign giving only the name,

address, and/or occupation of an occupant or group of occupants.

NONCONFORMING SIGN —

A. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

B. A sign which does not conform to the sign code but for which a special permit has been issued.

OCCUPANCY — The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

ON-PREMISES SIGN — A sign which pertains to the use of the premise on which it is located.

OWNER — A person recorded as such on official records. For the purposes of this bylaw, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Inspector, e.g., a sign leased from a sign company.

PAINTED WALL SIGN — Any sign which is applied with paint or similar substance on the face of a wall.

PARAPET — The extension of a false front or wall above a roofline.

PERSON — Any individual, corporation, association, firm, partnership, or similarly defined interest.

POINT-OF-PURCHASE DISPLAY — Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

POLE COVER — Covers enclosing or decorating poles or other structural supports of a sign.

POLITICAL SIGN — A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN — Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, not to include banner signs (see definition of "banner sign").

PREMISES — A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PROJECTING SIGN — A sign, other than a flat wall sign, which is attached to and projects from a building or wall or other structure not specifically designed to support the sign.

REAL ESTATE SIGN — A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

ROOFLINE — The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

ROOF SIGN — Any sign erected over or on the roof of a building (compare "mansard," "wall signs").

ROTATING SIGN — A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

SIGN — Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services (compare § 175-8.1B).

SIGN, AREA OF —

A. Projecting and freestanding. The area of a freestanding or projecting sign shall have only one face (the largest one) of any doubled-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if composed of one or two individual cabinets:

   (1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine the total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

   (2) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

B. Wall signs. The area shall be within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

SNIPE SIGN — A temporary sign or poster affixed to a tree, fence, etc.

SUBDIVISION IDENTIFICATION SIGN — A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TEMPORARY SIGN — A sign not constructed or intended for long-term use.

TOWN — Unless the context clearly discloses a contrary intent, the word "Town" shall mean the Town of Norton.

UNDER-CANOPY SIGN — A sign suspended beneath a canopy, ceiling, roof or marquee.

USE — The purpose for which a building, lot, sign, or structure is designed, occupied or maintained.

WALL SIGN — A sign attached parallel to and extending not more than 18 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WINDOW SIGN — A sign installed inside a window and intended to be viewed from

the outside.

§ 175-8.3. General provisions.

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Town of Norton except in accordance with the provisions of this bylaw.

A. Signs prohibited. The following types of signs are prohibited in all districts:

(1) Abandoned signs.

(2) Any sign which, by reason of its location, shape, size, or color, will interfere with traffic signs, signals, or markings.

(3) Signs imitating or resembling official traffic or government signs or signals.

(4) Flashing or animated signs.

(5) Semi-tractor trailers left abandoned.

B. Permits required. Unless otherwise provided by this bylaw, all signs shall require permits and payment of fees as described in § 175-11.3 of this bylaw. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

C. Signs not requiring permits. The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this bylaw:

(1) Signs used by churches, synagogues, or civic organizations.

(2) Construction signs of 32 square feet or less.

(3) Directional/Information signs of six square feet or less.

(4) Holiday or special event decorations.

(5) Nameplates of six square feet or less.

(6) Political signs.

(7) Public signs or notices, or any sign relating to an emergency.

(8) Real estate signs.

(9) Window signs.

(10) Incidental signs.

(11) Banner signs (as allowed in § 175-8.4C).

(12) Festoons.

D. Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

E. Lighting. Unless otherwise specified by this bylaw, all signs may be illuminated. The following illumination standards shall apply:

(1) No person may erect a sign which flashes, rotates, has motorized moving parts, or utilizes a revolving beacon light.

(2) No sign shall be directly or indirectly illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.

(3) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

(4) Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

(5) Illuminated signs shall not be permitted to shine onto residential properties and traveled ways.

F. Changeable copy. Unless otherwise specified by this bylaw, any sign herein allowed may use manual or automatic changeable copy.

G. Indemnification and insurance.

(1) All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees against any and all claims of negligence resulting from such work insofar as this bylaw has not specifically directed the placement of a sign.

(2) All persons involved in the maintenance, installation, alteration, or relocation of signs on a commercial basis shall maintain all required insurance against any form of liability to a minimum of $100,000.

§ 175-8.4. Regulation of on-premises signs by zone.

A. Signs permitted in all zones. The following signs are allowed in all zones:

(1) All signs not requiring permits (§ 175-8.3C).

(2) One construction sign for each street frontage of a construction project, not to exceed six square feet in sign area in residential zones or 32 square feet in sign area in all other zones. Such signs may be erected 15 days prior to beginning of construction and shall be removed 30 days following completion of construction.

(3) Two nonilluminated real estate signs per lot or premises, not to exceed six square feet in sign area. Signs must be removed 30 days following sale, rental, or lease.

(4) Two attached nameplates per occupancy, not to exceed one square foot in sign area per sign.

(5) Political signs shall not exceed six square feet each in sign area and shall be

removed 10 days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

(6) Directional/Information signs not to exceed three square feet in sign area or 10 feet in height.

(7) Temporary signs, banners, and decorations (excluding portable signs) for special events, grand openings or holidays. Such signs, banners, or decorations may be erected 30 days prior to a special event or holiday and shall be removed 10 days following the event or holiday. For grand openings, such signs may be used for no more than 30 days.

(8) Off-premises signs. **[Amended 5-15-2019 ATM by Art. 19]**

(a) Only signs pertaining exclusively to the premises on which they are located or to products, accommodations, services or activities on the premises shall be allowed, except the following may be allowed: (1) that an off-premises directional sign designating the route to an establishment not on the street to which the sign is oriented may be erected and maintained within the public right-of-way at any intersection or on private property if granted a special permit by the Board of Appeals, and (2) digital/electronic billboards in the Industrial Zoning District if granted a special permit under § 175-8.4D(2) by the Planning Board.

(b) No directional sign shall be authorized except upon the authorizing agency's determination that such sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. At locations where directions to more than one establishment are to be provided, all such directional information shall be incorporated into a single structure. All such directional signs shall be unlighted and each shall be not over four square feet in area.

B. Signs permitted in residential zones. Signs are allowed as follows in residential zones:

(1) All signs as permitted in Subsection A.

(2) Two subdivision identification signs per neighborhood, subdivision, or development, not to exceed 20 square feet each in sign area.

C. Signs permitted in residential zones. Signs are allowed as follows in residential zones:

(1) All signs as permitted in Subsections A and B.

(2) One freestanding sign per lot, not to exceed one square foot in sign area for each linear foot of street frontage up to the maximum of 12 square feet.

D. Signs permitted in Village Commercial, Commercial and Industrial Zones. Signs are allowed as follows in Commercial and Industrial Zones:

(1) All signs permitted in Subsections A and B.

(2) Freestanding signs.

(a) In the Village Commercial Zoning District, one freestanding sign per street frontage, not to exceed 10 feet in height and 32 square feet in sign area, is allowed per 120 feet of street frontage or fraction thereof. A second freestanding sign of the same height and area is allowed if the lot exceeds 240 feet of street frontage. No more than two freestanding signs are allowed per lot.

(b) In the Commercial Zoning District, one freestanding sign per street frontage, not to exceed 12 feet in height and 48 square feet in sign area, is allowed per 120 feet of street frontage or fraction thereof. A second freestanding sign of the same height and area is allowed if the lot exceeds 240 feet of street frontage. No more than two freestanding signs are allowed per lot.

(c) In the Industrial Zoning District, one freestanding sign per street frontage, not to exceed 12 feet in height and 48 square feet in sign area, is allowed per 150 feet of street frontage or fraction thereof. A second freestanding sign of the same height and area is allowed if the lot exceeds 300 feet of street frontage. No more than two freestanding signs are allowed per lot.

(d) In the Industrial Zoning District, digital/electronic billboards may be erected and maintained if granted a special permit by the Planning Board, provided that it shall not exceed more than 90 feet in height and shall not exceed a fourteen-foot-by-forty-eight-foot face area. A digital/electronic billboard shall not be erected except on a lot with conforming lot area and frontage or on any other lot with at least 10,000 square feet of vacant lot area and 150 feet of frontage and must be erected within 2,000 feet of Interstate 495. No digital/electronic billboard shall be located within 1,000 feet of a residential structure. A digital/electronic billboard visible to a major artery/highway shall contain the name and address of the user of the property. No digital/electronic billboard shall be erected within 1,000 linear feet of another. No digital/electronic billboard shall be erected if the special permit granting authority determines that it will obstruct a view of scenic beauty and interest or a place of historic interest; nor shall a digital/electronic billboard be erected if the special permit granting authority determines that it will not be in harmony with or suitable for the surrounding area or would do significant damage to the visual environment. No billboard shall be located upon another structure. The Planning Board may only issue a special permit upon a finding that the billboard shall not endanger the public safety or be detrimental to the neighborhood or constitute a nuisance to any abutting uses or to any nearby residential uses by virtue of its size, dimension, location, design, construction, illumination, or visibility, that sufficient utilities, servicing and maintenance of the billboard can be provided, and that adequate provisions, by way of security, are provided in the event that the billboard is decommissioned so that its removal is ensured and timely.

(3) One wall sign per occupancy, not to exceed two square feet in sign area for each linear foot of the occupancy's building frontage, up to a maximum of 72 square feet or 15% of the frontal area, whichever is smaller.

(4) One awning or marquee sign per occupancy, not to exceed 15% of the surface area of the awning or marquee.

(5) Two under-canopy signs per occupancy, not to exceed 10 square feet in sign area.

(6) Incidental signs, not to exceed 20 square feet in aggregate sign area per occupancy.

(7) Two banner signs per occupancy, not to exceed 50 square feet in aggregate area.

(8) One portable sign per lot, conforming to the size and setback requirements pertaining to freestanding signs as defined in this section. Such signs may be displayed four times per year for periods not to exceed four weeks per period. The total number of days the sign is displayed may not exceed 56 days per year.

(9) Where occupancy is on a corner or has more than one main street frontage, one wall sign and one additional freestanding sign will be allowed on the additional frontage, not to exceed the size of other allowed wall and freestanding signs.

(10) Freestanding and under-canopy, awning, and marquee signs shall have a setback of 10 feet from any vehicular public right-of-way and a minimum clearance of 15 feet over any vehicular use area and 10 feet over any pedestrian use area.

§ 175-8.5. Nonconforming signs.

A. Determination of legal nonconformity. Existing signs which do not conform to the specific provisions of the bylaw may be eligible for the designation "legal nonconforming," provided that:

(1) The Building Inspector determines that such signs are properly maintained and do not in any way endanger the public.

(2) The sign was properly covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this bylaw or any amendment thereto rendering the sign nonconforming.

B. Loss of legal nonconformity status. A legal nonconforming sign may lose this designation if:

(1) The sign is relocated or replaced.

(2) The structure or size of the sign is altered in any way except towards compliance with the bylaw. This does not refer to change of copy or normal maintenance.

C. Maintenance and repair of nonconforming signs. The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than 50% appraised damage or deterioration, it must be brought into compliance with this code or removed.

§ 175-8.6. Construction specifications.

A. Compliance with building and electrical codes. All signs shall be constructed in accordance with all requirements of the State Building Code and the National Electrical Code.

B. Anchoring.

(1) No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.

(2) All freestanding signs of a permanent nature shall have self-supporting structures erected on or permanently attached to concrete foundations.

(3) All portable signs on display shall be braced or secured to prevent motion.

C. Additional construction specifications.

(1) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening as a means of egress.

(2) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except for signs that may be erected in front of and may cover transom windows when not in violation of the provisions of the Massachusetts Building or Fire Prevention Codes.

(3) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 60 inches horizontally or vertically to any conductor or public utility guy wire.

ARTICLE IX
Movement of Earth Materials

§ 175-9.1. Purpose and intent.

The purpose of this article of the Zoning Bylaw is to provide design, operational, restoration, and performance standards for earth removal projects conducted within the Town of Norton. The intent of the article is to ensure that the operation will not decrease the value of adjacent property and that land from which earthen material is to be removed is left in a state of no less value than prior to the commencement of the operation.

§ 175-9.2. General conditions; definitions.

A. No earth materials shall be removed from any lot within the Town of Norton unless a special permit has been issued by the special permit granting authority. For the purpose of this article of the Norton Zoning Bylaw, the Planning Board shall be the special permit granting authority.

B. No permit for earth removal over 500 cubic yards that is incidental to construction shall be issued by the Building Inspector unless the Planning Board has reviewed the application and made a recommendation as required by this article.

C. Definitions. In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

COMMERCIAL OPERATION — Earth removal projects where the prime use of the property is proposed for the removal of earth material which will be sold, not including pond restoration, subdivision, and surplus material as defined hereunder.

EARTH — Includes earth and earth materials, including sod, soil, topsoil, humus, loam, clay, sand, gravel, dredge material, including sludge, peat, muck, stone and quarry stone which may be taken from or filled upon land.

EXCAVATE — To dig into and remove earth.

GRADING — Alteration to land surfaces by excavation or filling.

POND RESTORATION OR DEVELOPMENT — Removal of earthen material in the restoration of known ponds within the Town, their enlargement or the creation of permanent water bodies.

REMOVAL — The moving of earth from one location to another, including such moving within the boundaries of a lot or tract of land as well as the removal from any lot or tract of land.

SUBDIVISION CONTROL — Removal of earthen material from property that is incidental to the installation of the required improvements of an approved subdivision and sedimentation control.

SURPLUS MATERIAL — The removal of earthen material from a lot that is incidental for the construction on a lot for which a building permit has been duly issued.

§ 175-9.3. Standards.

A. Design. All applications submitted to the Planning Board for removal of earthen materials shall be accompanied by the following:

(1) Properly completed application form which shall include the following:

(a) Estimate of the quantity of gravel to be removed from the site.

(b) Length of operation (give dates), which may be subject to amendment if climate hardship exists.

(c) Proposed travel routes.

(d) Proposed daily hours of operation.

(2) Survey and engineering plans properly drawn at an adequate scale on tracing cloth by a registered professional civil engineer and registered professional land surveyor. Seven copies of said plan shall be submitted to the Planning Board and shall include, but not be limited to, the following:

(a) A perimeter plan of the property showing the name of all immediate abutters as taken from the most recent tax list, and the name and address of the record owner.

(b) Existing topography based on a current survey showing two-foot contour intervals.

(c) Cross sections taken at one-hundred-foot intervals, the elevation of the existing grade, finished grade and the groundwater elevation.

(d) A log of soil borings or test pits; the number of borings or pits taken will vary with the size and geological make-up of the site, but shall be a minimum of one per acre. All borings and pits shall be taken to a minimum depth of six feet below the proposed finish grade.

(e) A topographical map showing the final grades and drainage facilities after excavation.

(f) All proposed entrances and exit roads.

(g) Limits of excavation.

(h) Locus of plan at a scale of one inch equals 2,000 feet.

(i) Sedimentation and erosion control plan to be implemented during the excavation operation and after the finished grading; a maintenance schedule to be included.

B. Operational.

(1) Operational hours, including warm-up and repairs of equipment, shall be only between 7:00 a.m. and 5:00 p.m. on Monday through Friday, and loaded trucks may leave prescribed premises only within such hours. The frequency of loaded trucks leaving the premises shall be established by the Planning Board, based upon local conditions, as part of the conditions for the special permit, but in no case shall it be greater than one every three minutes. All loaded

vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

(2) All trucking routes and load limits shall be subject to approval of the Chief of Police, especially when the route might involve bridges.

