TOWN OF GILL ZONING BYLAWS

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APPENDIX A 47

TOWN OF GILL ZONING BYLAWS

Amended on
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SECTION 1: PURPOSE

The purpose and intent of these regulations shall be to promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Gill, and to conserve the value of land and building, including the conservation of natural resources and the prevention of blight and pollution of the environment and to protect the community from any use adversely effecting its water resources.

SECTION 2: USE REGULATIONS

A. District Uses

1. The Town of Gill is hereby divided into the following types of districts:

Residential	**R (***Shaded on Map***)**
Residential-Agricultural	**R-A**
Village Residential	**VR (***Stippled Dot Pattern on Map***)**
Village Commercial	**VC (***Dot Pattern on Map)*

2. The boundaries of each district are hereby established as shown, defined, and bounded on the Official Zoning Map dated November 21, 2006, which accompanies and is hereby declared to be a part of this Bylaw; such map to be filed with the Town Clerk.

3. In each district the use of land, buildings, and structures shall be regulated as set forth in Section 2C of this Article, Table of Use Regulations, and as provided elsewhere in this Bylaw.

4. Where an activity might be classified under more than one of the following uses, the more restrictive classification shall determine permissibility.

5. Radioactive Wastes

   No land within the Town of Gill may be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive wastes, including but not limited to low level waste.

B. General Regulations

No building or structure shall be constructed, and no building, structure or land, or part thereof shall be used for any purpose or in any manner other than for one or more uses hereinafter set forth as permissible. Any uses not listed in the Use Regulations Schedule, Section 2.C., shall be considered prohibited.

C. Table of Use Regulations

No building or structure shall be erected or land used except as permitted in this section and all other sections of this Zoning Bylaw. Only one principal structure or use may be allowed on a lot by right. Additional principal structures or uses may be allowed if a Special Permit is granted by the Zoning Board of Appeals.

The words and symbols employed in the following use regulations schedule shall have the following meaning:
Yes, the use is permitted by right in that Zoning District
No, the use is not permitted in that Zoning District
SP, the use may be permitted if a Special Permit is granted by the Zoning Board of Appeals

Any use not expressly permitted by right or by Special Permit shall be prohibited. Uses allowed by right or Special Permit must meet the regulations for signage (Section 2F), parking (Section 14) and the other requirements set forth in these Zoning Bylaws.

			R	R-A	VC	VR
1	Residential Uses					
	a.	Detached, Single-Family Dwelling	Yes	Yes	Yes	Yes
	b.	Two-Family Dwelling or Conversion of a Single-Family Home to a Two-Family Dwelling	Yes	Yes	Yes	Yes
	c.	Three-Family Dwelling or Conversion of a Single-Family Home or Two-Family Home to a Three-Family Dwelling	SP	SP	SP	SP
	d.	Multi-Family Dwelling with up to 6 housing units	SP	SP	SP	No
	e.	Accessory Dwelling Unit	Yes	Yes	Yes	Yes
	f.	Manufactured Housing Communities	SP	SP	No	No
2	Municipal Uses		Yes	Yes	Yes	SP
3	Religious Uses		Yes	Yes	Yes	Yes
4	Educational Uses					
	a.	Exempt from Zoning by M.G.L. Chapter 40, Section 3	Yes	Yes	Yes	Yes
	b.	Not exempt from Zoning by M.G.L. Chapter 40, Section 3	SP	SP	SP	SP

			R	R-A	VC	VR
5	Recreational Uses		SP	SP	SP	SP
6	Agricultural Uses					
	a.	Agricultural Uses on a lot of less than 5 acres	SP	Yes	Yes	SP
	b.	Display and Sale at Roadside Stand of Agricultural Products	Yes	Yes	Yes	Yes
	c.	Agricultural Uses on a lot with 5 acres or more	Yes	Yes	Yes	Yes
7	Commercial Uses					
	a.	Home-Based Business, Cottage Industry, or General Contractor which meets the criteria of Section 2H	Yes	Yes	Yes	Yes
	b.	Home-Based Business, Cottage Industry, or General Contractor, other	SP	SP	SP	SP
	c.	Scientific Research or Development as described in M.G.L. Chapter 40A, Section 9	SP	SP	SP	No
	d.	Restaurants, Drive-through	No	No	No	No
	e.	Restaurants, Other	No	SP	SP	No
	f.	Inns	SP	SP	Yes	SP
	g.	Hotels/Motels	No	No	SP	No
	h.	Transportation Terminal	No	No	SP	No
	i.	Retail Stores with 2,500 square feet or less of enclosed floor area	SP	SP	Yes	SP
	j.	Retail Stores with greater than 2,500 square feet but no more than 10,000 square feet of enclosed floor area with or without drive through facilities such as pharmacies	No	No	SP	No
	k.	Automobile Sales	No	SP	SP	No
	l.	Automobile Service Station, Repair Garage	No	SP	SP	No
	m.	Kennel, Veterinary Hospital	No	SP	SP	No
	n.	Bank with or without drive through facilities, business office or professional office with a building no more than 5,000 square feet of enclosed floor area	No	SP	Yes	*SP*
	o.	Stand-alone Automated Teller Machine (ATM)	No	No	SP	No
	p.	Tourist Homes - Bed and Breakfast	SP	SP	Yes	SP
	q.	Commercial Uses not listed above, other than retail uses, where the physical appearance, operation, parking requirements and traffic impacts resemble a use permitted (Y or SP) above and which will not have a detrimental impact on adjacent or nearby uses	No	No	SP	No
8	Industrial Uses					
	a.	Sawmills and Woodmills	SP	SP	SP	No
	b.	Public Utilities:				

			R	R-A	VC	VR
		I. [Solar,] Wind, or Hydro-Electric Generating Facilities	SP	SP	SP	No
		II. Other Non-nuclear Electric Generating Facilities	No	No	SP	No
		III. Transmission Lines Substations & Switchyards	SP	SP	SP	No
		IV. Large-Scale Ground-Mounted Solar Electric Installations greater than 15 kW up to 250 kW that meet the requirements of Section 23[1]	SP	SP	SP	SP
		V. Large-Scale Ground-Mounted Solar Electric Installations greater than 250 kW that meet the requirements of Section 23	SP	SP	SP	N
	c.	Commercial radio, television, microwave or other transmitting or receiving towers	No	SP	SP	No
	d.	Light Industry	No	SP	SP	No
	e.	Printing & Publishing	No	SP	SP	No
	f.	Warehousing, bulk storage, and self-storage	No	SP	SP	No
	g.	Registered Marijuana Dispensary (RMD) with no more than 2,500 square feet of enclosed floor area[2]	No	No	SP	No

1 – Large-Scale Ground-Mounted Solar Electric Installation greater than 15 kW up to 250 kW that meet the requirements of Section 23 that are located in the Solar Overlay District are allowed By-Right (Yes) but are subject to Site Plan Review.

