

**TOWN OF ROCHESTER
SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth, Greetings.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, October 22, 2012 at seven p.m. (7:00 p.m.) then and there to act on the following articles:

ARTICLE 1: RENOVATION OF TOWN BUILDINGS AND PURCHASE OF VARIOUS EQUIPMENT

To see if the Town will vote to raise and appropriate by taxation, by transfer from available funds, by borrowing or any combination thereof, the sum of \$887,000 more or less for the costs of renovation of Town Buildings and purchase of equipment as listed below and also including all costs incidental and related thereto; and to see whether to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, shall be authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other General or Special Law, and to issue bonds or notes of the Town in connection therewith, or to take any other action relative thereto.

Town Hall Renovations	\$250,000
Library Renovations	\$25,000
Police Station (New Roof)	\$35,000
Council on Aging (New Roof)	\$35,000
Fire Station Renovations	\$25,000
Gasoline/Diesel Fuel System	\$125,000
Highway One Ton Truck with Plow	\$55,000
Highway Mower	\$100,000
Refurbish Two Fire Engines	\$120,000
New Radios for Fire Department	\$17,000
Fire Chief Vehicle	\$40,000

ARTICLE 2: RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Rochester restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Rochester by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies, when done in compliance with applicable state laws, Town By-Laws and regulations. This By-Law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. "Commercial" shall be defined by the minimum acreage requirement or the gross sales and program payment requirement specified in Massachusetts General Law Chapter 61A, Section 3, as amended. "Farm" shall also include youth related agricultural activities, such as but not limited to 4-H, irrespective of minimum acreage or gross sales and program payment requirements.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural,

- aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenating or maintaining pastures;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Rochester. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practice, consideration shall be given to both traditional customs, practices and procedures as well as to new practices and innovations. Moreover, nothing in this Right To Farm By-Law shall be deemed as acquiring any interest in land. The protections contained in this By-Law do not replace any applicable zoning or legal restrictions associated with agricultural operations.

Section 4 Disclosure Notification

Prior to the sale or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Rochester, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of the Town of Rochester to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances. Purchasing, and henceforth occupying land within Rochester means that one should expect and accept such conditions as a normal and

necessary aspect of living in Rochester”

Written notification may occur in one of several ways, including but not limited to, a disclosure form, addendum to a Purchase and Sale Agreement, or otherwise and must include an acknowledgement by the buyer that they have received and understood the notification. A copy of the disclosure notification shall be filed with the Board of Selectmen or its designee within thirty (30) days of the sale, purchase, exchange or occupancy of such real property.

Within 30 days after this by-law becomes effective, the Board of Selectmen will make a written example of a notification available for use by landowners or their agents (and assigns) and shall place a copy of the above disclosure in a prominent place in Town Hall.

Within 60 days after this by-law becomes effective, the Tax Collector shall begin including a copy of the above disclosure and notification requirements with all responses to requests for Municipal Lien Certificates

In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of M.G.L. c. 40, § 21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law. The Town of Rochester hereby declares the provisions of this By-Law to be severable.

ARTICLE 3. LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS SECTION XXI

1.1 PURPOSE

The purpose of this by-law is to regulate the installation of solar photovoltaic installations that are to produce 250 kW DC or greater by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to ensure provision of adequate financial assurance for the eventual decommissioning and removal of such installations.

1.2 APPLICABILITY

This section applies to solar photovoltaic installations that have a minimum nameplate capacity of 250 kW DC or greater.

1.3 COMPLIANCE WITH LAWS, ORDINANCES AND REGULATIONS

The construction and operation of all solar photovoltaic installations

per §1.2 above 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 associated buildings and fixtures forming part of such an installation shall be constructed in accordance with the State Building Code and local codes. No such installation shall be constructed, installed or modified without first obtaining the necessary building permit(s).

1.4 SPECIAL PERMIT APPROVAL

All solar photovoltaic installations per §1.2 above shall require Special Permit approval from the Planning Board pursuant to M.G.L. Chapter 40A, §9.