(3) Access roads shall be constructed at an angle of 90° to the public way.

(4) All access roads leading to public ways shall be treated with cut back asphalt, State Specifications MC-2, and applied uniformly to the full width of the roadway at the rate of one gallon per square yard. This application shall be applied for a distance of 200 feet back from said public ways.

(5) The operator shall be responsible for daily cleaning of spillage on all public ways occurring as a result of the operation.

(6) Limits of excavation shall be set by stakes located every 100 feet with a minimum of three feet exposed. A vertical control monument shall be installed in a readily accessible location.

C. Commercial operations.

(1) Excavation shall not be permitted at an elevation which is lower than the street or below the lowest existing elevation on the site, whichever is higher.

(2) Limits of excavation shall be determined as follows:

(a) When the depth of excavation is five feet or less, earth may be removed within 25 feet of an abutting property line and land shall be restored to a four-to-one slope.

(b) When the depth of excavation is between five feet and 15 feet, earth may be removed within 50 feet of abutting property lines and the land shall be restored to a six-to-one slope.

(c) When the depth of excavation is over 15 feet, restoration specifications shall be at the discretion of the Planning Board.

(3) Active earth removal operations shall not exceed a total area of 10 acres at any one time. Each ten-acre section shall be restored prior to the beginning of the next ten-acre section. No trees shall be removed from the ten-acre section until the first ten-acre section has been appropriately restored.

(4) No earth shall be removed within six feet of the seasonably high water table. This elevation shall be established from the borings or test pits shown on the topographic plan.

(5) No area shall be excavated so as to cause accumulation of freestanding water. Permanent drainage shall be provided as needed in accordance with a wetlands permit issued by the Conservation Commission. Drainage shall not lead directly into streams or ponds.

(6) All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased.

(7) Any temporary shelters or buildings erected on the premises shall be screened from public view. These structures shall be removed from the premises within 30 days after they are no longer needed.

(8) No excavation shall be allowed closer than 50 feet to watercourse or wetland. Natural vegetation shall be left and maintained on the undisturbed land at the discretion of the Conservation Commission.

(9) All debris, stumps, boulders shall be disposed of in an approved location shown on the plan, buried and covered with a minimum of two feet of soil.

(10) Within 30 days following excavation, final grading shall be established as shown on the approved topographical plan.

(11) Retained subsoil and topsoil shall be respread over the disturbed area to a minimum depth equivalent to the depth of topsoil on the site plan prior to the beginning of the operation as determined by the soil boring data, or to a mixed depth (subsoil plus topsoil) of at least 12 inches, whichever is less. This soil shall be treated with three tons of lime per acre and 1,000 pounds of 10-10-10 fertilizer per acre and seeded with a grass or legume mixture prescribed by the Conservation Commission. Trees or shrubs of prescribed species will be planted in order to provide screening, natural beauty, and to reduce erosion. The planted area shall be protected from erosion during the establishment period using good conservation practices.

(12) Upon completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original natural storm drainage points and so that the peak flow runoff from the drainage area to any one point shall have a zero impact.

(13) Within 30 days after termination of the gravel operation, all equipment, buildings, structures, and unsightly evidence of operation shall be removed from the premises.

(14) An "as built" plan, prepared by a registered professional engineer or land surveyor, showing all finished grades, depth of loam, drainage facilities, location of buried debris, and which states that the land conforms with the original plan shall be prepared and approved by the Planning Board, prior to the release of the performance bond.

D. Subdivision control.

(1) All earthen material removed as part of the installation of required improvements of an approved subdivision plan shall be in conformance with the Norton Subdivision Control Regulations. The removal and grading shall be incidental to the construction of required improvements, and no earth shall be permitted to leave an approved subdivision site that would exceed the amount required for the installation of required improvements and sedimentation controls.

(2) All topsoil material stripped from the approved right-of-way shall be stockpiled and remain on the site until all required improvements have been

completed and the ground appropriately restored. If the Planning Board determines that there is surplus topsoil, then the Planning Board can approve its removal from the site within Town limits.

E. Pond restoration and development.

(1) The finish grade of pond restoration and development projects shall be as follows:

(a) A five-to-one slope for a distance of 40 feet into the pond.

(b) Thereafter, the slope may not be greater than three to one. For the purpose of pond restoration and development, the water level shall be determined as the low level of flow.

(2) Design of control structures shall be submitted with the application and shall be reviewed by the appropriate state and federal agency prior to approval.

(3) Existing shorelines of bodies of water shall be followed. However, in instances where a new shoreline would be created, it shall be established at a distance no less than 50 feet from the abutting property.

(4) All pond restoration and development projects shall receive approval of the Norton Conservation Commission under the Wetlands Protection Act and a discharge permit from the Massachusetts Department of Public Health, Division of Quality Engineering.

(5) All pond restoration and development projects shall be restored such that all shorelines above the waterline shall be loamed and seeded to a depth of five inches. This shall be done on all areas exposed or disturbed during the operation. The loam and seeding shall be done in accordance with accepted landscaping practices. At the completion of the operation, the applicant shall present a certified "as built" plan by a registered engineer or surveyor that graphically depicts the finished contours of the completed pond and states that the slopes and all other pertinent construction complies with the Zoning Bylaw and the special permit issued by the Planning Board.

F. Surplus material.

(1) The removal of surplus material shall:

(a) Include the material from the construction of building foundations and other allowable structures for which a building permit has been issued.

(b) Be as may be required in the normal maintenance of property, including private domestic gardening.

(c) Be as may be required in the performance of public works under municipal, county, or state authority.

(2) A permit shall be issued for the removal of surplus material subject to the above in the following instances:

(a) When the application for a building permit is issued, the application shall

show if surplus material is to be removed as part of the project. In instances where the estimated material to be removed is less than 500 cubic yards, the Building Inspector may issue a permit for said removal. Said permit shall be part of the building permit for the unit.

(b) If the application is for more than the removal of 500 cubic yards, then it shall be submitted to the Planning Board and the Planning Board shall review the application and make a recommendation, in writing, to the Building Inspector within 21 days. If the Building Inspector, after the review of the recommendations of the Planning Board, determines that said surplus material removal application complies with the purpose and specifications of this bylaw, then the application shall be approved.

§ 175-9.4. Exemptions.

All earth removal operations are subject to jurisdiction under the bylaw excepting:

A. Yard grading by individual homeowners not in excess of 50 cubic yards. This jurisdiction and rules set down by this bylaw shall supersede any existing Earth Removal Bylaw or ordinances in the Town of Norton.

B. Removal of earth material by or on behalf of any department of the Town for or in connection with the construction and maintenance of public buildings, facilities, streets and ways, the construction and installation of public utilities for or in connection with any other public utilities for or in connection with any other public purpose.

§ 175-9.5. Administration.

A. No special permit for earth removal operation shall be approved by the Planning Board until the Board has held the required public hearing in accordance with Chapter 40A of the Massachusetts General Laws and the Planning Board has determined that the application and plan meet the technical requirements of the bylaw, as well as the following general criteria:

(1) That the operation will not have a detrimental effect on the surrounding land uses.

(2) That no adverse environmental conditions will be created as a result of this operation.

B. The original and seven copies of the earth removal application and plans shall be submitted to the Town Clerk, who shall give the applicant a dated receipt. Within three days of receipt of said application, the Town Clerk shall transmit the original and two copies to the Planning Board and one copy each to the Board of Health, Building Inspector and Conservation Commission.

C. The Planning Board shall hold the public hearing on said application and shall consider the recommendations of the Board of Health, Conservation Commission, and the Building Inspector if such information is submitted as part of the transcript of the public hearing. The public hearing shall be held in accordance with Chapter 40A of the Massachusetts General Laws.

D. Prior to the commencement of operation, the applicant shall submit to the Town a performance bond in an amount sufficient to cover the cost of restoring the earth removal operation as required by this bylaw. The Planning Board shall set the amount of securities, which shall be part of its decision. The release of the securities shall be subject to the approval of the Planning Board and this release shall be only after the project has been completed and an "as built" plan, prepared by a registered professional engineer or land surveyor, showing all finished grades, depth of loam, drainage facilities, location of buried debris, and which states that the land conforms with the original plan shall be prepared and approved as part of the special permit. In the instance of subdivision control, the Planning Board may incorporate the bonding procedure for the earth removal operation with the bonding procedure under Chapter 41 of the Massachusetts General Laws. Drainage of surrounding properties as a direct result of earth removal operations shall warrant withholding the performance bond until such damage is repaired and the area restored to its natural condition.

E. Special permits for earth removal shall be issued for an initial period of one year. One renewal permit for an earth removal operation may be issued by the Planning Board as an extension of the original permit without a new hearing.

F. Following the approval of a special permit by the Planning Board and prior to the commencement of the operation, the applicant shall obtain an operational permit from the Building Inspector. The Building Inspector shall be responsible to enforce the provisions of this bylaw with respect to the operation, as well as any other conditions imposed on the operation by the Planning Board as a condition for receiving the special permit. If, at any time during the operation, the applicant or his agents are not performing in compliance with the Zoning Bylaw or the conditions imposed by the Planning Board, the Building Inspector shall issue a cease order.

ARTICLE X
Board of Appeals; Permit and Special Permit Granting Authority

§ 175-10.1. Board of Appeals membership, term and operation.

The Board of Appeals shall consist of three members and two associate members who shall be appointed by the Board of Selectmen in accordance with Chapter 40A of the General Laws for staggered three-year terms. The Board of Appeals shall elect annually a Chairman and shall adopt rules and regulations, which shall be filed in the office of the Town Clerk and shall be a public record.

§ 175-10.2. Board of Appeals rules and regulations.

The rules and regulations shall prescribe the procedures and rules for the conduct of Board of Appeals' business and shall conform to the provisions of Chapter 40A of the General Laws, as amended.

§ 175-10.3. Variance requirements.

The Board of Appeals shall have the authority to grant upon appeal or upon petition, where a use not requiring a permit is sought, with respect to a particular parcel of land or existing building, a variance from the requirements of this bylaw where, owing to a special condition affecting specifically such parcel or building but not generally the zoning district in which it is located, a literal enforcement of the bylaw would involve substantial hardship, financial or otherwise, to the appellant and where desirable relief may be granted without substantially derogating from the intent and purpose of the bylaw, but not otherwise. Permits may be granted for variances including those for side yard, setback and frontage dimensions as well as lot size. Petitions for a variance must be filed with the Town Clerk, who will transmit them to the Zoning Board of Appeals.

§ 175-10.4. Use variances.

There shall be no use variances. Anyone desiring a change in use designation must apply for a zoning change.

§ 175-10.5. Authority to impose limitations.

The Board of Appeals may impose limitations of time and use and condition continued use upon compliance with regulations to be made and amended from time to time thereafter.

§ 175-10.6. Variance notification, hearing and decision.

No special permit or variance shall be granted nor any other decision made by the Board of Appeals on any petition, application or appeal, except after the publication, twice, of a public hearing notice, the first being not less than 14 days prior to the hearing, with copies to the Planning Board and other parties affected and as required by law, and after a public hearing. The hearing shall be held within 65 days from receipt of notice by the Board of such appeal, application or petition. Decisions of the Board of Appeals shall be made by vote in an open meeting within 100 days of the filing date of appeal, application or petition, shall be recorded in the office of the Town Clerk and the

Planning Board together with the reasons for such decisions within 14 days, and a notice of the decision shall also be issued to the owner of the land affected and to other parties in interest and to attendees at the public hearing who have requested such notices, and recorded in the Registry of Deeds. The responsibility for recording in the Registry of Deeds is with the applicant or petitioner, and fees and all other reasonable fees and costs shall be borne by the applicant or petitioner. The required time limits may be extended by written agreement between the applicant and the Board of Appeals. A copy of such agreement shall be filed in the office of the Town Clerk. The variance is effective when the applicant or petitioner files the decision with the Registry of Deeds.

§ 175-10.7. Special permits.

In cases where the Board of Appeals is specified as the special permit granting authority, public hearing and time limits shall follow that specified in § 175-10.9. In all other cases, the Planning Board shall be the special permit granting authority.

§ 175-10.8. Appeals from decisions of Building Inspector.

A. The Board of Appeals may hear and decide appeals taken by any officer or board of the Town of Norton or by any person aggrieved by not being able to obtain a permit from any administrative official in violation of Chapter 40A of the General Laws.

B. An appeal shall be taken within 30 days from the date of the order or decision which is being appealed. The petitioner shall file a notice of appeal, specifying the grounds thereof, with the Town Clerk; and a copy of said notice, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Building Inspector, specifying in the notice the grounds for such appeal. The Building Inspector shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

C. Notification, hearing and decision shall be made in accordance with § 175-10.6.

§ 175-10.9. Planning Board as special permit granting authority.

The Planning Board shall be the special permit granting authority. Applications for special permits must be filed with the Planning Board, which will submit the application to the Board of Selectmen, Conservation Commission, Board of Appeals and other interested parties for review. They in turn must report to the Planning Board within 35 days or deem no opposition. Within 65 days of the date the application was filed, the Planning Board shall hold a duly advertised public hearing, the first advertisement being no less than 14 days from the date of the hearing. The special permit decision of the Planning Board must be filed with the Town Clerk and notice of the decision sent to parties in interest within 90 days of the hearing date. A special permit elapses if not exercised within two years from the date of the decision, including time for determination of any appeal.

§ 175-10.10. Standards for issuing variances and special permits.

Variances and special permits are not granted as a matter of right but are privileges which may be granted as appropriate in specific circumstances which are in keeping

with the intent of the Zoning Bylaw and subject to general or specific rules contained herein. As a condition of granting a permit or special permit, the granting authority shall find that the petitioned-for exception is socially and economically desirable, and that it would satisfy an existing need, that the advantages of the proposal outweigh by far any detrimental effects, and that such effects on the neighborhood and environment shall not be significantly greater than could be expected from development if the permit or special permit were denied, that the applicant has no reasonable alternative available to accomplish his purpose, and that specific conditions to minimize detrimental effects and protect the neighborhood have been imposed and, if necessary, secured by bond or otherwise. In addition, the specific conditions of the applicable section of the bylaw must be met.

§ 175-10.11. Appeal of Board of Appeals' decision.

Persons aggrieved by a decision of the Board of Appeals may appeal such decision to the Bristol County Superior Court within 20 days of the filing of such decision with the Town Clerk as provided in MGL c. 40A, § 17, as amended.

§ 175-10.12. Variance implementation.

Rights authorized by variance must be exercised within one year of the date of the grant. The Zoning Board of Appeals, in its discretion and upon written application of the grantee of such rights, may extend the time for exercise of such rights for a period not to exceed six months; provided, further, that the application for such extension is filed with the Zoning Board of Appeals prior to the expiration of such one-year period.

§ 175-10.13. Repetitive petitions.

A. No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting authority or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by unanimous vote of the Board of Appeals or by a two-thirds vote of the Planning Board, 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 of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and the place of the proceedings when the question of such consent will be considered.

B. If such findings are made and consent given, repetitive petitions shall be treated in the same manner as original petitions as to notification, hearing and decision requirements.

C. 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.

ARTICLE XI
Administration and Enforcement

§ 175-11.1. Administration by Inspector of Buildings/Building Commissioner. [Amended 10-17-2020 STM by Art. 4]

This bylaw shall be administered by the Inspector of Buildings/Building Commissioner.