2 – Registered Marijuana Dispensaries (RMDs) must meet the requirements of Section 25 and are subject to Site Plan Review under Section 24.

D. Special Permit Guidelines

Special Permits shall be granted only for proposals in compliance with the provisions of this Bylaw, and of Chapter 40A, General Laws, and upon written determination of the Special Permit Granting Authority that the proposal will have no adverse effects which overbalance its beneficial effects on the Town as measured by the Purpose of this Bylaw. The determination shall indicate consideration of each of the following:

1. Community and regional needs which are served by the proposal.

2. Traffic flow and safety.

3. Adequacy of Town services.

4. Effects on neighborhood character.

5. Protection of the natural environment.

6. Potential impact on employment and incomes.

7. Potential impact on Town finances.

8. Potential impact on surface and ground water.

Authorization

The Board of Appeals shall be the Special Permit Granting Authority. Special Permits granted by the Special Permit Granting Authority for uses listed in Section 24B shall include an approved Site Plan bearing the endorsement of the Zoning Board of Appeals.

If substantial use or construction has not commenced without good cause within a period of one (1) year from the date of the granting of a Special Permit, the Special Permit shall lapse. A one-year extension of the commencement of use under a Special Permit shall be allowed for good cause as determined by the Special Permit Granting Authority. This time limit shall be extended to include the time required to pursue or await the determination of an appeal.

E. Variances

Under the provisions of Section 10, Chapter 40A, General Laws, dimensional variances from the terms of these Bylaws may be granted by the Board of Appeals, with respect to specific land or structures, in cases where the Board finds all of the following:

1. A literal enforcement of the provisions of these Bylaws would involve a substantial hardship, financial or otherwise, to the petitioner or appellant;

2. The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures but not generally the zoning district in which they are located; and

3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purposes of these Bylaws.

F. Sign Regulation

1. Purpose. The following sign regulations are intended to allow the identification and location of activities or premises while protecting the visual character of the town and the safety of its residents. Any sign or advertising device hereafter erected or substantially altered shall conform to the following regulations. Certain on-premise signs meeting these standards are allowed by right. Off-premise signs and other signs may be allowed upon the issuance of a Special Permit from the Zoning Board of Appeals using the following criteria (instead of the criteria listed in 2D Special Permit Guidelines): the sign will serve the public convenience, will not endanger the public safety and will not be detrimental to the neighborhood in which it is proposed to be located. The Zoning Board of Appeals must find that all the criteria will be met for signs requiring a Special Permit.

2. On-premises signs.
   a. Any residential dwelling is allowed one sign up to two (2) square feet in area for each family/household residing on the premises, indicating the name of the owner or occupant or the name of the building, or other non-commercial message.

b. Home-based businesses are allowed one sign up to two (2) square feet in area listing the name of their business in addition to the sign allowed in 2.a. above.

c. One announcement or bulletin board up to twelve (12) square feet is allowed for a public, educational, charitable or religious organization.

d. Commercial and industrial uses shall be allowed two signs, one attached to the building and one freestanding, each up to twelve (12) square feet in area.

e. Businesses sharing a single building structure are allowed one wall sign up to twelve (12) square feet per establishment. One shared freestanding sign shall also be allowed for the entire premises, bearing the name of each business located there. Such sign shall not exceed twenty (20) square feet in area.

3. Off-premises signs. Off-premises signs may be allowed by Special Permit from the Zoning Board of Appeals as outlined in F.1 above. In addition, off-premise signs shall only pertain to directional or identification information for businesses located in Gill. Such signs shall not exceed nine (9) square feet in area.

4. Temporary signs. Signs of a temporary nature, such as sales promotions, holiday decorations, signs for a charitable event, election campaign signs, and signs relating to the sale, rental or construction of the premises, are allowed but shall be removed promptly upon completion of the activity to which they relate. Temporary signs shall not exceed six (6) square feet in area or ten (10) feet in height.

5. General sign regulations.
   a. Lighting. Signs may be lighted externally in all districts. Internally lighted signs are allowed in the Village Commercial District by Special Permit. They are not allowed in any other zoning district. Illumination of all signs shall be of a white light and shall be shielded or indirect. Signs in the Residential, Residential/ Agricultural and Village Residential Districts may only be illuminated during the hours of 7:00 a.m. to 6:00 p.m. Signs in the Village Commercial District may only be illuminated during the hours of 7:00 a.m. to 10:00 p.m. Uses with signs requiring illumination during other hours must obtain a Special Permit from the Zoning Board of Appeals as outlined in F.1 above. Sign lighting shall not be directed onto an adjacent property, roadways or upward. Neon signs are allowed only by Special Permit from the Zoning Board of Appeals as outlined in F.1 above.
   b. Signs such as LED signs which show the current time and/or temperature are allowed by Special Permit from the Zoning Board of Appeals as outlined in F.1 above. No other signs which flash, move, or generate movement are permitted. Signs which generate music or an audible message are prohibited.

   c. No sign shall be placed closer than ten (10) feet to a public right-of-way or within any side or rear yard requirement, and it shall not impair pedestrian or vehicular traffic flow or sight.

   d. Freestanding signs may be up to ten (10) feet in height above the ground, measured from the average ground grade on the premises to the top of the sign. Signs in excess of ten (100 feet in height but not more than twenty (20) feet in height may be

allowed by Special Permit from the Zoning Board of Appeals as outlined in F.1 above.

e. Signs attached to a building may be either flat against the wall of the building or perpendicular to it but shall not project more than two (2) feet above the eaves line of the building or more than three (3) feet from the vertical plane of the wall.

f. Double-sided signs with equal and parallel faces providing the same information on both sides shall be measured on one side only in determining square footage.

g. Nonaccessory signs or billboards (general advertising not related to the premises) are prohibited.

h. Signs which are larger in area than described in the guidelines in this section may be allowed by Special Permit from the Zoning Board of Appeals as outlined in F.1 above.

G. Common Driveways

Common Driveways may be allowed by Special Permit from the Zoning Board of Appeals according to the requirements of Section 2D. Common Driveways also require Site Plan Review and must meet the additional criteria below:

1. The common driveway shall serve no more than two lots, with adequate frontage for all lots in accordance with the Zoning Bylaws, and shall lie entirely within the lots to which it provides access. Common Driveways shall not exceed 1,200 feet in length and must provide one turn-out area every 600 feet.