1.5 PRE-SUBMISSION CONFERENCE AND INFORMAL MEETING WITH THE PLANNING BOARD

Prior to submitting an application for a Special Permit, the applicant shall meet informally with a technical review committee consisting of the following Town staff members: Town Planner, Conservation Agent, Highway Surveyor, Board of Health Agent, Police Chief, Fire Chief and Building Commissioner or their representatives. The purpose of the meeting is to review the applicant's conceptual plan and provide preliminary comments prior to the applicant incurring significant engineering design expense. This step is intended to expedite the review and permitting processes. The applicant shall request such a meeting through the Town Planner.

The applicant shall then meet with the Planning Board at a regularly-scheduled public meeting to review the information the applicant must submit and determine the required minimum Special Permit Review fee. The Planning Board shall advise the applicant in writing of the amount of the application fee and minimum Special Permit Review fee and any exceptions with respect to the Special Permit details within 20 days following the pre-submission meeting. Any technical services required to assist the Planning Board in preparing its written response shall be included as part of the application fee. At this meeting, the applicant shall also submit a list of requested waivers, if applicable.

1.6 SPECIAL PERMIT APPROVAL APPLICATION FILING

An applicant for Special Permit Approval shall file an application and site plan with the Planning Board accompanied by 15 copies of the Plan and any supporting reports and the application fee and minimum Special permit fee as required by the Planning Board. The Town Planner shall then review the submitted materials to confirm that the application is complete pursuant to the submission requirements in this section. The Town Planner shall complete the review of the application within 10 business days, or the application will be considered to be complete and shall be filed with the Office of the Town Clerk forthwith. Once the application is deemed complete, it shall be submitted to the Office of the Town Clerk. The date of submission to the Town Clerk shall be considered the date of receipt by the Planning Board. Such application and site plan shall include the elements on which the Planning Board is to make findings and determinations as provided in this section and shall also include information as to the nature and extent of the proposed use structures and such further information as the Planning Board shall reasonably require by rule or regulation.

1.7 REFERRALS TO TOWN BOARDS/COMMISSIONS

The Planning Board shall, within five (5) business days of receipt of the site plan application, transmit a copy of the application and site plan to each of the following Town committees, departments, commissions and boards for review and comment: Conservation Commission; Board of Health; Building Commissioner, Highway Surveyor; Fire Chief, and Police Chief. Other committees, departments and commissions may be requested to review site plan applications and site plans if the planning board feels such review will help in their deliberations.

The Conservation Commission and other agencies designated by the Planning Board shall consider the same and submit a final report thereon with recommendations to the Planning Board. The Conservation Commission shall review the application with particular reference to

the Wetlands Protection Act and the Rochester Wetlands By-Law (§ XV of the Zoning By-Law) and shall recommend as to the advisability of granting the site plan approval and as to the restrictions which should be imposed upon the development as a condition of such permit.

The Planning Board shall not make a finding and determination upon an application until it has received the final report of the conservation commission and/or other agencies designated by the Planning Board thereon, or until 21 days shall have elapsed since the transmittal of said copies of the application and site plan to the Conservation Commission and other agencies designated by the Planning Board without such report being submitted. Failure of a commission or agency to report within the allotted time shall be interpreted as non-opposition to the submitted Site Plan.

1.1 **SITE PLAN DETAILS**

Except where waived by the Planning Board because of unusually simple circumstances, any site plan shall be prepared by a licensed engineer, landscape architect or architect for general locations, topographical and boundary survey information on the site plan shall be signed and sealed by a licensed land surveyor, and all elements of design, which shall include drainage, pavements, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and all pertinent structures,

The Planning Board may, after taking into consideration the size and impact of the proposed project, waive any of the requirements in this section. The following information shall be submitted on one or more site maps and in writing where appropriate.