§ 175-11.2. Inspector of Buildings/Building Commissioner duties. [Amended 10-17-2020 STM by Art. 4]

The duties of the Inspector of Buildings/Building Commissioner shall include, but may not be limited to, the following and all acts necessary in the implementation of the following:

A. Review all plans and proposals for the construction, demolition, reconstruction, and relocation of buildings and structures in Norton, issuing building permits for construction meeting all applicable laws, bylaws and safety standards and denying such permits whenever insufficient information is presented, unsafe or hazardous conditions or a violation of this bylaw or other laws, bylaws or regulations administered by the Inspector of Buildings/Building Commissioner would result.

B. Maintain records of all business and activities of his office.

C. Make inspections as required to perform his duties. The Inspector of Buildings/ Building Commissioner shall have the right to enter upon any lands and any building or structure under construction or open to the public at all reasonable times in performance of his duties and may at all reasonable times and after due notice enter any dwelling or occupied premises not open to the public whenever the Inspector of Buildings/Building Commissioner has reason to believe that a violation of this bylaw or unsafe or hazardous conditions exist therein.

D. Issue certificates of occupancy which certify that the existing or proposed use described therein of the specified premises conforms to the requirements of this bylaw.

E. Investigate, upon a written complaint or on his own initiative, alleged violations of this bylaw. When the Inspector of Buildings/Building Commissioner determines that a zoning violation exists, he shall serve a written notice on the responsible persons, demanding the abatement of such violation within a reasonable time and, upon a failure to comply fully, shall prosecute such violation as provided by law.

F. The Inspector of Buildings/Building Commissioner shall adopt and make available to all interested parties a procedure for application for and issuance of building permits and certificates of occupancy, together with the required forms and a schedule of fees. Such procedure, forms and fees shall be approved by the Select Board and the Town Counsel.

§ 175-11.3. Building permits and certificates of occupancy. [Amended 10-17-2020 STM by Art. 4]

A. No building or structure, except a building or structure 100 square feet or less in

area or eight feet or less in height, shall be erected, reconstructed, altered, added to, moved or demolished without a permit therefor issued by the Inspector of Buildings/Building Commissioner.

(1) Applications for building permits shall be on the form prescribed by the Inspector of Buildings/Building Commissioner and shall be accompanied by construction or architectural plans and by a plot plan showing the outside dimensions of the building and the lot and the dimensioned location of the building on the lot. The plot plan shall show all information necessary to verify the compliance with this bylaw, such as the size of the yards, the dimensions of any required driveways, parking, landscaping, water bodies, signs requiring permits, fences and walls, provisions for drainage and for water supply and sewage disposal, or so much of the above as may be applicable for alterations and additions. Plans shall bear the seal of an architect, professional engineer or land surveyor as required by state law.

(2) Whenever a sewage disposal system is required, a percolation test shall be conducted in the period as required by the Board of Health by and under the direct supervision of a registered professional engineer or sanitarian designated or approved by the Board of Health, who shall certify to the Board of Health the results of such test. No building permit shall be issued for any building requiring a sewage disposal system unless the Board of Health approves such certified percolation test or specifies requirements for the installation of a leaching field.

(3) The failure to commence construction within six months after the issuance of a building permit or to complete construction within two years shall invalidate the permit.

B. No new, reconstructed or enlarged building shall be occupied and no nonconforming commercial or industrial use shall be changed to a different use without a certificate of occupancy. Such certificate shall be issued by the Inspector of Buildings/Building Commissioner upon certification that the building on the lot, the lot and the specified proposed use thereof comply with the use and dimensional requirements of the bylaw or are permitted by the Board of Appeals or are exempt under state law, and that three permanent bounds have been placed on the lot, a house number has been affixed to the building, and that construction has been completed and buildings are safe and ready for occupancy.

C. In the Village Center Core District, the Inspector of Buildings/Building Commissioner may approve an application for reoccupation or reuse for the same purpose without Site Plan Review through the issuance of a Building Permit. The Inspector of Buildings / Building Commissioner is empowered to approve such application only where:

(1) All structures on the site were previously reviewed and approved after the establishment of the Village Center Core District.

(2) No new structures are proposed when compared with the most recent site plan approval.

(3) No change in parking is proposed when compared with the most recent site

plan approval.

(4) No increase in the number of on-site residential units is proposed when compared with the most recent site plan approval.

(5) Any expansion to existing structures on-site is incidental to, code compliance, or providing access to people with disabilities.

Where the above conditions are met, the Inspector of Buildings/Building Commissioner may still require site plan review under Article XV and submit documentation to the Planning Board for their comment if the Inspector of Buildings/Building Commissioner feels existing complexities with the site or an intensification in use warrant such action.

D. The Inspector of Buildings/Building Commissioner shall be notified prior to any excavation along a public way; and prior to placement of a foundation, it shall be inspected for proper setback and side yard placement.

§ 175-11.4. Violations and penalties.

A. Any violation of this bylaw shall be punishable by a fine not exceeding $300.

B. Every day a violation continues, after its abatement has been ordered by the Town and reasonable time allowed for compliance with such order, shall constitute a new offense.

ARTICLE XII
Zoning Amendments

§ 175-12.1. Amendment by Town Meeting.

This bylaw and the Zoning Map may be amended by two-thirds majority vote of the Norton Town Meeting on a warrant article for such amendment.

§ 175-12.2. Initiation of amendments.

An amendment may be initiated by the Board of Selectmen, Planning Board, not less than 50% by valuation of the owners of property included in such amendment, or by written request of 10 or more registered voters of the Town of Norton for Annual Town Meetings or by written request of 100 voters of the Town of Norton for Special Town Meetings.

A. When an amendment is initiated by petition of property owners or registered voters, it shall be submitted to the Selectmen for inclusion in the Town Meeting warrant and for referral to the Planning Board as provided by General Laws.

B. The Planning Board shall hold a public hearing, duly advertised as required by MGL c. 40A, § 5, on any proposed amendment referred to it by the Board of Selectmen within 65 days of such referral. Notices of such hearing shall be mailed to all property owners according to the latest tax record, included within or abutting land subject to amendment, abutting communities, and the Regional Planning Agency. General notice will serve where the proposed amendment is of universal or wide application in the Town.

C. Unless the Planning Board holds a public hearing and submits a report to the Town Meeting or 21 days elapse after the public hearing, the Town Meeting is precluded by MGL c. 40A, § 6, from adopting such zoning amendment.

D. The Planning Board may recommend and the Town Meeting may adopt modifications to the proposed zoning amendment, provided they do not expand or alter the scope of the amendment as discussed in the public hearing and printed in the Town Meeting warrant.

§ 175-12.3. Failed amendments.

No amendment to this bylaw and Zoning Map acted upon unfavorably by the Town Meeting shall be considered or acted upon by the Town Meeting within two years of the date of unfavorable action, unless the adoption of such amendment is recommended by the Planning Board in its report thereon.

§ 175-12.4. Zoning Map amendments.

Whenever an amendment to the Zoning Map proposes that the zoning classification of a parcel of land be changed, the initiators of such amendment, at least three weeks prior to the public hearing, shall submit an accurate map drawn by a registered land surveyor, identifying the extent of the proposed change, and shall post the boundaries of land included in such amendment with signs at least two feet square identifying the proposed change and the date, time and place of public hearing thereon.

ARTICLE XIII
Floodplain District

§ 175-13.1. Boundaries; base flood elevation and floodway data.

A. Floodplain District boundaries and base flood elevation data.

(1) The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Norton designated as Zone A or AE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

(2) The map panels of the Bristol County FIRM that are wholly or partially within the Town of Norton are Panel Numbers 25005C0039F, 25005C0043F, 25005C0044F, 25005C0109F, 25005C0127F, 25005C0131F, 25005C0132F, 25005C0134F, 25005C0136F, 25005C0137F, 25005C0141F, 25005C0151F and 25005C0153F dated July 7, 2009, and Panel Numbers 25005C0107G, 25005C0126G, 25005C0128G, 25005C0129G, and 25005C0133G, dated July 16, 2015. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 6, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

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

§ 175-13.2. Purpose.

The purposes of the Floodplain District are to:

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

B. Eliminate new hazards for emergency response officials;

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

D. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

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

F. Reduce damage to public and private property resulting from flooding waters.

§ 175-13.3. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. These areas shall be designated as Zone A, AO, AH, A1-A30, AE, A99, V1-V30, VE, or V.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, deforesting, clear cutting, paving, excavation or drilling operations.

DISTRICT — The Floodplain District.

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

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

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

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

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

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

NEW CONSTRUCTION — For floodplain management purposes, structures for which

the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, "new construction" means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD — See "base flood.'

REGULATORY FLOODWAY — See "floodway.'

SPECIAL FLOOD HAZARD AREA — An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V, V1-V30, or VE.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

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

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

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

ZONE A1-A30 and ZONE AE (for new and revised maps) — The one-hundred-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO — The one-hundred-year floodplain with flood depths of one foot to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 — Areas to be protected from the one-hundred-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

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

ZONE V — A special flood hazard area along a coast subject to inundation by the one-

hundred-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-V30 and ZONE VE (for new and revised maps) — A special flood hazard area along a coast subject to inundation by the one-hundred-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

§ 175-13.4. Use regulations.

A. Reference to existing regulations.

(1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with MGL c. 131, § 40, and with the following:

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

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

(c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

(d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);

(e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

(f) Town of Norton Zoning Bylaw; and

(g) Town of Norton Wetlands Bylaw, if any.

(2) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

B. Permitted uses. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying zoning district and they do not require structures, fill, or storage of materials or equipment:

(1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

(2) Forestry and nursery uses.

(3) Outdoor recreational uses, including fishing, boating, play areas, etc.

(4) Conservation of water, plants, wildlife.

(5) Wildlife management areas, foot, bicycle, and/or horse paths.

(6) Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

(7) Buildings lawfully existing prior to the adoption of these provisions and minor alterations that do not increase the floor space of the structure.

C. Special permit uses. The Planning Board may, after a duly advertised public hearing, grant a special permit for a building, structure or use in the floodplain, provided that such building, structure or use is permitted in the underlying zoning district and subject to the following limitations:

(1) No permit shall be issued to fill or excavate in the floodway or to build a new structure or to substantially improve an existing structure in the floodway;

(2) In Zones A and AE, the proposed use, including filling or excavating, when combined with all existing uses, shall not increase the water surface elevation of the one-hundred-year flood more than zero inch at any point. This is to be so certified to the Planning Board by a registered professional engineer upon application for the special permit.

D. Other use regulations.

(1) Within Zones AH and AO on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(2) In zones along watercourses that have a regulatory floodway designated on the Bristol County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) All subdivision proposals shall be designed to minimize flood damage, including that all utilities and facilities shall be located and constructed to minimize or eliminate flood damage and that adequate stormwater drainage controls are provided to reduce exposure to flood hazards and so that there, at a minimum, shall be no increase in stormwater runoff when post-construction conditions are compared to pre-construction conditions, using drainage calculations prepared by a licensed professional engineer.

(4) Existing contour intervals of site and elevations of existing structures shall be included on the plans provided.

(5) There shall be established a "routing procedure" which shall circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector and for comments which shall be considered by the appropriate permitting board prior to issuing applicable permits.

(6) Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than five lots or five acres within unnumbered A Zones.

(7) In all special flood hazard areas it shall be the responsibility of the owner or builder to notify in writing prospective owners of the floodplain designation and the availability of flood insurance.

§ 175-13.5. Notification of watercourse alterations.

In a riverine situation, the Conservation Commission (Conservation Agent) shall notify the following of any alteration or relocation of a watercourse:

A. Adjacent communities.

B. NFIP State Coordinator (or a successor official), Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104.

C. NFIP Program Specialist (or a successor official), Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.

§ 175-13.6. Administration.

Administration of this section shall be in accordance with Article X, § 175-10.8

ARTICLE XIV
Water Resource Protection District

§ 175-14.1. Purpose and scope.

A. Purpose. The Water Resource Protection District is intended to provide protection for the water supply of the Town of Norton from harmful and hazardous pollutants and contaminants by preventing, within the district, the degradation of surface water and groundwater supplies.

B. Scope. The Water Resource 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 to new or expanded uses. Applicable activities or uses in a portion of one of the underlying districts which fall within the Water Resource Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Water Resource Protection District.

§ 175-14.2. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

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

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 geological materials such as topsoil, sand, gravel, metallic ores or bedrock.

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

TOXIC OR HAZARDOUS MATERIALS — Any substance or mixture of physical, chemical, or infectious characteristics posing significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to the land or water of the Town of Norton. 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 (MGL) Chapters 21C and 21E and 310 Code of Massachusetts Regulations.

WATER RESOURCE PROTECTION DISTRICT — The area defined as Zone I, Zone II and Zone III delineated as such on the map titled "Water Resource Protection District" prepared by Dufresne-Henry Inc. and dated April 1996.

ZONE I — The protective radius required around a public water supply well or well field.

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 the 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.

§ 175-14.3. Establishment and delineation.

A Water Resource Protection District is hereby established within the Town of Norton as shown on a map entitled "Water Resource Protection District" prepared by Dufresne-Henry Inc. and dated April 1996, on file in the office of the Town Clerk. Said district is hereby made a part of the Norton Zoning Map adopted April 16, 1974, amended June 26, 1978, et seq.

§ 175-14.4. District boundary disputes.

A. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be determined by the permit granting authority under the procedures set forth in Article X of this bylaw. Any application made under this section shall be accompanied by adequate documentation, certified by a registered professional land surveyor.

B. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should be properly located.

§ 175-14.5. Use regulations.

In the Water Resource Protection District the following regulations shall apply regarding uses:

A. Permitted uses. The following uses are permitted in the Water Resource Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

   (1) Conservation of soil, water, plants, and wildlife;

   (2) Outdoor recreation, nature study, boating (non-petroleum-powered), fishing, and hunting where otherwise legally permitted;

   (3) Foot, bicycle and/or horse paths, and bridges;

   (4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;

   (5) Maintenance, repair, and enlargement of any existing structure, subject to Subsection B (Prohibited uses) and Subsection D (Special permit uses);

   (6) Residential development, subject to Subsection B (Prohibited uses) and Subsection D (Special permit uses);

   (7) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Subsection B (Prohibited uses) and Subsection D (Special permit uses);

(8) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels, underground storage tanks, excepting those designed as water storage tanks, related to these activities are not categorically permitted.

B. Prohibited uses. The following uses are prohibited in the Water Resource Protection District:

(1) Landfills and open dumps as defined in 310 CMR 19.006;

(2) Landfilling of sludge and septage, as defined in 310 CMR 32.05;

(3) Gasoline stations (located outside of Zone III), automobile graveyards and junkyards, as defined in MGL c. 140B, § 1; **[Amended 10-21-2019 FTM by Art. 18]**

(4) Stockpiling and disposal of snow and ice removed from highways and streets located outside of Zone II that contain sodium chloride, chemically treated abrasives or other chemicals used for ice and snow removal;

(5) Treatment of disposal works for nonsanitary wastewaters that are subject to 310 CMR 15.00, except the following:

(a) Replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and

(b) Treatment works approved by the Department designed for treatment of contaminated surface waters.

(6) Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL c. 21C and 310 CMR 30.0000, except the following:

(a) Very small quantity generators as defined under 310 CMR 30.0000;

(b) Household hazardous waste collection centers and events operated pursuant to 310 CMR 30.390;

(c) Waste oil retention facilities required by MGL c. 21, § 52A; and

(d) Treatment works approved by the Department designed in accordance with 314 CMR 2.00 et seq. and other applicable laws and regulations for the treatment of contaminated groundwater or surface waters.