2. Adequate access, including turnouts and turn around shall be provided for vehicles, including emergency vehicles, year round. The Zoning Board of Appeals shall require the approval of the Fire Department, Highway Department and may require the approval of other appropriate Town Boards before granting a Special Permit.

3. Common driveways shall have a minimum width of 15 feet with grade not to exceed 8%, with drainage and culverts where necessary.

4. The Zoning Board of Appeals shall consider, but not be limited to the following; length, driveway material, proposed use, environmental factors, water or waterways, icing.

5. No Special Permit for a common driveway shall be valid until an easement providing for maintenance and snow removal has been executed. This easement shall run with the land in perpetuity and shall be executed by the owner(s) of the lots sharing the driveway, recorded at the Registry of Deeds, and evidence thereof is submitted to the Building Inspector prior to any construction.

6. Common Driveways for flag lots with an average weekday trip rate of 50 or more trips per day must meet the design and construction standards for new subdivision roads contained in Gill's Subdivision Regulations.

H. Home-Based Businesses

A business or profession is allowed as an accessory use of a dwelling by right, provided that the following criteria are met:

1. Such use is clearly secondary to the residential use, and no more than forty percent (40%) of the gross floor area of the residence, or 1,000 square feet, whichever is greater, shall be used for the home-based business.

2. No more than two (2) employees other than the residents of the premises are regularly employed there in connection with such use.

3. No external change is made which alters the residential appearance of the building on the lot.

4. All operations, including incidental storage, are carried on within the principal or accessory buildings, and there is no outward evidence that the premises are being used for any purpose other than residential, except for an accessory vehicle, or an accessory sign as permitted under Section 2F.

5. No in-person retail sales shall be allowed except for products created on the premises. However, internet, telephone, or electronic transactions of goods not manufactured on the premises shall be allowed.

6. Traffic shall not exceed volumes normally expected in a residential neighborhood. For purposes of this Bylaw, this shall be defined at fifteen (15) trips per day per dwelling unit, which is approximately one hundred and fifty percent (150%) of the average weekday trip rate for single-family homes, according to the Institute of Transportation Engineers (ITE) Trip Generation Model.

7. The use shall produce no noise, obnoxious odors, vibrations, glare, fumes, or electrical interference which would be detectable to normal sensory perception beyond the lot line.

8. Adequate off-street parking will be provided. Any needed parking areas shall not be within twenty (20) feet of a street line or within any required side or rear yard and shall be adequately screened from neighboring residential uses and public ways. Parking areas shall not have more than four spaces per dwelling unit.

9. Home Based Businesses utilizing or storing heavy equipment such as a General Contractor shall screen such equipment from neighboring residential properties by a fence or evergreen hedge at least six feet in height or shall store such equipment in a structure such as a garage or barn.

SECTION 3: DIMENSIONAL SCHEDULE

Districts	Minimum Lot Area in square feet[a,d]	Minimum Lot Frontage in feet	Yard Dimensions			Maximum Height in feet	Maximum Lot Coverage[b]
			Front in feet	Side in feet	Rear in feet		
Village Residential[c] (VR)	10,890 (1/4 acre)	100	20	10	10	35	50%
Residential (R)	87,120 (2 acres)	200	50	30	30	35	50%
Residential – Agriculture (R-A)	87,120 (2 acres)	200	50	30	30	35	30%
Village Commercial (VC) [e]	43,560 (1 acre)	150	20	25	25	35	70%

[a] For a residential dwelling with three or more housing units, an additional 21,780 square feet (1/2 acre) of lot area for each housing unit after the first two is required for the minimum lot size (e.g. in the Residential District, for a four-family dwelling, the minimum lot size is 130,680 square feet (3 acres) (130,680= 87,120 + 21,780 +21,780)).
[b] Lot Coverage – The area of a lot occupied by structures, walkways, drives, parking or other impervious or semi-pervious surfaces.
[c] The front yard dimension may be determined by the setback of existing structures on adjacent parcels where these setbacks are less than the minimum front yard dimension required by this Bylaw.
[d] Minimum Lot Area sizes may be reduced for Conservation Developments according to the requirements of Section 6.
[e] No Registered Marijuana Dispensary shall be sited within a radius of three hundred (300) feet of a school, daycare center, park or playground, or any location where children commonly congregate, the 300 foot distance to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.

SECTION 4: ACCESSORY DWELLING UNITS

A. Purpose

The purpose of this Section 4 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Gill in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for the by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.

2. Develop small-scale infill housing that fits in context of town while providing gentle/hidden density.

3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.

4. Enable property owners to age in place, downsize, or earn supplemental income from investing

in their properties.

B. Definitions

For purposes of this Section 4, the following definitions shall apply:

1. **Accessory Dwelling Unit (ADU).** A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe ingress and egress. ADUs may be detached, attached, or internal to the Principal Dwelling. Only one (1) Protected Use ADU is allowed on a lot.

2. **Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including lofts, basements, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, porches, and similar spaces.

3. **Modular Dwelling Unit.** A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Manufactured Home that does not comply with the Building Code or Fire Code shall not be considered a Modular Dwelling Unit.

4. **Principal Dwelling.** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit.

5. **Protected Use ADU.** An attached, detached, or internal ADU that is located, or is proposed to be located, on a Lot with a Principal Dwelling in the Residential, Residential-Agricultural, or Village Commercial Zoning District and is not larger in Gross Floor Area than 1200 square feet, provided that only one ADU per lot may qualify as a Protected Use ADU; or in the Village Residential Zoning District and is not larger in Gross Floor Area than 900 square feet, provided that only one ADU per lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

6. **Short-Term Rental.** An owner-occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant [for a period of 31 consecutive days or less]; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

7. **Transit Station.** A Transit Station includes a subway station, commuter rail station ferry

terminal or bus station serving as a point of embarkation for any bus operated by the Franklin Regional Transit Authority. There are currently no Transit Stations in Gill, nor does the closest Transit Station have a half-mile radius that extends in Gill (as of May 2026).

C. Regulations

1. General Provisions for All ADUs

a. Code Compliance

i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe ingress and egress under the Building Code and Fire Code.

ii. ADU Construction shall comply with the 780 CMR 71.00: Massachusetts State Building Code and 310 CMR 15.000: The State Environmental Code, Title 5 regulations, Building Code and Fire Code.

b. Short-Term Rentals

i. ADUs may not be operated as Short-Term Rentals.