General Information

1. Date of site plan. All revisions shall be noted and dated.
2. Title of development, north arrow, scale, Assessor's map and lot number, name and address of record owner, name and address and certificate of agency if applicant is not owner, and name, address, license number and seal of person preparing the site plan. If the owner of record is a corporation, the name and address of the president and secretary shall be submitted with the application.
3. A scale of 1"= 20', 1"= 40', or 1"= 60', whichever is appropriate to the size of the proposal. All distances shall be in feet and decimals of a foot and all bearings shall be given to nearest 10 seconds. The error of closure shall not exceed one (1) in 10,000.
4. Key map showing the location of the tract with reference to surrounding areas and existing street intersections.
5. The names of all owners of record of all abutting properties and those within 300 feet of the property line.
6. Zone boundaries and Overlay Districts shall be shown on the site plan as they affect the parcel. Adjacent zone districts or Overlay Districts within 300 feet also shall be indicated. Such features shall be shown on a separate map or as a key map on the detail map itself.
7. Boundaries of the property lines and lines of streets, lot reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way.
8. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street.
9. Existing contours with intervals of two (2) feet where slopes are more than three percent but less than 15%, and five (5) feet when 15% or more, referred to US Coast and Geodetic datum, are to be indicated by a dashed line. Where any changes in the contours are proposed, finished grades should be shown as solid lines.
10. If any areas fall within the 100-year flood plain as delineated on the Flood Insurance Rate Maps for the Town of Rochester, the area will be shown and base elevations shown.
11. The location of the consecutively numbered flags denoting wetland resources shall be shown on the plan.
12. Location of existing rock outcrops, general soil types (including limitations as noted in "Soils and their interpretations for Various Land Uses" as prepared by the U. S. Department of Agriculture), high points, vistas, watercourses, depressions, ponds, marshes, wetlands, flood plain designations as shown on the Flood Insurance Rate Maps for the Town of Rochester, wooded areas and major trees (12" caliper or over) and other significant existing features includ-

ing previous flood elevations of watercourses, pond and marsh areas as determined by survey.

13. Location of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc. with spot elevations of such structures. Structures to be removed shall be indicated in dashed lines.
14. All structures or significant changes in topography within 50 feet of the property lines.
15. All stone walls, farm and woods roads.
16. All calculations necessary to determine conformance to by-law regulations.
17. Acreage of tract to nearest 1/10 of an acre.
18. Place for signature of the Planning Board on all plans and/or documents to be approved by the Planning Board.
19. Such other information as may be required to show that the details of the site plan are in accordance with applicable standards of the Zoning By-Law.

Buildings and Stationary Equipment

1. The proposed uses of land, buildings and stationary equipment and proposed location of buildings and stationary equipment including proposed grades.
2. Such features shall be shown on a separate drawing where deemed appropriate by the Building Inspector.
3. The Gross Floor Area (GFA) of all buildings also shall be indicated.
4. Layout of proposed buildings or structures, including elevations plan and measurements as appropriate for easy interpretation. The type and color of materials to be used shall be indicated.
5. The location, type and screening details for all waste disposal containers shall be shown.
6. Sketches, as appropriate to indicate the visual impact on the surrounding area and the community as a whole.
7. Location of signs.
8. Height of panels and associated structures, including their relationship to the existing and proposed grades.

Landscaping

1. A landscape plan prepared by a certified Landscape Architect showing all existing natural features, trees, forest and water resources and proposed changes to these features including the size and type of plant material. Water resources include any ponds, lakes, brooks, streams, wetlands, certified vernal pools, floodplains and drainage detention/retention areas. The plan should include the type and extent of groundcover being proposed beneath the solar array.
2. Landscape Maintenance Plan that details the process by which plants and materials are to be maintained and replaced, when necessary.