C. Prohibited uses unless certain criteria are met. The following uses are prohibited in the Water Resource Protection District unless certain criteria are met:

(1) Storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

(2) Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(3) Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(4) Storage of animal manure, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(5) Storage of liquid hazardous materials, as defined in MGL c. 21E, and/or liquid petroleum products unless such storage is:

(a) Above ground level; and

(b) On an impervious surface; and

(c) Either: (i) in container(s) or aboveground tank(s) within a building, or (ii) outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline, provided the replacement is performed in a manner consistent with state and local requirements.

(6) The removal of soil, loam, and gravel or any other mineral substances within four feet of the historic high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey) unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark and except for:

(a) Excavations of buildings foundations; or

(b) The installation of utility works; or

(c) Wetland restoration work conducted in accordance with a valid order of conditions, superseding order of conditions, or enforcement order issued pursuant to MGL c. 131, § 40.

(7) Storage of liquid petroleum products of any kind, except in accordance with § 175-14.5D herein, or those incidental to: **[Amended 10-21-2019 FTM by Art. 18]**

(a) Normal household use and outdoor maintenance or the heating of a structure;

(b) Waste oil retention facilities required by MGL c. 21, § 52A;

(c) Emergency generators required by statute, rule or regulation; or

(d) Treatment works approved by the Department designed in accordance with 314 CMR 2.00 et seq. and other applicable laws and regulations for the treatment of contaminated groundwater or surface waters, provided that such storage listed in 310 CMR 22.21(2)(b)7.a through d, is either in

a freestanding covered container above ground level with protection adequate to contain a spill the size of the container's total storage capacity; however, replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline is allowed consistent with state and local requirements.

D. Special permit uses. The following uses and activities are permitted only upon the issuance of a special permit by the special permit granting authority (SPGA) under such conditions as it may require:

(1) Enlargement or alteration of existing uses that do not conform to the Water Resource Protection District.

(2) (Deleted and disapproved by the Attorney General)

(3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation.

(4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, otherwise permitted in the underlying zoning (except as prohibited in under Subsection B). Such activities shall require a special permit to prevent contamination of groundwater or surface water.

(5) The construction of dams or other water-control devices, ponds, pools or other changes in water bodies or watercourses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity and shall conform to the requirements of Subsection C(6).

(6) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater and surface water recharge must be provided which does not degrade groundwater or surface water quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential 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 by the owner.

(7) Gasoline stations including underground storage of liquid petroleum located within Zone III, provided that the special permit granting authority finds that the tanks and piping associated with the use have reasonable and appropriate safeguards and infrastructure which meet the Massachusetts Department of Environmental Protection (MADEP) underground storage tank operational standards to minimize contamination and adverse impacts to ground or surface water. **[Added 10-21-2019 FTM by Art. 18]**

§ 175-14.6. Administration.

A. Special permits. The Norton Planning Board is hereby established as the special

permit granting authority for the purpose of this article.

(1) The applicant shall file 11 copies of a site plan and attachments. The site plan shall be at an appropriate scale as determined by the SPGA and be stamped by a registered professional engineer. All additional submittals shall be attested by qualified registered professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

(a) 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, together with estimated average quantities and maximum storage capacities.

(b) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Local Emergency Planning Commission, Fire Chief, and Board of Health. The plan shall include:

[1] Provisions to protect against the discharges of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures [liquid hazardous materials must comply with the storage requirements of § 175-14.5C(5)];

[2] Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

[3] 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.

(c) Proposed downgradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

(2) The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those found in § 175-14.5 of this bylaw and any regulations or guidelines adopted by the SPGA. The proposed use must:

(a) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection District; and

(b) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

(3) The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the opinion of the SPGA, 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. Enforcement.

(1) 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 continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirements or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Health, Conservation Commission, Planning Board and the Board of Water/ Sewer Commissioners. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

(2) For situations that require remedial action to prevent adverse impact to the water resources within the Water Resource Protection District, the Town of Norton, the Building Inspector, the Board of Health, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Norton, the Building Inspector, the Board of Health, or any of its agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

§ 175-14.7. Special provisions.

A. Where the Water Resource Protection District boundary line divides a lot of record in any underlying residential zoning district, the requirements of the Norton Zoning Bylaw applicable to the less restrictive district shall apply, provided any underground waste disposal system shall be located on the portion of the lot in the less restrictive district.

B. Where the Water Resource Protection District boundary line divides a lot in an underlying Commercial or Industrial Zone, the uses and regulations pertinent to the less restrictive district may be applied to the development of such lot, provided that the subject lot contains sufficient square footage in the less restrictive district which would ordinarily allow development, and further provided that all structures and waste disposal systems are located in that portion of the lot lying in the less restrictive district.

§ 175-14.8. Severability.

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

ARTICLE XV
Site Plan Approval

§ 175-15.1. Purpose.

The purpose of Article XV, Site Plan Approval, is to ensure the impacts of proposed development, whether allowed as a matter of right or by special permit, are in accord with the purposes of the Norton Zoning Bylaw; that proposed development preserves and protects the natural environment; that proposed development adequately provides in its design and layout for the transportation, water supply, drainage, sewerage, open space, recreation and amenity needs of the occupants; that proposed development minimizes, to the maximum extent feasible, any adverse off-site impacts to public facilities and services; and that proposed development is in harmony with the existing neighborhood character and protects against adverse impacts to adjoining landowners.

§ 175-15.2. Compliance.

No building permit shall be issued for, and no person shall undertake, any use, alteration or improvement subject to Article XV, Site Plan Approval, unless an application has been prepared in accordance with the requirements of this article and unless such application has been approved by the Planning Board.

§ 175-15.3. Applicability.

Certain developments, changes in use, reconstruction, alterations or extensions of existing uses or structures shall be subject to site plan approval if they exceed a specific limit in any one of the following categories:

A. Residential use: three or more attached residential units (detached single-family subdivision and one duplex unit are exempt).

B. Nonresidential use: 2,500 or more square feet of floor space (Floor space requirements apply only to nonresidential uses; however, this category includes such uses as nursing homes, assisted-living facilities, hospices, boardinghouses, hotels, tourist homes, etc.) or 10 or more parking spaces.

C. The following shall be subject to site plan approval in the Village Center Core District and supersede § 175-15.3A and B: **[Amended 10-17-2020 STM by Art. 4[6]]**

   (1) All newly proposed or expanded top-of-the-shop housing or multifamily residential use;

   (2) 5,000 or more square feet of floor space;

   (3) Twenty or more parking spaces;

   (4) More than one driveway:

   (5) Any use that requires a special permit;

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6. Editor's Note: This ordinance also provided for the redesignation of former Subsections C through F as Subsections D through G.

(6) In all other cases, the Inspector of Buildings/Building Commissioner and Planning Director must ensure compliance with § 175-15.6 and may still require site plan review by the Planning Board under Article XV if the Inspector of Buildings/Building Commissioner and Planning Director feels existing complexities with the site warrant such action.

D. All drive-through facilities, as defined in Article II, Definitions, shall require site plan approval. This provision shall apply to drive-through facilities with less than 2,500 square feet and/or fewer than 10 parking spaces, which are normally exempt from site plan review.

E. Construction activity, including clearing, grading and excavation, that results in land disturbance greater than or equal to one acre and construction activity that disturbs less than one acre if such activity is part of a larger common plan of development or sale that would disturb one acre or more that drains to the municipal separate storm sewer system. The following activities shall be exempt from regulation under this Subsection D: normal maintenance and improvement of land in agriculture or aquaculture as defined by the Wetlands Protection Act regulations, 310 CMR 10.04; maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling; construction of fencing that will not substantially alter existing terrain or drainage patterns; construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; and those activities as authorized in the Phase II Small MS4 General Permit for Massachusetts that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an order of conditions issued by the Norton Conservation Commission.

F. Large-scale, ground-mounted solar photovoltaic installations.

G. All "Marijuana Establishments;" and MTCs., as defined in Article II, Definitions, shall require site plan approval, including those with less than 2, 500 square feet and/ or less than 10 parking spaces that would otherwise be exempt from site plan review. All site plan applications submitted for Marijuana Establishments and MTCs under this section shall include all documents submitted to the Cannabis Control Commission for state licensing of the Marijuana Establishment or MTC, and the site plan review shall include review of the site plan' s satisfaction of the standards established by the Cannabis Control Commission regulations, 935 CMR 500. 00 et seq., 501. 00 et seg, and 502. 00 et seg as able as well as those submittals and reviews required under the Norton Town Zoning Bylaws. **[Added 5-14-2018 ATM by Art. 22, amended 10-17-2020 STM by Art. 6]**

§ 175-15.4. Application for approval.

Each application for site plan approval shall be submitted to the Planning Board on a form provided by the Planning Board. The applicant shall submit to the Planning Board one copy of the application, eight copies of the proposed site plan and the required fee. The applicant shall also file one copy of the site plan with the following Town departments: Building Inspector, the Police Department, the Fire Department, the Conservation Commission, the Board of Health, the Water/Sewer Commission, Highway Department and such other departments or boards as the Planning Board may

deem appropriate; and receipts of such filing shall be given to the Planning Board. Such agencies may, at their discretion, report to the Planning Board the results of their review of the site plan and may recommend conditions or remedial measure to mitigate the expected impacts of the proposed development.

§ 175-15.5. Fees.

As part of any application for site plan approval, an application fee shall be required to offset directly expenses the Town or Planning Board may incur in the administration and review of the application. The application fee shall be applied to costs associated with the administration of the site plan application and may include, but not be limited to, costs for legal notices, advertising costs, and public hearing costs. For site plans requiring a special permit, the Planning Board is authorized to retain professional planners, registered professional engineers, architects, or landscape architects, or other professional consultants to advise the Board on any aspect of plan review or construction activity. Such costs shall be borne by the applicant. Applicants who require site plan approval and a special permit shall establish a review account at the time the application is filed with the Planning Board. The Planning Board shall establish and may periodically amend a schedule of application fees and review deposits for all applications under this section. No application shall be considered complete unless accompanied by the required application fees and review deposits.

§ 175-15.6. Objectives to be met.

In evaluating and rendering a decision on a proposed development plan which requires site plan approval and/or a special permit, the Planning Board shall consider the degree to which the proposed development achieves the following objectives and may require conditions or modification to the proposed site plan to ensure the objectives are fulfilled:

A. Natural environment:

(1) Minimize tree, vegetation and soil removal; minimize the volume of cut, fill and grade changes; minimize the use of wetlands, steep slopes and floodplains; eliminate or minimize soil erosion and sedimentation by requiring an erosion and sediment control plan to be in place prior to and during construction;

(2) Promote the infiltration and recharge of groundwater and control the volume and rate of stormwater runoff resulting from land disturbance activities by requiring a stormwater management plan which utilizes both structural and nonstructural best management practices (BMPs). When stormwater treatment is required pursuant to the Stormwater Management Bylaw, a stormwater system built in the Village Center Core District shall incorporate best practices to promote their function, beauty, and community gathering spaces including rain gardens, landscaping features, cisterns, permeable pavement, green roofs, and subsurface vaults; **[Amended 10-17-2020 STM by Art. 4]**

(3) Ensure adequate long-term operation and maintenance of stormwater management facilities by requiring inspection during construction and installation and by requiring an operation and maintenance plan;

(4) Require practices to control waste such as discarded building materials,

concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts on water quality;

(5) Minimize obstruction of scenic views from publicly accessible locations.

B. Traffic, parking and pedestrian circulation.

(1) Following project development, the "level of service" (LOS) of any impacted intersections and streets affected by the proposed project shall not be reduced below LOS "C" or the existing LOS, whichever is lower, for local or collector intersections or streets or below LOS "D" or the existing LOS, whichever is lower, for arterial intersections or streets. For the purposes of this standard the following definitions apply:

(a) "Level of service" (LOS) shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

(b) "Impacted" means intersections projected to receive at least 10% of the anticipated average daily or peak-hour traffic generated by the proposed development.

(c) "Local, collector and arterial" streets shall be identified/defined by the Functional Classification System.

(2) Driveways shall be located and designed to discourage the routing of vehicular traffic through residential areas.

(3) Vehicular and pedestrian circulation shall be designed to reduce traffic hazards to pedestrians and vehicles both on and off the site.

(4) Street layouts shall be designed to minimize through traffic movement, excessive vehicular travel and excessive speed.

(5) Ingress and egress points shall be kept to a minimum along major abutting streets. No more than one vehicular driveway per lot is allowed in the Village Center Core District unless a waiver is granted by the Planning Board for more than one driveway. **[Amended 10-17-2020 STM by Art. 4]**

(6) Sufficient off-street parking shall be provided to minimize curb parking.

(7) Sidewalks shall ordinarily be provided along streets used for pedestrian access to schools, parks and shopping and shall be separated from the roadway edge by a vegetated strip of sufficient width to provide for pedestrian safety; sidewalk ramps for handicapped accessibility shall be provided.

(8) Parking areas shall be designed to allow the movement of fire, emergency, and other public service vehicles without requiring excessive backing distances and hazardous turning movements.

(9) To the extent feasible, parking areas shall be located to the side or rear of structures.

(10) Design of parking areas shall minimize the visual impact from adjacent land

uses and public ways by the use of vegetative buffers, berms, screening such as fences or a combination of the above.

(11) Parking areas shall provide visual relief from large areas of unbroken pavement by including landscaped islands with the parking area.

C. Design. The proposed development should be designed to enhance the natural and aesthetic qualities of the Town, conserve the value of land and buildings, and protect and preserve the historic and cultural heritage of the Town. To accomplish these objectives, the following design guidelines shall be observed:

(1) Design along main thoroughfares. Development on the Town's main thoroughfares should maintain the following standards when possible and appropriate:

(a) Buildings. The height and scale of buildings should be compatible with the architectural style and character of the surrounding buildings; architectural details, including signs, materials, colors and textures should enhance and preserve the character of the surrounding area.

(b) Roofline. The design and pitch of the roof should, where practicable, be compatible with characteristics of New England style architecture.

(c) Signs. The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features should not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties.

(d) Windows. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.

(2) Design in the Village Commercial District. Development within the Village Commercial District should preserve and enhance New England village scale and character. To accomplish this objective, the following design guidelines should be observed:

(a) Buildings. Buildings should be placed close to the road and sidewalk to encourage pedestrian traffic; parking areas should be placed to the rear of buildings; long horizontal facades should be avoided by change in the vertical plane; entranceways should be emphasized by use of rooflines, changes in materials, landscape treatments or other architectural elements; franchise architecture with highly contrasting color schemes, nontraditional forms, reflective siding and roof materials should be avoided; drive-through elements should be architecturally incorporated into the building; drive-thorough elements generally should not face the street; the architecture of mixed-use buildings should reflect different use on the upper floors by differences in facade treatment; the material used for additions should complement the materials of the original structure.

(b) Rooflines. The use of mansard and A-frame roofs should be avoided; flat roofs should not be greater in length than 40 feet without a break; plastic

roofing material should not be used; roof colors should be earth tones or a color that is darker than the facade; garish roof colors should not be used; visible roofing materials should complement the color and texture of the building's facade; roof-mounted mechanical equipment should be screened from public view or grouped at the rear of the structure where visibility is limited.

(c) Signs. Simple geometric shapes should be used for signs; signs should be limited to two or three contrasting colors that complement the colors on the building; garish colors should be avoided; carved wooden signs are encouraged; internally illuminated signs should not be whole panels that are lit, thus constituting light fixtures in their own right; lighting fixtures illuminating signs should be located so light is directed only onto the sign facade.