2. Protected Use ADUs.

The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling, including within, or on a lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

a. Dimensional Standards.

i. A Protected Use ADU shall not be larger than a Gross Floor Area of 1200 square feet in the Residential, Residential-Agricultural, and Village Commercial Zoning Districts. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet in the Village Residential Zoning District.

ii. A detached Protected Use ADU may be located within a garage, barn, or other accessory structure in existence on May 4, 2026, or within a new accessory structure located within 100 feet of the existing Principal Dwelling. Upon written request by the applicant, the Planning Board may waive or increase the 100 foot separation requirement by a majority vote upon written findings that: 1. special circumstances of the site, its surroundings, or the proposal design that negate the need for imposition of the requirement, or the objectives of this section may be met in alternative manner; and 2. that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw.

iii. A Protected Use ADU shall not have more restrictive dimensional standards than those required for a Single-Family Residential Dwelling, Principal Dwelling, or accessory structure within the same district, whichever results in more permissive regulation.

b. Off-Street Parking.

i. A maximum of one (1) additional off-street parking space shall be required for Protected Use ADUs in addition to the off-street parking spaces required for the Principal Dwelling. For lots within a half-mile of a Transit Station, providing parking for the ADU is not required. (As of May 2026, there are no Transit Stations in Gill, nor does a half-mile radius of a Transit Station extend into Gill).

c. Allowed/Disallowed Building Types.

i. Building Code-compliant dwelling structures, including Modular Dwelling Units, may be used as an ADU. A recreational vehicle or trailer or Manufactured Home, not compliant with the Building Code or Fire Code, may not be used as an ADU.

d. Sale of ADU.

i. A Protected Use ADU may not be sold separately from the Principal Dwelling.

3. Nonconformance.

i. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.

D. Administration and Enforcement

1. The Building Inspector shall administer and enforce the provisions of this Section 4.

2. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.

3. No building shall be occupied until a Certificate of Occupancy is issued by the Building Inspector, where required.

4. The Building Inspector, when applicable, shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Building Inspector finds to be unreasonable under the Dover analysis.

E. Severability

If any subsection, sentence, clause, phrase, or other portion of this Section 4 is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be severed and all other provisions of this Section 4 shall continue in full force and effect.

SECTION 5: FLAG LOTS

A. Flag Lots must meet the following conditions:

1. Flag Lots are only allowed in the Village Commercial (VC) District. Flag Lots shall have at least

the required minimum lot area for the District and the access strip cannot be counted in the determination of the minimum lot area for the Flag Lot.

2. The Front Lot must meet all dimensional requirements for its respective district as listed in Section 3. The required frontage shall not include the access strip in its measurement.

3. The Flag Lot may be used for residential uses, commercial uses, or mixed residential and commercial uses, as allowed in the respective zoning district. No building shall be allowed to be plotted or to be erected in the access strip.

4. For a Flag Lot proposed for residential use only, the access strip shall meet the following required dimensions: a maximum length of 1,000 feet, a minimum length of 150 feet; and a minimum width of 40 feet.

5. For a Flag Lot proposed for commercial uses, or mixed residential and commercial uses, the access strip shall meet the following required dimensions: a maximum length of 1,000 feet, a minimum length of 150 feet; and a minimum width of 60 feet. Commercial uses and mixed use developments proposed for Flag Lots are required to go through Site Plan Review and to provide landscaping along the access strip to buffer any adjacent residential uses.

6. The width of the Flag Lot as measured through the principal building (erected or to be erected) or where the lot is the narrowest (other than the access strip) must equal or exceed the required frontage for the respective district. Side, front and rear setback requirements are measured from the boundaries of the building portion of the lot not including the access strip.

7. The back line of a Flag Lot must be at least equal in length to the minimum frontage requirements for that district.

8. The access road to a flag lot with an average weekday trip rate of 50 or more trips per day must meet the design and construction standards for new subdivision roads contained in Gill's Subdivision Regulations.

9. There shall be no more than one Flag Lot divided from a lot having frontage as required by Section 3.

10. Plans submitted to the Planning Board under this section shall include the statement: "Lot ___ is a lot created under the Flag Lot Bylaw of the Zoning Bylaws."

SECTION 6: CONSERVATION DEVELOPMENT

A. Purpose

The purpose of a Conservation Development is to encourage the preservation of common land for conservation, agriculture, open space, forestry and passive recreational use; to preserve historical or archaeological resources; to protect existing or potential public or private water supplies; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the Zoning Bylaws through a greater flexibility in design; and to allow more efficient provision of municipal services.

A Conservation Development shall consist of single and/or two-family residential dwellings where the houses are arranged together into one or more groups within the development, and are separated from adjacent properties by undeveloped land. This type of development may occur in any zoning district as either a subdivision or as "Approval Not Required (ANR) lots being created on an existing public way.

The Planning Board may approve or disapprove a Site Plan for the construction of a Conservation Development in accordance with Section 24, Site Plan Review, and subject to provisions set forth in this section.

B. Procedures for Submittal

1. Pre-Application Review. Applicants are encouraged to submit a Preliminary Plan for review by the Planning Board prior to the application for Site Plan Approval. Materials and information to be submitted with the preliminary plan shall be agreed upon by the applicant and the Board.

2. Filing an Application. An applicant for Conservation Development shall file a completed application with the Town Clerk. The application shall include ten (10) copies each of the site plan and any narrative documents as outlined in the submittal requirements. The plan shall be prepared by a professional architect, professional engineer, registered landscape architect, or registered land surveyor. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application.

3. Contents of Application. Said application and plan shall be prepared in accordance with information required for a definitive subdivision plan in the Rules and Regulations of the Planning Board governing subdivision of land, whether or not the development constitutes a subdivision, and shall include proposed location, bulk and height of all proposed buildings. In addition, the applicant shall provide the following information:

    a. A plan of the site, including wetlands, water bodies, slopes, the capability of soils to support the proposed development, areas within the 100-year floodplain, areas subject to flooding by high or significant hazard dams, and such other natural features as the Planning Board may request. In addition, an existing topographic map and a proposed topographic map at two-foot intervals should be provided;

    b. A preliminary plan for a conventional (non-Conservation Development) subdivision or ANR development for the site, illustrating the number of lots that could be created under a conventional subdivision or ANR development, and the results of deep hole and perc tests indicating how many of these lots would be buildable;

    c. A summary of the environmental issues or constraints relating to the proposed Conservation Development Plan;

    d. A description of the neighborhood in which the tract lies, including utilities and other public facilities, existing roads, and the impact of the proposed plan on them;

    e. Identification of the conservation and recreation land proposed within the Conservation Development, with respect to use, size, shape, location, and natural resource value, and

accessibility by residents of the Town or of the Conservation Development;

f. Materials indicating the landowner's interest in the land to be developed, the form of the organization proposed to own and maintain the common land, the substance of covenants and grants of easements to be imposed upon the use of land and structures, and a development schedule;

g. If necessary to determine compliance with the requirements or intent of this section, the Planning Board may require further engineering or environmental analyses to be prepared at the expense of the applicant; and

h. Other reasonable requirements requested by the Planning Board.