Utilities and Drainage

1. Location of all existing storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades and direction of flow, and if any existing utility lines are underground, the estimated location of any said underground utility lines shall be shown.
2. The location of all proposed water lines, valves or hydrants and all sewer lines or alternative means of water supply of wastewater disposal and treatment in conformance with the applicable standards of the Town of Rochester and for the appropriate utility.
3. The location of the groundwater table in the vicinity of any proposed septic field, leaching catch basin, or drainage detention/retention area.
4. Proposed storm water management proposals shall conform to the Storm Water Management section of the Planning Board Rules & Regulations. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
5. Plans to prevent the pollution of surface or groundwater, erosion of soil during and after construction; excessive runoff, excessive raising or lowering of the water table; and the flooding of other properties, as applicable.
6. The proposed location, height, direction of illumination, bulb type, power and time of proposed outdoor lighting and methods

1. to eliminate sky glare and glare onto adjoining properties must be shown.
2. The Planning Board may require analysis in comparison with a specified alternative where warranted by large or complex applications.
3. All utilities with the exception of lighting fixtures, transformers and telephone/cable pedestals shall be placed underground.

Vehicular and Emergency Access

1. The site plan shall show provision of adequate vehicular access among the solar panels as well as around the perimeter of the array for the purposes of proper maintenance and repair as well as access for emergency vehicles subject to approval of the Rochester Fire Department.
2. The applicant shall provide information for adjacent roadways in the area of the proposed project to include accident data for the previous three (3) years, sight distances, roadway conditions, existing traffic volumes and site-generated traffic.

Open Space – Maintenance

1. The location and size of common open space and the form of organization proposed to own and maintain such common open space.
2. A copy of any covenants, deed restrictions or exceptions that are intended to cover all or any part of the tract.
3. All proposed easements.
4. The proposed screening, landscaping and planting plan, including details of types of planting.
5. A survey prepared by a licensed surveyor of the Commonwealth of Massachusetts shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation and conservation areas and other property to be dedicated to public use.
6. Adequate provision shall be provided for snow removal and positioning of snow mounds during snow removal as specified by the Highway Surveyor as approved by the Planning Board.

Decommissioning, Removal and Surety

1. The applicant shall provide an annual energy output summary to the Planning Board to verify consistent use of the facility.
2. The applicant shall provide a form of surety acceptable to the Planning Board sufficient to fund costs related to the potential decommissioning and removal of the facility as well as restoration of the site.
3. The decommissioning, removal and restoration process will be initiated if it is found that the facility has fallen into disuse and is not being properly maintained in compliance with the approved Landscape Maintenance Plan.
4. The applicant shall provide a plan that details the measures that will be taken to restore the site to its previous condition to the fullest extent possible.

1.9 SPECIAL PROVISIONS FOR PHASED DEVELOPMENTS

In the case of plans which call for development over a period of years, a schedule shall be included in the application showing the proposed times within which each section of the development may be started. The proponents of a phased development shall include assurances that each phase could be brought to completion in a manner, which would not result in an adverse effect upon the Town as a result of termination at that point. All site plans previously approved by the Planning Board shall be submitted each time a new plan or section is submitted for approval.

1.10 ENDORSEMENT OF SITE PLAN

After approval by the Planning Board and subject to the satisfaction of any conditions of approval, a mylar or linen print of all approved site plan maps shall be submitted for signature and filing; all information thereon shall be in black India ink.

1.11 APPLICATION FEE AND SPECIAL PERMIT REVIEW FEE

The application fee is specified in § 6.1 of the Planning Board Subdivision Rules & Regulations. A minimum Special Permit Review fee deposit shall be submitted in check form and made out to the Town of Rochester. The amount of this minimum review fee shall be the sum of estimates from the professional services noted in Paragraph 1.12 below, which the Planning Board expects to use in the Special Permit review and evaluation process as established in the Pre-Submission Conference specified in paragraph 1.5 of this By-Law. The Special Permit review fee system is intended to encourage applicants to submit complete, accurate and thorough applications. Such applications generally cost less to review.

1.12 MINIMUM REVIEW FEE DEPOSIT

A minimum Special Permit Review fee shall be submitted at the same time the application and site plan is submitted to the Planning Board. The minimum review fee deposit shall be submitted in check form and made out to the Town of Rochester. If prior to action on the application, the Planning Board finds that the amount of the deposit is not sufficient to cover the actual costs incurred by the Town in its review of the application, the applicant shall be required, upon written notice to submit forthwith to cover such costs. The Planning Board shall notify the applicant of such additional amounts in writing by certified mail. Failure to submit such additional amounts shall be deemed a violation of these regulations and shall be deemed reason to deny approval of the application. If the actual cost(s) incurred by the Town or Planning Board for the review of the application is less than the amount of the deposit, the Planning Board shall authorize that such excess amount be refunded to the applicant concurrently with Planning Board action on the Special Permit application.