(d) Windows. Commercial buildings should provide an appropriate proportion of the first floor front facade as windows, doors or other treatments sufficiently transparent to provide view to the interior of the building; awnings, if used, should be designed as an integral part of the building facade; metal awnings are discouraged.

(3) Design in the Village Center Core District. The following standards and guidelines are provided so that the Village Center Core District can become a vibrant and walkable destination. Where a standard is required through the use of the words "shall" or must," this standard requires strict compliance. Deviation from any such standard shall require a variance from the Zoning Board of Appeals unless a special permit or waiver for deviating from that standard is granted by the Planning Board. Where a requirement uses the words " should," may," or " could," this requirement is a guideline and compliance with this language is a strong preference for the Town. **[Added 10-17-2020 STM by Art. 4]**

(a) Pedestrian circulation. Where pedestrian walkways are provided:

[1] Pedestrian connections that connect a building entrance to a sidewalk (where the building is set back) or one building to another building shall be designed to be safe, illuminated, broad, and easily identifiable. No building exit shall be located in a manner that impedes automobile egress from the site.

[2] Walkways that cross areas with vehicular traffic shall be designed to clearly show that the space is primarily dedicated to pedestrian traffic. Design elements could include raised or alternative surfaces, signage, rectangular rapid flashing beacon or raised landscaped islands that serve as a safe resting area for pedestrians between automobile travel lanes.

[3] Where sidewalks or other pedestrian or bicycleways intersect with automobile driveways or lanes, distinct surfaces with durable, decorative alternatives to conventional pavement shall be used to connect sidewalks or bike lanes across the automobile lane.

[4] Bicycle parking shall be provided at a minimum of 0.30 space per 1,000 square feet of floor area of nonresidential space and one space per residential unit.

[5] Outdoor seating such as dining areas, plazas, benches and seats may be required and shall be visible from the primary frontage.

(b) Property frontage.

[1] Newly constructed frontage buildings shall be located in a manner that facilitates pedestrian and bicycle access along and across the frontage area of that property.

[2] Parking or travel lanes shall not be located in the frontage area except where access driveways are approved by the Planning Board, or its designee.

[3] Bollards, short decorative walls, or similar features shall be used to separate parking spaces from adjacent pedestrian walkways and gathering places such as outdoor dining areas, plazas, benches or seats.

[4] Street trees shall be spaced along the sidewalk at an average frequency of one tree every 30 feet.

[5] Landscape features such as planters, rain gardens or similar shall be placed in the frontage area.

(c) Lighting. In addition to the requirements under Article XX, the following standards and guidelines apply:

[1] Lighting for streets, parking areas, and civic/gathering spaces must be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown. Where decorative street lighting is already installed, the design of proposed lighting standards and fixtures shall be consistent with or complementary to said lighting.

[2] Light poles and fixtures shall not exceed 16 feet in height. Height is measured from the base of the standard to the highest point of the structure. Structural features used to anchor light standards (e.g., concrete pilings) are not counted toward the maximum height but shall not protrude more than six inches from the ground.

[3] All exterior lights on private property and sign illumination shall be designed, located, installed, and directed in such a manner as to minimize light trespass onto adjacent properties unless such trespass is intentional and meets the purposes of this district and in no case shall the intensity of illumination exceed 0.1 vertical footcandle where there is an adjoining residential zoning district.

[4] Lighting fixtures for building security or display purposes shall be top downward (not upward or sideways), and full cut off or fully

shielded/recessed. Lighting may be directed upwards as part of a landscaping scheme used to highlight important features including, but not limited to: steps, walkways, art installations, and the edge of buildings.

(d) Building fForm. The following standards and guidelines apply to proposed new buildings. In addition to any other application submittal requirements, the applicant shall submit architectural elevations that are annotated to explain how these standards and guidelines are being met.

[1] Multistory buildings shall clearly articulate the base, middle (where applicable), and top of the building using cornices, borders of distinct material, or other articulating features on every visible surface of the building.

[2] In new nonresidential or mixed-use construction, ground floors should be a minimum of 11 feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.

[3] Buildings with facades longer than 40 feet shall articulate the facade with features common to traditional New England architecture that create visual interest. Features could include varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances, and any other features that serve to add texture to these longer facades.

(e) Building entranceways.

[1] All buildings shall have a principal facade and entry (with operable doors) facing the property frontage. Buildings may have more than one principal facade and/or entry. Primary entrances not facing the property frontage should open onto sidewalks or other designated pedestrian areas that are at least 10 feet in width.

[2] Main entrances shall incorporate architectural and/or sidewalk features that draw attention to the entrance. These features could include covered porches, distinct sidewalk surfacing, porticos, planters, landscaping, recessed doorways, and awnings.

(f) Signage. In addition to the requirements under Article VIII, the following standards and guidelines apply:

[1] Wall-mounted or -projected signs should be located above the ground floor storefront and just below the second-floor windows where applicable. Signs should not obscure architectural features or windows and should be integrated with the design of the building.

[2] Sign colors should be selected to enhance sign legibility for both day and nighttime viewing. Contrasting colors can be used effectively to increase clarity, especially for letters and numbers. Sign colors and finishes should be compatible with the color of the building or development.

[3] Sign materials should be of high quality and compatible with the design of the building and facade on which they are placed.

[4] Externally illuminating signs should have downward-directed, wall-mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.

[5] Internally illuminated plastic or fiberglass cabinet ("can") signs are prohibited. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) are a preferred alternative.

[6] Signage on awnings is permitted only on the apron portion of the awning.

[7] Freestanding signs with clearance above the ground of more than two feet above grade are not allowed. Freestanding monument or structured signs are preferred. Freestanding signs shall not be taller than five feet above grade and should incorporate design details, materials, and colors of the associated buildings. The base or support elements of freestanding signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

(g) Parking report. Site plan review applications, special permit applications or applications under § 175-15.3C(6) in the Village Center Core District shall be accompanied by a parking report that demonstrates reasonable access to parking spaces on site and/or off site. Site plan applications in the Village Center Core District are not subject to the off-street parking requirements of §§ 175-7.4 and 175-7.6 and is, instead, subject to approval by the Planning Board or its designee. The parking report shall include:

[1] Size and type of all existing and proposed uses or activities on the property.

[2] Proposed number of parking spaces on site.

[3] Proposed total number of parking spaces including on-site and off-site.

[4] Parking demand, including peak demand, shall include a calculation of the on-site uses as determined by the most recent estimates provided by the Institute of Transportation Engineers (ITE).

[5] Feasibility of shared parking among uses on site, if applicable, based on peak demands for on-site use occurring at different times of the day and on different days of the week.

[6] Availability of alternative methods of travel to the site, including public transportation, bike and pedestrian access.

[7] Ability, if necessary and applicable to obtain a long-term lease/long-term binding parking agreement of off-site spaces. Parking for

business and commercial uses may be located off site provided the following criteria are met:

[a] The off-site parking is located within 800 feet of the subject site.

[b] There is safe and adequate pedestrian access between the off-site parking and the subject site.

[c] Any proposed on-site parking shall include spaces for people with disabilities.

[d] Where proposed parking is located off site, a binding parking agreement shall be submitted to the Town as part of the parking report.

[8] Parking associated with residential uses must be on site. Off-site parking for residential uses requires a special permit granted by the Planning Board.

[9] Narrative explanation of how the demand analysis and proposed strategies justify the proposed total number of parking spaces.

D. Landscaping.

(1) Use of existing woodlands or properly vegetated and maintained landscaping should be used in buffer zones to reduce visual or noise impacts on abutting properties.

(2) Appropriate transition and screening shall protect against diminution of property values due to adjacent commercial construction, or a change in incompatible land uses. Exposed machinery, utility structures, areas for parking, loading, storage, service and disposal should be screened from adjoining properties and streets.

(3) Landscaping should be used to separate and screen incompatible land to reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, the intrusion from artificial light, including the ambient glow therefrom, signs, or the view of unsightly buildings and parking lots.

§ 175-15.7. Submission requirements.

A. Development plans submitted for site plan approval shall be prepared by a registered architect, registered landscape architect, or registered professional engineer. The Planning Board may by majority vote waive the requirements of a professionally prepared plan and, by majority vote, may waive any of the information required in § 175-15.7 when, in the opinion of the Planning Board, it is appropriate. Such waiver(s) shall be issued in writing with supporting reasons. Copies of the development plan shall be submitted at a scale of one inch equals 20 feet, or such scale as may be approved by the Planning Board and shall contain the following information:

(1) Developer's name, address, telephone number; property owner name, address,

telephone number; Assessor's map and parcel numbers; Registry of Deeds book and page numbers.

(2) A locus plan at a scale of one inch equals 400 feet; the location and boundaries of the lot; the location and owner names of all adjacent property; adjacent streets or ways; zoning and overlay districts.

(3) Existing and proposed topography, including contours, general soil types, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural land features.

(4) An erosion and sediment control plan which shall describe the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, and proposed erosion and sedimentation controls to include, at a minimum, the following:

(a) Location, description and implementation schedule for temporary and permanent seeding, cut and fill plan, vegetative controls and other stabilization measures;

(b) A description of construction and waste material expected to be stored on site as well as measures that will be taken to reduce exposure of such materials to rain and stormwater runoff.

(5) A stormwater management plan which shall meet the standards of the Massachusetts Stormwater Policy, as currently in effect and as may be hereafter amended.

(6) An operation and maintenance plan which shall contain, at a minimum, the following information:

(a) Stormwater management system(s) owner(s);

(b) The party or parties responsible for operation and maintenance;

(c) A schedule for inspection and maintenance;

(d) The routine and nonroutine maintenance tasks to be undertaken;

(e) Snow storage area and deicing method;

(f) A list of easements necessary for inspection, operation, and maintenance of the stormwater management system components, with the purpose and location of each.

(7) Existing and proposed structures, including dimensions and elevations.

(8) The location of parking and loading areas, driveways, curbs, gutters, curb cuts, walkways and access and egress points.

(9) The location and a description of all proposed septic, water supply, storm drainage, utility and waste disposal systems.

(10) Proposed landscaping plan, including size and type of plantings and any proposed screening or fencing.

(11) The location, dimension, height and characteristics of proposed signs.

(12) The location and description of proposed open space or recreation areas.

(13) The location of all outdoor lights, height of each light, type of fixture (manufacturer's name and catalog number), type of bulb with lumen rating (e.g., incandescent, fluorescent, sodium), direction of illumination and hours of operation. The Planning Board reserves the right to require the submission of a photometric plan.

B. The Planning Board may adopt, and periodically amend, rules and regulations relating to the form and content of the erosion and sediment control plan, stormwater management plan and operations and maintenance plan and other plans and materials to be submitted under the requirements of this section.

§ 175-15.8. Decision.

The Planning Board shall review site plans and shall file a decision with the Town Clerk within 60 days of the date such application was filed with the Town Clerk, unless a written request for an extension has been received and granted by the Planning Board. Site plans which require a special permit shall be governed in accordance with the requirements of MGL c. 40A, § 9, Special Permits.

A. Approval.

(1) The Planning Board shall approve an application based on its review of the projected development impacts and the proposed methods of mitigating such impacts upon a finding that the proposed development is in conformance with this bylaw. The Planning Board may impose conditions on a site plan, which, although in proper form, depicts a use or structure that fails to comply with the objectives required by this bylaw and when, in the opinion of the Planning Board, such conditions will render the site plan in compliance with the objectives of this bylaw. Such conditions may include, among other matters and subjects, the following:

(a) Controls on the location and type of access to the site.

(b) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development.

(c) Requirements for securing the performance of all proposed work, including proposed off-site improvements, by deposit with the Town's Treasurer of a performance bond, negotiable security, cash, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval.

(d) Conditions to minimize off-site impacts on traffic and environmental quality during construction.

(e) Requirements for screening parking facilities from adjoining premises or

from the street by walls, fences, plantings, or other devices to mitigate adverse impacts.

(f) Conditions to mitigate adverse impacts to the neighborhood and abutters, including but not limited to adverse impacts cause by noise, dust, fumes, odors, lighting, headlight glare, hours of operation.

(2) Development work shall conform fully to the approved site plan, associated conditions, limitations and safeguards. Any proposed changes to the approve site plan must be submitted for review by the Planning Board before such change is made. The Planning Board may authorize a change if it is deemed a minor change; changes deemed major shall require resubmission of an application. An order of conditions under MGL c. 131, § 40, which imposes conditions inconsistent with an approved site plan shall require a revision of the site plan. The final approved site plan shall be valid for two years from the date the decision is filed with the Town Clerk. Failure to actively begin construction within that time period and proceed continuously to completion, except for good cause to be determined by the Planning Board, shall require a new submittal.

B. Disapproval. The Planning Board may reject a site plan that fails to furnish the information required by this section of the bylaw. The Planning Board may reject a site plan only if the subject plan depicts a use or structure that does not conform to the permissible requirements of this bylaw.

§ 175-15.9. Implementation of site plan.

The site plan, as approved, shall be completed prior to issuance of a certificate of occupancy. At the applicant's request, the Building Inspector may allow the applicant to occupy the building(s) prior to completion of the site plan, provided all requirements of the Building Code are met. In such case, the Building Inspector, after consultation with the Planning Board, shall require the applicant to post surety, in the form of cash or, at the discretion of the Planning Board, a letter of credit in a form acceptable to the Planning Board, in an amount sufficient to ensure completion of the site plan and shall, after consultation with the Planning Board and Town Counsel, require the applicant to execute a surety agreement which shall specify a date of completion. Surety shall be held by the Town until the site plan is fully and satisfactorily completed. In the event the site plan is not completed prior to the agreed date of completion, the surety shall be made available to the Town to ensure completion of the site plan.

§ 175-15.10. Administration.

The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this article. The Planning Board shall be responsible for deciding the meaning or intent of any provision of this article which may be unclear or in dispute.

§ 175-15.11. Right of entry.

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board or its agent may enter upon privately owned

property for the purpose of performing their duties under this bylaw and may make such inspection as the Planning Board or its agent deems reasonably necessary to determine compliance with the approved site plan or special permit.

§ 175-15.12. Appeals.

Any person aggrieved by a decision of the Planning Board with regard to site plan review may appeal such decision to a court having jurisdiction in accordance with MGL c. 40A, § 17.

§ 175-15.13. Severability.

The invalidity of one or more provisions or clause of this article shall not invalidate or impair the article as a whole or any other part hereof.

ARTICLE XVI
House Numbers

§ 175-16.1. Numbers required; location; posting.

All buildings on or near the line of public or private ways within the Town shall be numbered by the Fire Department; said numbers to be not less than three inches in height to be placed upon the building or appurtenances thereto by the owner or occupant thereto and to be so placed as to be visible from the street or way.

§ 175-16.2. Violations and penalties.

Failure to affix said numbers as required within 60 days after written notice from the Building Inspector shall constitute a violation of this bylaw subject to a fine pursuant to Article XI of the Norton Zoning Bylaw.

ARTICLE XVII
Wireless Communications Facilities

§ 175-17.1. Purpose.

This regulation is designed to provide guidance for the installation of towers, antennas, and other communication structures for all types of wireless communication within the Town. This regulation establishes standards to protect the interests of the general public, provide for public safety, and minimize visual and environmental impacts on the Town.

§ 175-17.2. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

AG — Aboveground elevation at base of mounting structure.

ANTENNA — A device attached to any structure for the purpose of transmitting or receiving wireless communication.