C. Review of Other Boards

The Town Clerk shall transmit copies of the application to the Select Board, Planning Board, Zoning Board of Appeals, Board of Health, the Conservation Commission, the Fire Chief, and the Highway Superintendent. Town Boards and municipal officials other than the Planning Board shall have 45 days from the date the completed application is received by the Town Clerk to make recommendations. Failure to make recommendations within 45 days of receipt shall be deemed as a lack of opposition.

D. Public Hearing

After the opportunity for review by other boards has taken place, the Planning Board shall hold a hearing under this section, in conformity with the provisions of M.G.L. Ch. 40A Section 11, and of the Zoning Bylaws. In addition, to the extent permitted by law, the Planning Board shall coordinate the Public Hearing requirement for the Conservation Development with the Public Hearing requirement for a Definitive Subdivision Plan.

E. Relation to Subdivision Control Law

The Planning Board approval for Site Plan Review shall not substitute for compliance with the Subdivision Control Act, nor oblige the Planning Board to approve any related definitive plan for subdivision or an Approval Not Required Plan, nor reduce any time periods for board consideration under that law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under existing law, adopt regulations establishing procedures for submission of a combined plan and application which shall satisfy this section and the Planning Board's regulations under the Subdivision Control Act.

F. Criteria for Approval

Approval of a Conservation Development Site Plan shall be granted only if the Planning Board determines that the requirements of the Conservation Development and Site Plan Review bylaws have been complied with.

G. Minimum Requirements

1. The minimum area of land required for a Conservation Development shall be ten (10) acres for a subdivision or eight (8) acres for lots on an existing public way which do not require subdivision approval. The parcel shall be held in single ownership or control at the time of the application.

2. The maximum number of dwellings for the development shall not exceed that which is normally allowed in the district under a conventional plan.

3. The development shall include lots for single and/or two-family dwellings only.

4. Each lot shall have adequate access on a public or approved subdivision road.

5. Each lot shall comply with the minimum dimensional requirements of this Conservation Development Bylaw.

6. Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

7. All residential structures and accessory structures within the development shall be set back from the boundaries of the development by a buffer strip of at least fifty (50) feet in width to be kept in a natural condition.

8. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking. There shall be no parking in the buffer strip.

9. Design of roads, utilities, and drainage shall be functionally equivalent to the standards contained in the Planning Board's Subdivision Control Regulations insofar as is reasonably applicable, but the Board may vary those standards to meet the particular needs of the Conservation Development.

10. At least thirty-five percent (35%) of the total parcel of land shall be set aside as common land. The minimum required common land shall not include wetlands, water bodies, floodplains, land with slopes greater than twenty-five (25%), roadways, and land prohibited from development by legally enforceable restrictions, easements or covenants.

11. No septic system shall be allowed with a sewage flow exceeding 10,000 gallons per day (GPD). Reserve area requirements shall not be waived for any system with a flow over 2,000 GPD. Septic systems shall be placed in the development to maximize the distance between systems and may be placed within common land areas rather that on individual lots.

12. No Conservation Development shall be approved unless the applicant can show to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed Conservation Development than would be expected from a conventional subdivision with single-and/or two-family houses on lots meeting the normal lot size requirements located on the same parcel. The burden of proof shall be on the applicant.

H. Dimensional and Density Requirements

1. Building lot sizes shall not be less than 21,780 square feet (1/2 acre).

2. In no instance shall a designated lot have less than one hundred (100) feet of frontage on a public or approved subdivision road.

3. Minimum front, rear and side yard setbacks shall be ten (10) feet from the respective lot line.

I. Required Conservation Land

1. All land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for passive recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.

2. Further subdivision of common open land or its use for other than the above listed uses, except for easements for underground utilities, water supplies and septic systems, shall be prohibited. Structures or buildings associated with recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land. Any portions of an underground septic system which are located within the common open land shall be marked with a permanent marker that records their location and depth.

3. Such common open land shall be either:

    i. conveyed to a corporation or trust owned or to be owned by the owners of lots within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
    ii. conveyed to the Town of Gill, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.

4. In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and not be developed for residential use or accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like. The Conservation Restriction placed on such common land shall be held by the Conservation Commission of the Town of Gill, a suitable State agency, or by a non-profit conservation land trust.

5. If the common land is to be conveyed to the lot owners within the development, ownership and maintenance of such land shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other land agreement through which each lot owner in the development is automatically a member and each lot is subject to a charge for a share of the maintenance expenses or through a comparable arrangement satisfactory to the Planning Board. Such land agreement documents shall be submitted with the Development Plan and shall be subject to approval by the Planning Board and Town Counsel. These covenants shall also include provisions for the maintenance of all common facilities and utilities.

6. Such covenants shall specify how the organization will be governed and how costs will be assessed and that the organization shall remain under the control of the developer until a majority of the lots are conveyed to permanent owners.

7. Such covenants shall provide that in the event that the organization established to own and maintain the common open land or any other commonly owned facilities or utilities or any successor organization fails to maintain the common open land or any other commonly owned facilities or utilities in reasonable order and condition in accordance with the Conservation Development Plan, the Town may, after notice to the organization and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties enforceable as a real estate tax and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefore.

J. Further Requirements

1. There shall be no amendments or changes to an approved Conservation Development Plan without review and approval from the Planning Board.

2. No lot within an approved Conservation Development may be further subdivided so as to increase the number of lots, and a notation to this effect shall be shown on any Definitive Plan of a subdivision and on the approved ANR Plan if not a subdivision under the Subdivision Control Law.

3. No use other than residential, agricultural, forestry or passive recreation shall be permitted.

4. The Planning Board may approve a Site Plan for a Conservation Development even if the proposed development is not subject to the Subdivision Control Law.

SECTION 7: CAMPING & TRAVEL TRAILER/MOTOR HOME

A camping or travel trailer, or motor home, shall not be occupied for a total time in excess of ninety (90) days during any one calendar year. Those owned by the owners or occupants of the premises and their immediate family shall be stored in the rear or side of the yard when not in use.

SECTION 8: LOGGING OPERATIONS

All slash from logging operations must be cleared from within fifty (50) feet of any highway and waterway, and slash beyond fifty (50) feet be laid not more than three (3) feet in height.

SECTION 9: EARTH REMOVAL OPERATIONS

No soil, loam, sand, gravel, stone, or other earth materials shall be removed from any premises within the Town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor issued by the Board of Appeals.