1.13 COSTS COVERED BY FEE

The review fee shall be applied to all costs associated with the proper review and administration of the site plan application including, but not limited to, engineering and other land-use consultants, legal advice, staff time in administration and review of the application, costs for legal notices, advertising costs, and public hearing costs. The Planning Board is authorized to retain professional planners; registered professional engineers, architects, or landscape architects; attorneys or other professional consultants to advise the Board on any and all aspects of the site plan. The cost of the advice shall be borne by the applicant. Retention by the Board of outside consultants in connection with review under this By-Law shall be in accordance with the provisions of Massachusetts General Laws, Chapter 44, §53C.

1.14 CRITERIA

Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on city services, tax base, and employment.

1.15 SEVERABILITY

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law. The Town of Rochester hereby declares the provisions of this By-Law to be severable.

Proposed amendments to Rochester Zoning By-Laws 2 August 2012

Amend Section III, Definitions, page 4 to read:

“Farm Structure

A combination of materials assembled at a fixed location to give support or shelter and as defined in the State Building Code for the primary purpose of agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products.

Home Business

A trade, profession, or other occupation which is carried on in a dwelling, in a building or other structure accessory to a dwelling, or elsewhere on the residential premises, carried on partially or wholly by persons resident on the premises, and is clearly incidental and secondary to the use of the dwelling for residential purposes.

Roadside Stand

Any roadside stand used for the sale of produce, wine and dairy products provided that a minimum of 25% of such product(s) for sale, based on either gross sales dollars or volume, were produced by the owner or lessee of the land on which the stand is located and at least an additional 50% of such product(s) for sale, based upon either gross sales dollars or volume, were produced in Massachusetts.”

ARTICLE 4:AMEND SECTION VIII, AGRICULTURAL/RESIDENTIAL DISTRICT

“C. Permitted Uses

1. Single family dwelling
2. Accessory structures

(See Chart Below)

Table of Accessory Structure Dimensional Regulations

(All distances are measured from the respective property line)

No accessory structure other than roadside stand shall be located within the front yard area or a minimum of 40 feet, whichever is greater.

Height shall not exceed the height of the principal structure except where permitted below.

(Amended: Article XXI, June 4, 2007 Annual Town Meeting)

3. Religious, educational or municipal use except cemeteries
4. One or more home businesses subject to the following unless exempt from such controls by statute (e.g. agriculture, family child care home):
 - a) The operation of home businesses shall not create vibrations, heat, glare, dust, or odors discernable at the property lines, generate noise exceeding Massachusetts state standards at the property lines, create any electrical, magnetic or other interference off the premises, or use or store hazardous materials in excess of quantities permitted for residential structures.
 - b) Segregated off-street parking shall be provided for all parking demand from home businesses in addition to parking for residents.
 - c) Home businesses that will result in concurrent parking demand for more than three (3) motor vehicles driven to the premises by non-residents are permitted subject to Site Plan Review and Approval under Section XVI.
 - d) A home business that is operated solely within the dwelling shall be limited to a maximum of 25% of the total floor area of the dwelling.

Table of Accessory Structure Dimensional Regulations
(All distances are measured from the respective property line)

Type of Accessory Structure	Max. GFA*	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. Bldg. Setback
1. Major Farm Structure	No Limit	100 ft	100 ft	100 ft	10 ft
2. Minor Farm Structure	675 SF	40 ft	40 ft	40 ft	10 ft
3. Roadside Stand	80 SF	15 ft	10 ft	10 ft	10 ft
4. Accessory Structure > 150 SF	1,000 SF	40 ft	40 ft	40 ft	10 ft
5. Accessory Structure ≤ 150 SF**	150 SF	40 ft	10 ft	10 ft	10 ft
6. Garage	1,000 SF	40 ft	40 ft	40 ft	10 ft
7. Guest House	300 SF	40 ft	40 ft	40 ft	10 ft
8. Swimming Pools	N/A	40 ft	40 ft	40 ft	10 ft

* The total ground coverage by an accessory building shall include the horizontal projections of roof and floor areas above the ground floor.