ART — Above rooftop of supporting building, including any penthouse, parapet or other similar structure extending above the rooftop.

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.

SPGA — Special permit granting authority.

TOWER — Any structure to which an antenna may be attached for the purpose of transmitting or receiving wireless communications, including lattice or monopole towers, water towers and church steeples.

WIRELESS COMMUNICATIONS FACILITY (WCF) — Any structure or device that is used for the express purpose of conducting wireless communication, including, but not limited to, antennas, monopoles, satellite dishes over one meter in diameter, or other such equipment for transferring wireless transmissions, with or without a building to house and/or maintain such equipment.

§ 175-17.3. General requirements.

A. No wireless communication facility (WCF), which shall include, but not be limited to, monopoles, satellite dishes over one meter in diameter and antennas, shall be erected or installed except in compliance with the provision of this bylaw:

   (1) No freestanding monopole with associated antenna and panels shall be erected or installed, nor shall any such monopole be extended in height, or replaced, nor shall an addition of cells, antennas or panels be made to such freestanding monopole without a special permit from the Norton Planning Board.

   (2) No WCF located on an existing structure other than a freestanding monopole shall hereafter be erected, installed or enlarged, including any increase in height, except in conformity with an endorsed site plan from the Norton Planning Board.

B. Conditions.

(1) To the extent feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) as is technically practicable.

(2) New wireless communication facilities may be approved upon a finding by the SPGA that existing facilities or facilities under construction cannot accommodate the wireless communications equipment planned for any proposed facility.

(3) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(4) All wireless communications facilities shall minimize, to the extent feasible, adverse visual effects on the environment. The SPGA may impose reasonable conditions to ensure this result, including painting and lighting standards.

(5) Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.

(6) Applicants proposing to erect a wireless communications facility on municipally owned land or structures shall provide evidence of contractual authorization by the Board of Selectmen to conduct wireless communication services on municipally owned properties prior to issuance of a building permit.

(7) Only freestanding monopoles, with associated antennas and/or panels, are allowed. Monopoles shall not be located on buildings. The SPGA shall not grant a special permit for lattice towers and similar facilities requiring three or more legs and/or guy wires for support.

(8) WCF shall not be located in wetlands. Locating of WCF in wetland buffer areas shall be avoided whenever possible, and disturbance to wetland buffer areas shall be minimized.

(9) No hazardous waste shall be discharged on the site of the WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

(10) Ground-mounted equipment for WCF shall not generate noise in excess of 50 dB at the line. Roof-mounted or side-mounted equipment for WCF shall not generate noise in excess of 50 dB at ground level at the base of the building closest to the antenna.

C. Maintenance. The landowner of record shall be responsible for ongoing proper maintenance of the wireless communication facility. Verification of maintenance and structural integrity shall be required at the request of the Building Inspector by a certified structural engineer on a biannual basis.

D. Removal.

(1) Any wireless communication facility shall be removed within three months of abandonment or discontinuation of use. At such time that a licensed carrier plans to abandon or discontinue a WCF, such carrier will notify the Town by certified mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. If a carrier fails to remove a WCF within three months of abandonment or discontinuation of use, the Town shall have the authority to enter the subject property and physically remove the facility. "Physically remove" shall include, but not be limited to, the following:

(a) Removal of antennas, mount, equipment shelters and security barriers from the subject property;

(b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;

(c) Restoring the location of the WCF to its natural condition, except that any landscaping and grading shall remain in the "after" condition.

(2) If a carrier fails to remove a WCF in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The Planning Board may require the applicant to post a bond at the time of construction to cover costs for the removal of the WCF in the event the Town must remove the facility.

E. Exemptions. The following types of wireless communication facilities are exempt from the special permit requirement of this bylaw and may be constructed, erected, installed, placed and/or used within the Town, subject to the issuance of a building permit by the Building Inspector:

(1) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that:

(a) The tower is not used or licensed for any commercial purpose.

(b) (Deleted and disapproved)

(c) If the tower is a freestanding device, such a device may be installed in the rear yard only.

(d) (Deleted and disapproved)

(2) Towers used for the purposes set forth in MGL c. 40A, § 3.

(3) Wireless communication facilities such as antennas and panels installed on other structures, provided that such wireless communication facilities, including support, are:

(a) Finished in a manner designed to be aesthetically consistent with the exterior finish of such structure;

(b) Mounted in such a manner so that they do not obscure any window or other exterior architectural feature and extend above the highest point of

the roof by more than 25 feet;

(c) Comprised of devices which do not individually or in the aggregate have a front surface facing surrounding streets and adjacent properties that exceeds 50 square feet in area.

F. All applications for a building permit shall include color photographs of the existing structure to which the WCF will be attached and a color photograph or rendition illustrating the WCF.

§ 175-17.4. Dimensional requirements.

A. Wireless communication facilities shall comply with the dimensional requirements applicable to structures for the district in which they are located; provided, however, that the height and setback limitations for wireless communication facilities shall supersede any limitations for the district.

B. Height requirement.

(1) The SPGA shall limit the tower height to the minimum height necessary to accommodate the transmitter and receiver for the purpose of service.

(2) Any building-mounted wireless communication facilities shall not exceed 25 feet ART, and the total height from ground level to top of the facility shall not exceed 125 feet AG.

(3) Any freestanding WCF shall not exceed 125 feet AG.

C. Setback requirements.

(1) Any building-mounted WCF shall conform to setback requirements as set forth in § 175-6.2 of the bylaw.

(2) The setback of a freestanding WCF from a residential structure or property line of the lot on which it is located shall be at least equal to the height of the structure plus 20 feet. The setback of any such facility shall be a minimum of 300 feet from a residential lot line.

D. Except for the replacement of an existing WCF, the SPGA shall not grant a special permit for a WCF in residential zones.

§ 175-17.5. Application procedures.

All persons desiring to erect or modify a WCF shall apply for a special permit or site plan review in accordance with this bylaw:

A. No application shall be accepted or acted upon until all the required information as set forth in the bylaw is provided by the applicant and all required fees are paid.

B. All applications for either a special permit or site plan review shall include the following:

(1) A locus plan at a scale of one inch equals 40 feet for each proposed communications structure, showing setbacks of the wireless communication

facilities from surrounding lot lines and indicating buildings, if any, and colors, landscape, lighting, and fencing, and all residential districts within 300 feet of the facility.

(2) Certification by a professional engineer that Federal Communications Commission (FCC), Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission, Massachusetts Department of Public Health and the American National Standards Institute (ANSI) standards, insofar as they are applicable, have been met.

(3) Specifications for construction, lighting and wiring in accordance with state building codes, including a description of the capacity of the WCF, including the number and types of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

(4) A statement of the services to be supported by the proposed communications structure.

(5) Evidence, if applicant is the sole user of a structure, that all reasonable means of co-location for multiple use of antennas elsewhere have been exhausted.

(6) Assessor's plan showing proposed locus.

(7) A completed application form.

C. Fees for permits shall be established and amended from time to time by the Board of Selectmen.

D. The owner of the WCF shall provide to the Town a certificate of insurance on a commercial general liability (CGL) form. The CGL insurance must be on an occurrence basis and at a limit as established and as may be amended from time to time by the Town.

§ 175-17.6. Design requirements for special permits.

The following guidelines shall be used when preparing plans for the siting and construction of all WCF requiring either a special permit or site plan approval:

A. Any facility shall be designed to be constructed to accommodate its anticipated and future use and shall be designed to accommodate the maximum number of users technologically practicable. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

B. All WCFs shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of the Town shall be as limited as possible. All monopoles and dishes shall be painted or otherwise colored so as to blend in with the landscape or the structure on which they are located. A different color scheme shall be used to blend the structure with the landscape below and above the tree or building line.

C. Satellite dishes and/or antennas shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Freestanding dishes or antennas shall be located on the landscape in such a manner

as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

D. Fencing shall be provided to control access to WCFs and shall be compatible with the character of the district.

E. There shall be no signs, except for announcement signs, "No Trespassing" signs and a required sign giving the telephone number where the owner may be reached on a twenty-four-hour basis. All signs shall conform with the Sign Bylaw.

F. Lighting shall be limited to that needed for emergencies and/or as required by the FAA, local, state or federal authorities, and shall be directed in such a way as to minimize glare and cause the least amount of interference with and light spillover onto neighboring properties.

G. There shall be a minimum of one parking space for each 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.

H. Accessory uses shall be limited to one structure per use per WCF, but shall not exceed six structures per WCF. If more than one use, the accessory building shall be connected by a common wall. Each structure shall not exceed 400 square feet in size and 10 feet in height and shall be designed to architecturally blend in with the surrounding buildings or structure.

§ 175-17.7. Permit to construct.

Upon receipt of a special permit from the SPGA, an applicant shall apply to the Building Inspector for a permit to construct a WCF and shall provide written evidence that all pre-construction conditions as may be part of the special permit decision have been satisfied.

ARTICLE XVIII
Landscaping

§ 175-18.1. Purpose.

The purpose of Article XVIII is to protect the health, safety and welfare of the public by ensuring that certain developments provide adequate landscaping. Proper landscaping helps to reduce and mitigate the impact of erosion, stormwater runoff, noise, and light and air pollution. Landscaping, by mitigating the impact of heat and wind, can improve the micro-climate of parking lots and help conserve energy in adjacent buildings. Finally, proper landscaping not only provides buffers between potentially incompatible land uses but also will enhance and preserve the visual character of Norton.

§ 175-18.2. Applicability; waivers.

A landscape plan shall be submitted for all projects subject to site plan review. For residential projects containing 10 or more attached units and for nonresidential projects which contain 10,000 or more square feet or requiring 25 or more parking spaces, the landscape plan shall be prepared by a registered landscape architect. The Planning Board may, by majority vote, waive any of the requirements of this article.

§ 175-18.3. Landscape plan submission requirements.

The landscape plan shall include the following information:

A. Proposed project and parking layout plan;

B. Location, general type and quality of existing vegetation, including specimen trees;

C. Existing vegetation to be preserved;

D. Mitigation measures employed for protecting existing vegetation during construction and a sediment control plan;

E. Locations and labels for all proposed plants;

F. Plant lists or schedule with the botanical and common name, quantity and spacing and size of all proposed landscape material at the time of plantings;

G. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.

§ 175-18.4. Installation procedures.

The landscape contractor shall furnish and install and/or dig, ball, burlap, and transplant all plant materials listed on the plant schedule. Bare-root is typically not permitted for any tree. The landscape contractor shall excavate all plant pits, vine pits, hedge trenches, and shrub beds as follows:

A. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow 1/8 of the ball to be above the existing grade. Plants shall rest on undisturbed existing soil or well-compacted backfill. On every side the tree

pit must be a minimum of nine inches larger than the ball of the tree.

B. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground covers and vines shall be cultivated to at least 12 inches in depth.

C. All trenches and shrub beds shall be edged and cultivated to the lines shown on the drawing. The areas around isolated plants shall be edged and cultivated to the full diameter of the pit. Sod that has been removed and stacked shall be used to trim the edges of all excavated areas to the neat lines of the plant pit saucers, the edges of shrub areas, hedge trenches, and vine pockets.

D. After cultivation, all plant materials shall be mulched with a layer between two inches and three inches deep of tan bark, peat moss, or another material over the entire area of the bed or saucer.

§ 175-18.5. Landscape standards.

Landscape plans shall provide for a mix of evergreen, ornamental, shade trees, and shrubs. Fences, berms, and other structural features may also be used in a landscaping plan; however, earth berms shall only be used in conjunction with vegetative plantings. Efforts should be made to protect existing high-quality vegetation during construction. Factors to be considered include the size, age, condition, habitat, or historical significance of the vegetation. Trees to be preserved shall be selected early in the project planning process prior to establishing the site layout. Site grading should be minimized in those areas to prevent damage to the preserved trees. Preservation of existing large trees can be used to reduce new planting required by this article.

A. Buffer area requirements. Landscape buffer strips shall be provided separating all buildings, parking areas, vehicular circulation facilities or similar improvements from the right-of-way line of any public street. The depth of such buffer strips shall be 1/3 of the distance between the street right-of-way and any building line but shall not be less than 10 feet in depth and need not exceed 50 feet in depth. Sidewalks may be considered in the calculation of the buffer depth. Buffer strips shall contain at least one tree per 30 linear feet of street frontage or portion thereof and shall contain at least three shrubs per 100 square feet of buffer area. Buffer strips separating parking areas from the street right-of-way along Route 123 and Mansfield Avenue (Route 140) shall contain at least a three-foot-high evergreen hedge, berm, wall or fence along the entire street frontage of the parking lot.

B. Plant material required. Landscape buffer strip(s) shall contain at least one tree per 30 linear feet of street frontage or portion thereof and shall contain at least three shrubs per 100 square feet of buffer area.

C. Quality of plant material. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown.

D. Size of plant material. Plantings shall conform to the following minimal standards:

(1) Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in

diameter and larger.

(2) Minimum branching height for all shade trees shall be six feet.

(3) Minimum size for shade trees shall be between 2 1/2 inches and three inches in diameter and 12 feet to 14 feet in height.

(4) Minimum size for evergreen trees shall be six feet in height.

(5) Minimum size for shrubs shall be three feet in height.

(6) Berms shall be at least three feet high and shall have a minimum two-to-one side slope.

§ 175-18.6. Parking lots.

A. Frontage landscaping requirements: See requirements in § 175-18.5A.

B. Perimeter and interior landscaping. On at least three sides of the perimeter of an outdoor parking lot for 20 or more cars, there shall be planted at least one canopy-forming, deciduous tree every 30 linear feet. In the interior part of an outdoor parking lot where two rows of parking spaces containing a total of 10 or more parking spaces face each other, a landscaped open space separated from the parking area by a suitable curb with at least four inches vertical and not less than six feet in width shall be provided. The landscaped strip may be provided either: 1) between the rows of parking spaces parallel to the aisle; or 2) in two or more strips parallel to the spaces and extending from the aisle serving one row of spaces to the aisle serving the other row of spaces shall contain at least one tree per 30 linear feet. Trees required by this section shall be canopy-forming, deciduous trees at least 2.5 inches in diameter at a height of four feet above the ground at time of planting and shall be of a species characterized by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy this section.

C. Sight distance. In order to provide an unobstructed sight distance for motorists, there shall be a triangle which is at least 10 feet on two sides of the intersection of a street with a driveway or an interior drive that shall be clear of visual obstructions. The triangle shall be measured from the point of intersection of the street with the driveway or interior drive for a distance of at least 10 feet along the street line; along the side line of the driveway or interior drive for a distance of at least 10 feet; and by a third line connecting these two points. Within this triangle so described, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision for motorists between a height of three feet and eight feet above the grade of the center lines of the street and the driveway or interior drive.

§ 175-18.7. Maintenance of landscaped buffers.

To ensure the implementation and long-term maintenance of landscaping plans and requirements, the Planning Board may require one or more of the following:

A. A two-year guarantee on all new plant material. If any required tree or shrub dies within this period of time, it shall be replaced.

B. The developer to post surety in the form of either cash or a performance/ maintenance bond conditioned upon satisfactory implementation of the landscape plan.

ARTICLE XIX
Affordable Housing

§ 175-19.1. Purpose and intent.

The purpose of this bylaw is to provide housing in the Town of Norton that is affordable to low- or moderate-income households. It is intended that the affordable housing units that result from this bylaw shall qualify as local initiative units (LIP) in compliance with the requirements for the same as specified by the Department of Community Affairs, Department of Housing and Community Development and that said units count toward the Town's requirements under MGL c. 40B, §§ 20 through 23.