The removal of earth material in any of the following operations shall be an exempt operation:

1. The removal of less than ten (10) cubic yards of material on the aggregate in any one premises.

2. The transfer of less than fifty (50) cubic yards of material from one part of the premises to another part of the same premises.

3. The removal of material from land in use by the Town.

4. The removal of material necessarily excavated in connection with the lawful construction of a building or structure, or of a street, highway, sidewalk, or path incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of the building, structure, driveway, sidewalk or path below finished grade.

5. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than ten (10) feet above the mean maximum ground water table for that area. This restriction shall not apply to activities incidental to permitted uses, including but not limited, to providing for the installation or maintenance of building foundations, freshwater ponds, utility conduits, or on-site sewage disposal.

SECTION 10: PERMITS FROM BUILDING INSPECTOR

No construction, building, exterior or structural alteration to existing construction or building shall be started until a building permit has been issued therefore by the Town Building Inspector who is hereby authorized to grant such permits consistent with the State Building Code. The Town Building Inspector shall also serve as the Town Zoning Enforcement Officer. The Zoning Enforcement Officer shall have the power to withhold a building permit for construction, alteration, or moving of any building or structure if such action would be in violation of these Bylaws. Also, no permit or license shall be granted for a new use of a building, structure, or land which would be in violation of these Bylaws. Should the Zoning Enforcement Officer refuse to act on a written complaint of zoning violation, he must give reasons for his failure to do so within fourteen (14) days.

SECTION 11: SEWAGE & DISPOSAL SYSTEMS

All sewage and disposal systems shall be installed under the rules and regulations of the Board of Health of the Town and in accordance with the State Sanitary Code.

SECTION 12: ZONING BOARD OF APPEALS

A. Within thirty (30) days after the adoption of this Bylaw the Board of Selectmen shall appoint a Board of Appeals of five members, all of whom shall be residents or property owners of the Town of Gill, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws and shall serve without remuneration. This Board of Appeals shall be appointed according to the methods described in said Chapter 40A, General Laws, as amended. The Zoning Board of Appeals may designate up to two associate members, to sit on the Board for the purposes of acting on a Special Permit or Site Plan Review application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Zoning Board of Appeals or in the event of a vacancy on the Board. Associate members will be appointed by the Board of Selectmen for a term of three years. The Board of Selectmen in appointing the associate members, will give consideration to any recommendation made by the Zoning Board of Appeals.

B. An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Building Inspector or other administrative officer pursuant to the provisions of Chapter 40A, by the Planning Board, or by any person, including an officer or Board of the Town, or of any abutting city or town, aggrieved by an order or decision of the Building Inspector or other administrative officials, in violation of any provisions of Chapter 40A, or of the Zoning Bylaw.

SECTION 13: NONCONFORMING USES AND STRUCTURES

A. The provisions of these regulations shall not apply to any legally existing buildings or structures, nor to any legally existing use of any building or structures or land at the time of passage of these Bylaws.

B. Any use or structure, whether conforming to this Bylaw or not, may be continued if that use or structure was lawfully existing at the time it became nonconforming, and may be restored if destroyed by fire or natural cause. If discontinued or abandoned for more than twenty-four (24) months, subsequent use shall comply with this Bylaw.

C. Alteration, extension, change or reconstruction, as provided in M.G.L. Chapter 40A, Section 6: A legally nonconforming single or two family dwelling may be altered, extended, or reconstructed provided that doing so does not increase the nonconforming nature of said structure as determined by the Building Inspector. Other pre-existing legally nonconforming structures or uses may be extended, altered, reconstructed, or changed in use on Special Permit by the Board of Appeals, upon a finding by the Board that such alteration, extension, reconstruction, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

D. Construction or operations under a building permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through completion as continuously and expeditiously as is reasonable.

SECTION 14: PARKING REQUIREMENTS

It is the intention of this Bylaw that all structure*s* and land uses be provided with sufficient off-street parking spaces on the premises to meet their needs. No permit shall hereafter be issued for the erection of a new structure, the enlargement of an existing structure, or the change or development of a use of land or structure, unless the plans show the location and size of the off-street parking required by this Bylaw and the means of access to such space from a street. The parking requirements listed below may be reduced by the Special Permit Granting Authority upon its determination that special circumstances render a lesser provision adequate for all parking needs.

Off-street parking facilities shall be provided as follows, each space measuring ten (10) feet wide and twenty (20) feet long:

A. Two (2) parking spaces per dwelling unit.

B. Retail stores and professional offices: one space for each two hundred (200) square feet of

gross floor area, excluding storage areas.

C. Places of assembly: one (1) space per three (3) seats in the largest assembly room.

D. Wholesale, warehouse and light industry establishments: one (1) space for each employee on the largest shift.

E. Motels, hotels, and inns: one (1) space per guest unit, plus one (1) additional space per eight (8) guest units or fraction thereof.

F. Restaurants, taverns and other establishments at which a principal use is the serving of food or beverages: one (1) space for each three (3) seats plus one space for each 300 square feet of gross kitchen area.

G. Recreational uses shall provide adequate off-street parking for the estimated number of users.

H. Off-street parking requirements for other uses shall be determined by the Building Inspector.

I. Parking shall be located to the side and rear of building structures to the maximum extent feasible, except as needed for compliance with the Americans with Disabilities Act.

For parking areas of six (6) cars or more the following shall apply:

A. Their use shall not require backing onto a public way.

B. Such lots shall be separated by twenty (20) feet from any abutting residential use and screened.

C. No off-street parking shall be located within ten (10) feet of a street line.

SECTION 15: FLOOD PLAIN REGULATIONS

ARTICLE I. STATEMENT OF PURPOSE

Section A. Statement of Purpose

The purposes of the Floodplain District are to:

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

2. Eliminate new hazards to emergency response officials;

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

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

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

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

ARTICLE II. FLOOD INSURANCE RATE MAP DISTRICT, FLOODPLAIN ADMINISTRATOR AND PERMITS

Section A. FIRM District Boundaries

The purposes of the Floodplain Overlay District are to:

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Gill's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, (NFIP) dated June 18, 1980 and on the Flood Boundary & Floodway Map dated June 18, 1980. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1979. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

Section B. Floodplain Administrator

The Town of Gill hereby designates the position of Town Administrator to be the official Floodplain Administrator for the Town.

Section C. Permits

1. **Permits Required.** The Town of Gill requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, ground-mounted solar panels, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

2. **Other Permits.** The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

ARTICLE III. FLOODWAY ENCROACHMENT, ZONING, USE REGULATIONS AND PERMITTED USES

Section A. Floodway Encroachment

1. In Zones A, A1-30, 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.

2. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway Map encroachments are prohibited,

including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section B. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

Section C. Subdivisions

1. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

    a) Such proposals minimize flood damage.
    b) Public utilities and facilities are located & constructed so as to minimize flood damage.
    c) Adequate drainage is provided.

2. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

Section D. Recreational Vehicles

In A, A1-30, AO, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

ARTICLE IV. NOTIFICATION OF WATERCOURSE ALTERATION

Section A. Watercourse Alterations

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

Adjacent Communities

Bordering states, if affected

NFIP State Coordinator,
Massachusetts Department of Conservation and Recreation

NFIP Program Specialist,

Federal Emergency Management Agency, Region I

Section B. Submit New Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

NFIP State Coordinator,
Massachusetts Department of Conservation and Recreation

NFIP Program Specialist,
Federal Emergency Management Agency, Region I

ARTICLE V. VARIANCES

Section A. Variances and State Building Code

1. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

2. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

3. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

Section B. Other Variances

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

1. Good and sufficient cause and exceptional non-financial hardship exist;

2. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

3. The variance is the minimum action necessary to afford relief.

ARTICLE VI. DISCLAIMERS

Section A. Abrogation

The floodplain management regulations found in this Floodplain Overlay District section shall take

precedence over any less restrictive conflicting local laws, ordinances or codes.

Section B. Disclaimer

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

Section C. Severability

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

ARTICLE VII. DEFINITIONS RELATED TO FLOODPLAIN DISTRICTS

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

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

FLOODWAY The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
(1) By an approved state program as determined by the Secretary of the Interior or
(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:
(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, 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. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

SECTION 16: WIRELESS COMMUNICATIONS

A. Purpose

The purpose of this section is to establish appropriate siting criteria and standards for wireless communications facilities in order to provide wireless communications services with minimal harm to public health, safety and general welfare. Specifically, the intent is to:

1. provide for safe and appropriate siting of wireless communications facilities consistent with the Telecommunications Act of 1996, and

2. minimize visual impacts from such facilities on residential districts within Gill.

B. Definitions for the Purposes of this Section

WIRELESS COMMUNICATIONS FACILITY shall mean fixtures and/or equipment used by a public utility or a Federal Communications Commission (FCC) licensed commercial entity for the wireless transmission and reception of radio signals including

1. reception and transmission equipment and fixtures such as antennas, communications dishes, and similar devices, and

2. towers that are erected and used primarily to support such reception and transmission equipment.

A wireless communications facility may include accessory mechanical, electronic, or telephonic equipment necessary to operate such facility; provided, however, that such facility shall be a transmission and reception substation, not a principal facility for conducting a communications business.

WIRELESS COMMUNICATIONS SERVICES shall mean the provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service.

WIRELESS COMMUNICATIONS TOWER shall mean a structure (with antennas, if any) designed to facilitate wireless communications services.

C. Submittal Requirements

All applications for wireless communications facilities shall be made and filed in compliance with

special permit and site plan review requirements set forth in Section 2D and Section 24 of the Town of Gill Zoning Bylaws. In addition, five copies of the following information must be submitted for an application to be considered complete:

1. A locus plan at a scale of 1"=200' which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and abutting neighborhoods and all buildings within 500 feet of the facility.

2. A color photograph or rendition of the facility with its antennas and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the facility from the nearest street or streets.

3. The following information must be prepared by a professional engineer licensed in Massachusetts and paid for by the applicant:

   a) a description of the facility (including technical specifications) and the technical, economic and other reasons for the proposed location, height and design;

   b) a statement of the capacity of the facility including the number and type of panels, antennas, and transmitters and/or receivers that it can accommodate and the basis for those calculations;

   c) a certification that the proposed facility complies with, or is exempt from, all applicable Federal and State requirements, including regulations administered by the Federal Aviation Administration (FAA), Federal Communications Administration (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health:

   d) an estimated cost of demolition and removal.

D. Use Restrictions

A wireless communications facility may be erected upon the issuance of a special permit by the Zoning Board of Appeals pursuant to Section 2D, subject to site plan approval as set forth herein at Section 24, as may be amended (without exemption due to size of structure), and subject to all of the following conditions:

1. To the extent feasible, service providers shall co-locate on a single facility. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten year period) where technically practicable, with space to be offered to all other communications providers at market rates. The intent of these requirements is to minimize the number of facilities located within the town.

2. New towers shall be considered only upon a finding by the Zoning Board of Appeals that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower. The need for a new tower will be supported by the applicant with information certified by a professional engineer licensed in Massachusetts.

3. In no event shall any such tower be located closer than one (1) mile to any other such tower.

4. Tower height shall not exceed 55 feet above the existing terrain.

5. All facilities shall be designed at the minimum height necessary to accommodate anticipated current and future use.

6. A tower shall not be erected nearer to any property line, existing building or way (public or private) than a distance equal to twice the vertical height of the tower (inclusive of any appurtenant devices), measured at the mean finished grade of the tower base.

7. Accessory structures housing support equipment for towers shall not exceed 400 square feet in size and 15 feet in height.

8. To the extent feasible, all network interconnections from the communications site shall be via land lines.

9. Existing on-site vegetation shall be preserved to the maximum extent practicable, or replaced after construction with similar or compatible species.

10. The design of the facility shall minimize, to the extent feasible, adverse visual effects on the environment, and provide for public safety. The Zoning Board of Appeals, through site plan review, may impose reasonable conditions to ensure these results, including painting and lighting standards, landscaping, screening, and adequate security.

11. There shall be no signs, except for announcement signs, no trespassing signs, and a required sign giving a telephone number where the owner can be reached on a 24 hour basis. All signs shall conform with Section 2F of the Town of Gill Bylaws.

12. Night lighting of the facilities shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or required by the FAA.

13. There shall be a minimum of one parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.

14. Traffic associated with the facility shall not adversely affect abutting ways.

15. Wireless communications facilities may be placed upon or inside existing buildings or structures, including water tanks and towers, church spires, electrical transmission lines, and the like. In such cases, the facility height shall not exceed five feet above the existing roof line, or more than five feet out from the plane of the existing wall or facade to which it is affixed, provided such projections do not otherwise violate existing setback requirements. Any equipment associated with the facility shall be located within the building or structure to the extent feasible.

16. Facilities shall be suitably screened from abutters and residential neighborhoods.

17. Any proposed modification, expansion, or replacement of a facility shall be subject to a new application for an amendment to the Special Permit. However, a Building Permit or amendment, is required for any modifications to electronic components affixed to a previously approved and

erected Wireless Communications Tower, provided the modifications do not substantially change the height, footprint or silhouette of the Tower as originally permitted. For the purposes of this Bylaw, electronic components shall include reception and transmission equipment and fixtures such as antennas, communication dishes, and similar devices.