** Not to be used to house animals

- e) A home business that is operated in an accessory structure on the property shall be subject to the dimensional regulations listed in the above table and shall require Site Plan Review Approval under Section XVI.
 - f) Storage of vehicles, equipment and materials for the home businesses shall not be visible to abutters or from the road, or may be entirely within enclosed structures unless otherwise allowed, subject to Site Plan Review and Approval under Section XVI.
 - g) Regardless of the number of home businesses on the premises, only one (1) sign pertaining to the use of the premises with a total area of not more than nine (9) square feet is permitted. The sign shall be limited to the identification of the premises, their occupants or users, and the business conducted therein. Flashing or rotating lights shall not be permitted.
5. Farm or nursery, including the display and sale of stock.
 6. Raising of not more than four (4) hogs or pigs for personal use provided the penned area and all structures are not in the front yard area and set back 100 feet from all property and street lines.
 7. Raising of not more than 10 rabbits for personal use provided the hutch is not in the front yard area and is setback 40 feet from all property and street lines.
 8. Storing of one unoccupied trailer in an accessory building or storing of one (1) unoccupied trailer on a lot, not in the front yard area and conforming to all other setback dimensions.
 9. Private swimming pools 24 inches deep or more and having a surface area of 250 square feet or more shall be installed per state regulations and be required to have an enclosure not less than 48 inches above ground. The construction of the fence shall be as to prohibit the passage of a sphere larger than four (4) inches through any opening or under the fence and able to withstand a horizontal load of 200 pounds.
 10. Use of a trailer for a period not to exceed 12 months as a temporary replacement for a dwelling destroyed by fire or natural causes. (Amended: Article VI, November 27, 2000 Special Town Meeting) (Amended: Article XVI, February 25, 2002 Special Town meeting)
 11. Occupancy of a recreational vehicle on a lot shall require a permit from the building inspector. The permit shall be issued for a period of no more than 30 days with the Building Inspector having authority to grant an additional 30 day renewal. (Amended: Article XVI, February 25, 2002 Special Town Meeting)
 12. Transportation trailers and boats are not to be stored in the front yard area and shall conform to all other lot setback dimensions.
 13. Antennas, towers, windmills shall not be located in front yard area and set back from all property lines equal to or greater than the height of the structure plus 20 feet.
 14. Flagpoles shall be set back from all property lines equal to or greater than the height of the pole.
 15. Upon issuance of a permit by the building inspector, use and occupancy of a temporary trailer for a period of one (1) year or a period ending 30 days following completion of the construction of a permanent dwelling on the premises, whichever first occurs.”

Article 5: Dexter Lane Recreational Area - Phase 3 Improvements

To see if the Town will vote to transfer, raise and appropriate from available funds, the sum of \$85,000 for the purpose of constructing a little league field, multi-purpose field, and fencing of the existing skate-board park at the Dexter Lane Recreational Area, and that the Board of

Selectmen and the Park Commission are authorized to apply for, accept and expend any funds which may be provided for the Commonwealth or other public or private sources to defray a portion or all on the costs of the project, including, but not limited to funding under the PARC Act (301 CMR 5.00) and/or Federal Land & Water Conservation Fund P.L. 88-568 Stat 897, and be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town in connection with said grants or funding. Provided however, that no funds shall be borrowed or expended by the Town in connection with this Article until such time as the Town receives funding, approval and confirmation of reimbursement from public or private sources in an amount equal to 58% of the cost of the project. The Dexter Lane Recreational Area is dedicated for active recreational purposes in accordance with M.G.L. Chapter 45, Section 14) and will be in the care and control of the Park Commission.