§ 175-19.2. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING UNIT — A dwelling unit available at an annual cost of no more than 30% of gross household income of households at or below 80% of the Boston MSA median income as reported by the U.S. Department of Housing and Urban Development, including units listed under MGL c. 40B, §§ 20 through 23 and/or the Commonwealth's Local Initiative Program (LIP).

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT — An individual or family with household income that does not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

§ 175-19.3. Applicability.

A. Division of land. This bylaw shall apply to the division of land held in single ownership as of October 8, 2003, or anytime thereafter, into six or more lots, whether such lots are created at one time or cumulatively from said land held in single ownership, and shall require a special permit. A special permit shall be required for land divisions under MGL c. 40A, § 9, as well as for "conventional" or "grid" divisions allowed by MGL c. 41, §§ 81L and 81U, including those divisions of land that do not require subdivision approval. The Norton Planning Board shall be the special permit granting authority (SPGA) for all special permits under this bylaw.

B. Multiple units. This bylaw shall apply to the construction of six or more multifamily dwelling units, whether on one or more contiguous parcels, in existence as of October 8, 2003, and shall require a special permit.

§ 175-19.4. Affordable units required.

The Planning Board shall, as a condition of approval of any division of land or construction of multiple units referred to in § 175-19.3 above, require that the applicant for approval of a special permit comply with the obligation to provide affordable housing pursuant to this bylaw and more fully described in § 175-19.5 below.

§ 175-19.5. Provision of affordable units.

A. The Planning Board shall deny any application for a special permit for division of land or construction of multiple units under this bylaw if the applicant does not comply, at a minimum, with the following requirements for affordable units.

B. At least 10% of the lots in a division of land or units in a multiple-unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number such that a development proposing six dwelling units shall require one affordable unit, a development proposing 11 dwelling units shall require two affordable units and so on:

(1) The affordable units shall be constructed or rehabilitated on the subject property.

(2) The affordable units shall be constructed or rehabilitated on a property different than the property subject to the special permit.

(3) The applicant shall make an equivalent fees-in-lieu-of-payment (see § 175-19.10).

(4) The applicant may offer, and the Planning Board, after consultation with the Board of Selectmen, may accept, donations of land in fee simple, on- or off-site, that the Planning Board 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 Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

(5) The applicant may offer, and the Planning Board may accept, any combination of the § 175-19.5 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 the bylaw.

§ 175-19.6. Standards for affordable units.

A. 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, than the market-rate units.

B. Minimum design and construction standards for affordable units. Affordable units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units. Interior features of affordable units shall comply in all respects with the minimum design and construction standards set forth in the Local Initiative Guidelines by the Department of Housing and Community Development, July 1996, as amended.

C. 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 Units %	Affordable Housing Units %
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.

§ 175-19.7. Local preference.

The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen.

§ 175-19.8. Marketing plan for affordable units.

Applicants under this bylaw shall submit a marketing plan or other method approved by the SPGA, which describes how the units will be marketed to potential homebuyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The plan shall be in conformance with DHCD rules and regulations.

§ 175-19.9. Provision of affordable units off-site.

Subject to the approval of the SPGA, an applicant subject to this bylaw may develop, construct or otherwise provide affordable housing units equivalent to those required by § 175-19.5 off-site. All requirements of this bylaw that apply to on-site provision of affordable units shall 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 PGA as an integral element of the special permit review and approval process.

§ 175-19.10. Provision of fees in lieu of affordable units.

As an alternative to the requirements of § 175-19.6, and as allowed by law, an applicant may contribute a fee or land to a Norton Housing Trust Fund, established for the purpose of this bylaw, to be used for the development of affordable housing in lieu of constructing affordable housing on-site or providing affordable units off-site.

A. Calculation of fees-in-lieu-of units. The applicant for development subject to this bylaw may pay fees in lieu of the construction or provision of affordable units. For the purpose of this bylaw, the fee in lieu of construction or provision of affordable units is determined to be $200,000 per unit. For example, if the applicant is required to construct two affordable income units, the applicant may, at its option, pay

$400,000 in lieu of construction or provision of such units.

B. Schedule of fees-in-lieu-of payments. Fee-in-lieu-of payments shall be made according to the schedule set forth in § 175-19.6C above.

§ 175-19.11. Maximum income and selling price at initial sale.

A. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state tax returns for the household and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within 30 days following transfer of title, to the Norton Local Housing Partnership, that his/her annual household income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development and, as such, may be revised from time to time.

B. The maximum price or rent of the affordable units created under this bylaw is established by the Commonwealth's Department of Housing and Community Development and, as such, may be revised from time to time.

§ 175-19.12. Preservation of affordability; restrictions on resale.

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 deed restriction on the property acceptable to DHCD, recorded in the Bristol County Northern Registry of Deeds and shall be in force for a period of 99 years or as long a period as is lawful, whichever is greater.

A. Resale price. Sales beyond the initial sale to a qualified purchaser shall not exceed the maximum sale price as determined by the DHCD for affordability within the Town of Norton at the time of resale.

B. 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, granting, among other things, the Town of Norton's right of first refusal for a period of not less than 180 days to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

C. Renting. The Planning Board shall require, as a condition for grant of the special permit under this bylaw, that the deeds to the affordable housing units contain a restriction requiring that any subsequent renting or leasing of said affordable housing unit(s) shall not exceed the maximum rental price as determined by the DHCD for affordability within the Town of Norton.

D. The Planning Board shall require, as a condition for grant of the special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions of affordability. The Building Inspector shall not issue any building permit for any unit(s) until the special permit and deed restriction are recorded at the Bristol County Northern Registry of Deeds or the Land Court.

§ 175-19.13. Density increase for affordable housing.

The Planning Board is authorized, by grant of a special permit, to allow an increase in density of up to three times the density allowed under the conventional provisions of the Zoning Bylaw for a project located in the following zoning districts: R-80, R-60, R-40, Village Commercial and Commercial if the project contains the following minimum dry acreage: in the R-80 District, no less than 10 acres; in the R-60 District, no less than 7.5 acres; in the R-40 District, no less than five acres. A project approved under this section shall provide 30% or more of the proposed housing units as affordable housing units, either for sale or rental. The Planning Board may waive the requirements for lot size and lot line setbacks to accommodate the approved density and shall specify in its approval of the special permit the lot size, setback requirements it deems appropriate. Projects approved under the provision of this section shall be subject to all other appropriate provisions of Article XIX, Affordable Housing, and shall be subject to the provisions of Article XV, Site Plan Approval.

ARTICLE XX
Lighting

§ 175-20.1. Findings and purpose.

Appropriately designed outdoor lighting benefits everyone. It increases safety, provides security and enhances the Town's character. New lighting technologies may produce lights that are extremely powerful. Improperly designed or installed, they create problems of excessive glare, light trespass and higher energy use; at their worst they degrade the Town's visual character and may reduce adjacent property values. The purpose of this bylaw is to eliminate the problems created by improperly designed and installed outdoor lighting.

§ 175-20.2. Applicability.

This bylaw shall apply to the construction and installation of outdoor lighting, except that the following uses shall be exempt from regulation by this bylaw:

A. Lighting which is an accessory use to one- and two-family residential dwellings;

B. Streetlighting and lights that control traffic;

C. Outdoor lighting fixtures using an incandescent lamp or lamps of 150 watts or less and all outdoor lighting using a nonincandescent lamp or lamps of 50 watts or less.

§ 175-20.3. Objectives and standards.

All outdoor lighting shall conform to the following objectives and standards:

A. Lighting levels shall be appropriate for the intended use; excessive levels of light, glare and light trespass will not be permitted;

B. The use of floodlights shall not be permitted except with the explicit approval of the Planning Board; the Planning Board will not approve light levels which exceed professionally recognized standards for use such as those published by the Illuminating Engineers Society of North America (IES/IESNA);

C. Lights which do not conceal the light source from direct view shall be avoided; flat lens, shoebox type fixtures or recessed fixtures shall be used in all cases where they are available for the proposed use;

D. Energy-efficient light sources such as sodium, metal halide or fluorescent are preferred;

E. Lighting fixtures (luminaires) shall not exceed 20 feet in height except as specifically approved by the Planning Board;

F. Exterior light fixtures shall, at a minimum, be "full cutoff" fixtures which do not emit any light above a 90° horizontal plane unless specifically approved by the Norton Planning Board;

G. Wall-pack fixtures shall be full cutoff fixtures equipped with a prismatic lens to cast light downward and reduce glare and shall be designed to a maximum cutoff of 70°

from vertical; the location of the wall-pack on a structure shall not exceed a height of 20 feet;

H. In no case shall the intensity of illumination exceed 0.1 vertical footcandle beyond the property line;

I. Outdoor lighting shall not be permitted between 11:00 p.m. and 6:00 a.m. except as follows:

(1) If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than 1/2 hour after the activity ceases;

(2) Low-level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 footcandle.

ARTICLE XXI
Registered Medical Marijuana Dispensaries
[Amended 10-17-2020 STM by Art. 6]

§ 175-21.1. Purpose.

The purpose of this article is to provide for the placement of marijuana establishments and medical marijuana treatment center (MTCs), in accordance with applicable state law, in locations suitable for lawful marijuana establishment or MTC and to minimize adverse impacts of marijuana establishments and MTCs on adjacent properties by regulating the siting, design, placement, security, and removal of marijuana establishments and MTCs.

§ 175-21.2. Establishment.

The Marijuana Overlay District is hereby established as an overlay district over segments of Route 140 North, E. Main Street Business Parks, Norton Commerce Center, Industrial Zones in South Norton, and Business and Industrial Zones in Chartley, superimposed over such parcels that are included in the Village Commercial (VC) Zoning District, Commercial (C) Zoning District and the Industrial (I) Zoning District, dated May 2020. This map is hereby made part of the Norton Zoning bylaw and is on file in the Office of the Town Clerk, Any marijuana establishments or MTCs shall be permitted by special permit in the Marijuana Overlay District, subject to the limitations imposed by this bylaw. In the instance where a parcel is split between Residential Zoning District and either Village Commercial (VC) Zoning District, Commercial (C) Zoning District or the Industrial (I) Zoning District.

§ 175-21.3. Definitions.

Where not expressly defined in the Norton Zoning Bylaw, terms used in this article shall be interpreted as defined in MGL Chapters 94G and 94I and the Commissioner's regulations promulgated from time to time thereunder, including without limitation, 935 CMR 500.000, 501.000 and 502.000 et seq, and otherwise by their plain language. If any terms in this article conflict with the terms of the governing state laws and regulations, the terms in the governing laws and regulations will govern for the purpose covered by this article. In addition to definitions generally applicable to the Norton Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

CANNABIS OR MARIJUANA OR MARIHUANA — All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 94G, § 1; provided that cannabis shall not include:

A. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

B. Hemp; or

C. The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CANNABIS OR MARIJUANA PRODUCTS — Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

COMMISSION — The Massachusetts Cannabis Control Commission established by MGL. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, e. 334 as amended by St. 2017, c. 55, MGL c. 94G, and 935 CMR 500.000.

DELIVERY LICENSE: — Either a marijuana courier license or a marijuana delivery operator license as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

DELIVERY LICENSEE: — Either a marijuana courier or a marijuana delivery operator authorized to deliver marijuana and marijuana products directly to consumers and as permitted, marijuana couriers to patients and caregivers as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

HOST COMMUNITY AGREEMENT — An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a cannabis establishment and a municipality setting forth additional conditions for the operation of a cannabis establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500. The executive body of the municipality is responsible for negotiating the host community agreement on behalf of the municipality.

HEMP — The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

LICENSEE — A person or entity licensed by the Commission to operate a marijuana establishment under 935 CMR 500.000 and/or medical marijuana treatment centers under 935 CMR 501.000 or 502.000.

MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

MARIJUANA COURIER — An entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, or directly to registered qualifying patients or caregivers from an MTC, but is not authorized to sell marijuana or marijuana products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, warehouse, process, repackage, or white label. A marijuana courier is an additional license type under MGL

c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b) as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, and to transfer marihuana to other marijuana establishments, but not to consumers.

MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR — An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, marijuana product manufacturer, microbusiness or craft marijuana cooperative, and white label, sell and deliver finished marijuana products, marijuana accessories and marijuana-branded goods directly to consumers, but is not authorized to repackage marijuana or marijuana products or operate a storefront under this license. A delivery operator is an additional license type under MGL c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b) as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

MARIJUANA INDEPENDENT TESTING LABORATORY — A laboratory that is licensed by the Commission and is:

A. Accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;

B. Independent financially from any medical marijuana treatment center (MTC), marijuana establishment or licensee for which it conducts a test; and

C. Qualified to test cannabis or marijuana in compliance with 935 CMR 500. 160 and MGL c. 94C, § 34.

MARIJUANA PROCESS OR PROCESSING: — To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

MARIJUANA RETAILER — An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Unless licensed and permitted under the zoning Bylaws, retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on- site social consumption on the premises of a marijuana establishment.

MARIJUANA TRANSPORTER — An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, but not to consumers. Marijuana transporters may be an existing licensee transporter or a third-party transporter.

MEDICAL MARIJUANA TREATMENT CENTER (MTC) — Medical marijuana treatment center formerly known as a registered marijuana dispensary (RMD): an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana or marijuana products, MIPs, tinctures, aerosols oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use

MICROBUSINESS — An entity that can be either a Tier 1 marijuana cultivator or marijuana product manufacturer or both, in compliance with the operating procedures for each license and, if in receipt of a delivery endorsement issued by the Commission, may deliver marijuana or marijuana products produced at the licensed location directly to consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments for the purpose of marijuana product manufacturing by the licensee as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

WAREHOUSE — An indoor structure or a portion of the structure on the licensee's premises used by a marijuana establishment for the on-site storage of marijuana and marijuana products in compliance with the regulatory requirements of 935 CMR 500.000, including the requirements for security, storage and disposal. For delivery operators, the location of the warehouse shall be the licensee's principal place of business in the host community as defined in the Cannabis Control Commission regulations, 935 CMR 500.000 et seq.**[Added 5-8-2021 ATM by Art. 14]**

§ 175-21.4. Applicabilty.

This article does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, §§ 116 through 123.

§ 175-21.5. Additional requirements/conditions.

In addition to the standard requirements for uses permitted by right or requiring a special permit or site plan approval, the following shall also apply to all marijuana establishments and MTC facilities:

A. Use:

(1) Any type of marijuana establishment or MTC may only be involved in the uses permitted by its definition and may not include other businesses or services.

(2) No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.

(3) The hours of operation shall be set by the special permit granting authority, and no retail sale of marijuana shall occur upon the premises between the

hours of 11 00 p m. and 8:00 a.m.

(4) No marijuana establishment or MTC may apply for a building permit prior to its receipt of special permit and site plan approval. **[Added 5-8-2021 ATM by Art. 14**[7]

(5) No marijuana establishment or MTC may commence operation prior to its receipt of all required permits and approvals including, but not limited, to its final license from the appropriate Commission. **[Amended 5-8-2021 ATM by Art. 14]**

(6) The number of marijuana retailers permitted to be located within the Town of Norton shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138, § 15. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

B. Physical requirements:

(1) All aspects of the marijuana establishment or MTC, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

(2) No outside storage is permitted.

(3) On sites with multiple points of ingress, principal site access shall be from the more established thoroughfares to avoid disruption of residential neighborhoods.

(4) Ventilation. All marijuana establishments and MTCs shall be ventilated in such a manner that no:

(a) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and

(b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or MTC or at any adjoining use or property, such evaluation shall be made by the Building Inspector or his/her designee.

(5) Signage shall be displayed on the exterior of the marijuana establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text two inches in height.

All other signage must comply with all other applicable signage regulations in

7. **Editor's Note: This ordinance also redesignated former Subsection A(4) and (5) as Subsection A(5) and (6).**

the Zoning Bylaw or 935 CMR 500.000, 501.000 or 502.000, as applicable.

(6) Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana establishment or MTC is located and shall comply with the requirements of 935 CMR 500.000 or 501. 000, as applicable. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Planning Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

C. Location:

(1) Marijuana establishments and MTCs are encouraged to utilize existing vacant buildings where possible.

(2) All marijuana establishments and MTCs shall be located in the Marijuana Overlay District.

(3) No marijuana establishment or MTC shall be located on a parcel which is within 500 feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana establishment or MTC is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant' s license application was received by the appropriate Commission) providing education in kindergarten or any of grades one through 12.

(4) No marijuana retailer or MTC shall be located on a parcel which is within 500 feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer or MTC is or will be located) of a parcel occupied by another marijuana retailer or MTC facility.

D. Reporting requirements.

(1) Prior to the commencement of the operation or services provided by a marijuana establishment or MTC, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the special permit granting authority with the names, phone numbers and email addresses of all management staff and keyholders, including a minimum of two operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

(2) The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and special permit granting authority shall be notified in writing by the marijuana establishment or MTC facility owner / operator / manager:

(a) A minimum of 30 days prior to any change in ownership or management of that establishment.

(b) A minimum of 12 hours following a violation of any law or any criminal

activities or attempts of violation of any law at the establishment.

(3) Permitted marijuana establishments and MTCs shall file an annual written report to, and appear before, the special permit granting authority, if requested, no later than January 31 of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the special permit.

(4) The owner or manager of a marijuana establishment or MTC is required to respond by phone or email within 24 hours of contact by a Town official concerning their marijuana establishment or MTC at the phone number or email address provided to the Town as the contact for the business.

E. Issuance / transfer/ discontinuance of use.

(1) Special permits/site plan approvals shall be issued for a specific type of marijuana establishment or MTC on a specific site/ parcel and shall be nontransferable to another type of marijuana establishment or MTC.

(2) Special permits/site plan approvals issued to a specific owner may be transferred to another marijuana establishment owner or MTC owner operating at the same site/parcel as an amendment to the special permit.

(3) Special permits/site plan approvals shall have a term limited to the duration of the applicant's ownership/ control of the premises as a marijuana establishment or MTC, and absent an extension granted by the Planning Board shall lapse expire if:

(a) The marijuana establishment or MTC ceases operation (not providing the operation or services for which it is permitted) for 120 days; and/or

(b) The marijuana establishment or MTCs registration license by the appropriate Commission expires or is terminated.

(4) The marijuana establishment or MTC shall notify the Zoning Enforcement Officer and special permit granting authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

(5) A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

(a) Prior to the issuance of a building permit for such a marijuana establishment or MTC the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of seeking a court order allowing the Town to take such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to

the applicant.

F. Testing.

(1) All cannabis or marijuana product shall be tested by a marijuana independent testing facility to ensure compliance with 935 CMR 500.160 and MGL c. 94C, § 34.

§ 175-21.6. Special permit procedure.

The Planning Board shall be the special permit granting authority (SPGA) for a marijuana establishment or MTC special permit.

A. Application. Applications for special permits and site plan approvals for marijuana establishments or MTCs will be processed in the order that they are filed with the town. The approval of a special permit for any marijuana establishment or MTC is up to the discretion of the Planning Board who will be making its determination based on compliance with the standards and intent of this article.

In addition to the standard application requirements for special permits and site plan approvals, such applicants for a marijuana establishment and MTCs shall provide the following information:

(1) The name and address of each owner and operator of the marijuana establishment or MTC facility/operation;

(2) A copy of an approved host community agreement;

(3) A copy of its provisional license from the Commission pursuant to 935 CMR 500.000 or 935 CMR 501.000, as applicable;

(4) Proof of liability insurance coverage or maintenance of escrow;

(5) Evidence that the applicant has site control and right to use the site for a marijuana establishment or MTC facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;

(6) A notarized statement signed by the marijuana establishment or MTC organization's chief executive officer and corporate attorney disclosing all persons or entities having direct or indirect control, as defined in 935 CMR 500.002;

(7) A detailed floor plan of the premises of the proposed marijuana establishment or MTC that identifies the square footage available and describes the functional areas of the marijuana establishment or MTC;

(8) Detailed site plans that include the following information:

(a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this article;

(b) Convenience and safety of vehicular and pedestrian movement on the site

and for the location of driveway openings in relation to street traffic;

(c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;

(d) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;

(e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping;

(f) Adequacy of water supply, surface and subsurface drainage and light;

(g) Details showing all exterior proposed security measures for the marijuana establishment or MTC, including lighting, fencing, gates and alarms, etc., ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;

(h) All signage being proposed for the facility.

(9) A description of the security measures, including employee security policies, approved by the Commission;

(10) A copy of the emergency procedures approved by the Commission;

(11) A copy of the policies and procedures for patient or personal caregiver home delivery approved by the Commission;

(12) A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between marijuana establishments and/ or MTCs approved by the Commission;

(13) A copy of proposed waste disposal procedures;

(14) A pedestrian/vehicle traffic impact study to establish the marijuana establishment' s impact at peak demand times, including queue plan to ensure that the movement of pedestrian and/or vehicle traffic, including to and along the public right of ways will not be unreasonably obstructed;

(15) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls; and

(16) Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's or MTC's:

(a) Operating procedures.

(b) Marketing and advertising.

(c) Waste disposal.

(d) Transportation and delivery of marijuana or marijuana products.

(e) Energy efficiency and conservation.

(f) Security and alarms.

(g) Decommissioning of the marijuana establishment or MTC including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

B. The applicant shall provide copies of the application to the Select Board, the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, and Board of Water/Sewer Commissioners. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

C. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the Planning Board may act upon such a permit.

§ 175-21.7. Special permit conditions.

A. The Planning Board, in granting a special permit hereunder, in addition to the requirements of § 175-21.5 above, shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this article, and the standards under § 175-10.10.

B. Findings. In addition to the standard findings and criteria for a special permit or site plan approval the special permit granting authority must also find all the following:

(1) The marijuana establishment or MTC is consistent with and does not derogate from the purposes and intent of this article and the other Town's zoning bylaws.

(2) That the marijuana establishment or MTC facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;

(3) That the marijuana establishment or MTC facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;

(4) That the applicant has satisfied all of the conditions and requirements of this article and other applicable Town bylaws;

(5) That the marijuana establishment or MTC facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/ or location of cultivation is adequately secured on site or via delivery.

(6) That the marijuana establishment or MTC facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

§ 175-21.8. Nuisances prohibited.

No marijuana establishment or MTC shall be allowed which creates an unreasonable nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may significantly impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

§ 175-21.9. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 175-21.10. Conflicts

This article sets out the general terms of marijuana establishments and medical marijuana treatment centers.

ARTICLE XXII
Large-Scale, Ground-Mounted Solar Photovoltaic Installations

§ 175-22.0. Purpose.

The purpose of this article is to provide for the creation of large-scale, ground-mounted solar photovoltaic facilities or installations by establishing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and that provide adequate financial assurance for the eventual decommissioning of such installations.

§ 175-22.1. Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

[8]BUILDING PERMIT — A construction permit issued by the Building Inspector that is evidence the project is consistent with state and federal building codes as well as local zoning bylaws.

LARGE-SCALE, GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

SITE PLAN APPROVAL — Review by the Planning Board to determine conformance with the site plan approval requirements of the Zoning Bylaw, Article XV, and this article.

SITE PLAN APPROVAL AUTHORITY — The Planning Board.

ZONING ENFORCEMENT AUTHORITY — The Building Inspector.

§ 175-22.2. General requirements for all power generation installations.

A. Compliance with laws, bylaws and regulations. The construction and operation of all large-scale, ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

B. Building permit and building inspection. No large-scale, ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

C. Fees. The application for site plan approval and for a building permit shall be

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8. Editor's Note: the former definition of "as-of-right siting," added 1-14-2019 STM by Art. 5, which immediately preceded this definition, was repealed 4-17-2019 STM by Art. 22]

accompanied by the appropriate fee(s).

D. Site plan review. Large-scale, ground-mounted solar photovoltaic installations shall be subject to site plan approval by the Norton Planning Board as provided for in the Norton Zoning Bylaw, Article XV, Site Plan Approval, and this article. **[Amended 1-14-2019 STM by Art. 5; 4-17-2019 STM by Art. 22]**

E. Special permit. Large-scale, ground-mounted solar photovoltaic installations located within the Residential 80 or Residential 60 Zoning District shall be allowed only upon grant of a special permit from the Norton Planning Board. **[Amended 1-14-2019 STM by Art. 5; 4-17-2019 STM by Art. 22]**

F. Public notification. The project proponent for a large-scale, ground-mounted solar photovoltaic installation shall provide notice of the time, date, and location of the site plan approval hearing before the Planning Board pursuant to the notice provisions of MGL c. 40A, § 11, Notice Requirements for Public Hearing, Paragraphs (1) and (2).

G. Plans. All plans and maps required by this article shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

H. Required documents.

(1) Pursuant to the site plan approval process, the project proponent(s) shall provide the following documents:

(a) A site plan showing:

[1] Property lines and physical features, including wetland resource areas and roads, for the project site; **[Amended 10-17-2016 FTM by Art. 14]**

[2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

[3] Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

[4] One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

[5] Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;

[6] Name, address, and contact information for the proposed system installer, if known at the time of application;

[7] Name, address, phone number and signature of the project proponent, as well as all co-proponents and property owners, if any;

[8] The names, contact information and signature of any agents representing the project proponent; and

(b) Documentation of actual or prospective access and control of the project site (see also § 175-22.2I);

(c) An operation and maintenance plan (see § 175-22.2J);

(d) Zoning district designation for the parcel(s) of land comprising the project site [submission or a copy of a zoning map with the parcel(s) identified is suitable for this purpose];

(e) Proof of liability insurance; the project proponent shall be required to provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and property pursuant to industry standards;

(f) Description of financial surety that satisfies § 175-22.7;

(g) A public outreach plan, including a project development time line, which indicates how the project proponent will meet the required site plan approval notification procedures and otherwise inform abutters and the community;

(h) A stormwater management checklist, drainage report and construction-term stormwater management plan. Solar array projects are subject to Massachusetts DEP Stormwater Standards. The arrays are considered impervious surface and peak rate of runoff control must be provided. **[Amended 10-17-2016 FTM by Art. 14]**

(2) The Planning Board may waive the above-cited documentary requirements as it deems appropriate.

I. Site control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale, ground-mounted solar photovoltaic installation.

J. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale, ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the installation.

K. Utility notifications. No large-scale, ground-mounted solar photovoltaic installation shall be constructed until evidence has been provided to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnected customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement.

§ 175-22.3. Location, setback and screening requirements.

A. Designated location. Large-scale, ground-mounted solar photovoltaic installations

shall be allowed as follows: on no less than two acres within the Commercial and Industrial Zoning Districts; and on no less than five acres within the Residential 60 and Residential 80 Zoning Districts, subject to the provisions of this article. Solar installations shall not be allowed within "bordering vegetated wetland," "bordering land subject to flooding" or "riverfront area," all as defined in the Massachusetts Wetland Protection Act Regulations, 310 CMR 10.55(2) or 310 CMR 10.57(2), respectively. **[Amended 10-17-2016 FTM by Art. 14; 1-14-2019 STM by Art. 5; 4-17-2019 STM by Art. 22]**

B. Setbacks. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks, inclusive of photovoltaic array and accessory/appurtenant structures, shall be as follows:

(1) Front yard:

(a) Industrial Zoning District: 50 feet.

(b) Commercial Zoning District: 50 feet.

(c) Residential 60 Zoning District: 75 feet.

(d) Residential 80 Zoning District: 75 feet.

(2) Side yard:

(a) Industrial Zoning District: 40 feet.

(b) Commercial Zoning District: 30 feet.

(c) Residential 60 Zoning District: 50 feet.

(d) Residential 80 Zoning District: 50 feet.

(3) Rear yard:

(a) Industrial Zoning District: 40 feet.

(b) Commercial Zoning District: 30 feet.

(c) Residential 60 Zoning District: 50 feet.

(d) Residential 80 Zoning District: 50 feet.

C. Accessory/Appurtenant structures. All accessory or appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

D. Visual screening. A large-scale, ground-mounted solar photovoltaic facility [including appurtenant structures and access drive(s) for such facility] shall provide visual screening in the form of plantings, existing vegetation, earthen berms, fencing, or a combination thereof, between the facility and the adjacent use. The size, configuration and design of the visual screening shall be determined by the Planning Board based upon the characteristics of the project site and the proximity,

type and intensity of the adjacent use. A facility that is adjacent to residential use(s) shall require more intensive screening, unless the Planning Board determines that such more intensive screening is not needed in the circumstances.

§ 175-22.4. Design standards.

A. Lighting. Lighting of large-scale, ground-mounted solar photovoltaic installations shall be consistent with federal and state law and shall conform to the standards and requirements of the Norton Zoning Bylaw, Article XX, Lighting.

B. Signage.

(1) Signs on large-scale, ground-mounted solar photovoltaic installations shall comply with the Town of Norton Zoning Bylaw. A sign consistent with the Zoning Bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number.

(2) Large-scale, ground-mounted solar photovoltaic installations shall not be used for displaying and advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

C. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the large-scale, ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

§ 175-22.5. Safety and environmental standards.

A. Emergency services. The large-scale, ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land clearing and soil erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale, ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Land alterations exceeding one acre shall comply with the Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Construction Activities. A stormwater pollution prevention plan (SWPPP) shall be submitted to the Conservation Director for review and comment a minimum of 45 days prior to the commencement of work. Sediment controls shall be properly installed and maintained until the project is stabilized. All disturbed areas shall be permanently stabilized prior to final approval. **[Amended 10-17-2016 FTM by Art. 14]**

§ 175-22.6. Monitoring and maintenance.

A. Solar photovoltaic installation conditions. The large-scale, ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

B. Modifications. All material modifications to large-scale, ground-mounted solar photovoltaic installations made after issuance of the required building permit shall require site plan approval by the Planning Board.

C. Removal requirements. Any large-scale, ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with § 175-22.6D of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

   (1) Physical removal of all large-scale, ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

   (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

   (3) Permanent stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

D. Abandonment.

   (1) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board.

   (2) If the owner or operator of the large-scale, ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town, after receipt of an appropriate court order or to the extent otherwise authorized by law, may enter the property and physically remove the installation.

§ 175-22.7. Financial surety.

A. Proponents of large-scale, ground-mounted solar photovoltaic installation shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be

reasonable by the Planning Board, but in no event to exceed more than 125% of the estimated cost of removal and compliance. Such surety shall not be required for municipally or state-owned facilities. The project proponent shall submit, for the Planning Board's determination, a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

B. The Planning Board will work with the project proponent to develop a financial instrument in the amount as determined above to ensure satisfactory removal of the facility and whose terms are sufficiently flexible to provide financial feasibility for the project proponent. Such an instrument may provide for initially smaller amounts of surety in the early years of the project's useful life and increasing in amount as the project nears the end of its useful life.