18. An annual statement shall be provided to the Board of Selectmen with the following information:
    a) the name(s) and business addresses of all service companies using the facility;
    b) an estimate of current demolition and removal costs and, to the extent feasible, restoration to original condition.

E. Non-Use

All structures associated with wireless communications facilities which have not been used for their intended purpose for one year shall be dismantled and removed at the owner's expense. Prior to issuance of a Building Permit for a wireless communications tower, 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 Board of Selectmen. This amount may be adjusted annually based on estimated demolition, removal and restoration costs. The amount shall be suitable to cover demolition in the event the Building Inspector condemns the tower or parts thereof or accessory facilities and structures or deems it unused for more than one year. The Building Inspector shall give the applicant 45 days written notice in advance of any demolition action.

F. Exemptions

The following types of wireless communications facilities are exempt from this Section:

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

2. Satellite dishes and antennas for residential use.

G. Waivers

The Zoning Board of Appeals may (but is not required to) waive strict compliance with the Use Restriction requirements of Section D when, in its judgment, such action is in the public interest and not inconsistent with the intent of this Bylaw. Any waiver request must be made in writing at the time of application with documentation relative to site constraints or location difficulties.

SECTION 17: DEFINITIONS

ACCESSORY DWELLING UNIT (ADU): As defined in Section 4.

ACCESSORY BUILDINGS: A building subordinate to and located on the same lot as the principal building, the use of which is customary to that of the principal building.

ACCESSORY USE: A land use subordinate and incidental to the principal use on the same building site.

AUTOMOBILE SERVICE STATION: A retail place of business engaged primarily in the sale of vehicular fuels, and including as an accessory use, the supplying of those incidental goods and services that are

required in the day-to-day operation of motor vehicles.

AUTOMOBILE REPAIR GARAGE: A business establishment in which the principal use is the maintenance servicing and repair of motor vehicles. No retail sales of gasoline are allowed.

BED AND BREAKFAST: An accessory use to an owner-occupied dwelling unit consisting of overnight lodging with breakfast. No meals other than breakfast shall be served.

BUILDING: A structure, enclosed within exterior walls or firewalls, built and erected and framed of a combination of any materials whether portable or fixed having a roof to form a structure for the shelter of persons, animals, or property.

CLUB: A nonprofit association of persons operated for recreational, social, or similar purposes, whose facilities are used primarily by its members.

COTTAGE INDUSTRY: *See the definition of* HOME-BASED BUSINESS.

DWELLING: A building or structure used in whole or in part for human habitation.

DWELLING UNIT: A room or group of rooms with its own sanitary and kitchen facilities forming a habitable unit for one family, used or intended to be used for living, sleeping, cooking and eating.

DWELLING, TWO-FAMILY: A building designated for or converted for occupancy by two families, each family occupying a single dwelling unit.

DWELLING, THREE-FAMILY: A building designed for or converted for occupancy by three families, each family occupying a single dwelling unit.

DWELLING, MULTI-FAMILY: A building designed for or converted for occupancy by four to eight families, each living in separate dwelling units.

EXTERNAL ALTERATIONS: Changing the size, shape, lines or contours of a structure.

FAMILY: Any number of individuals legally related or related by blood or marriage, or not more than four persons not so related living together in a single dwelling unit.

FARM: A property at which agriculture or horticulture is a principal use, including accessory buildings, structures, vehicles, animals and equipment.

FRONTAGE: The boundary of a lot coinciding with a street line provided that there must be both rights-of-access and potential vehicular access across that boundary to a potential building site, and the street is a public way or subdivision way and has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Gill Subdivision Regulations currently in effect. Lot frontage shall be measured continuously along one street line between side lot lines or, in the case of corner lots, between one side lot line and the midpoint of the corner radius. The portion of a lot fronting on a discontinued road, or a road which is not continuously constructed to a point beyond the border of the subject lot, or a way not adequate in the opinion of the Planning Board does not constitute frontage for purposes of Approval Not Required Plans.

GROUND WATER: All water found beneath the surface of the ground.

HOME-BASED BUSINESS: A small trade, craft, art, professional office, or general contractor business based at a dwelling, and conducted as an accessory use by a resident(s) of the premises with no more than two (2) non-resident employees working on-site, and requiring no significant exterior changes to the home and having no impacts and causing no disturbances to the neighborhood in which the property is located. See Section 2H for the criteria for allowing Home-Based Businesses by right.

HOTEL: A building containing rooms used or designed for sleeping purposes by transient guests with a primary entrance into a central lobby area and no entrances to individual rooms from outside, and which may also provide a restaurant and hotel -related retail and consumer services to lodgers and the public.

IMPERVIOUS OR IMPERMEABLE SURFACES: The impermeable or non-porous surface of roads, buildings, and other structures or materials on or above the ground that do not allow precipitation to be absorbed into the underlying soil. This includes, but is not limited to plastics, concrete, and asphalts.

INN: An historic structure used or designed for overnight lodging for transient guests, and which may also provide a restaurant to lodgers and the public. An historic structure for the purposes of this definition shall be a building fifty (50) years or more in age. A guest(s) may not stay at an Inn for more than ninety (90) days in any six-month period.

KENNEL: Any premises on which three or more dogs or cats four months old or older are kept for sale or for boarding.

LIGHT INDUSTRY: Light manufacturing such as fabrication processing or assembly employing only electric or other substantially noiseless and inoffensive motive power utilizing hand labor or quiet machinery and processes and free from neighborhood disturbing agents such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

LOT: A continuous parcel of land in single ownership, with legally definable boundaries.

MAJOR BUILDING: A residence, commercial building, factory, or other building central to the use of the parcel and not a building used for an accessory use as defined above.

MARIJUANA-INFUSED PRODUCT (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a registered marijuana dispensary (RMD), as defined by Massachusetts law, shall not be considered a food or a drug as defined in M.G.L. c.94, s.1.

MANUFACTURED HOME: Shall mean a structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MOTEL: Attached, semi-detached, or detached dwelling units providing lodging for transient guests which has separate outside entrances and parking space convenient to each unit.

NONCONFORMING USE: A use of a building or land, existing and lawful at the time of the adoption or subsequent amendment of this Bylaw, which does not conform to the regulations of the Zoning Bylaw.

NONCONFORMING STRUCTURE: Any structure which does not conform to the use, setback, dimensional, or other requirements of the Bylaw, or which is located on a lot which does not comply with the frontage or lot size requirements, existing and lawful at the time of the adoption of subsequent amendment of this Bylaw.

OFFICE, BUSINESS: The workplace of computer software, insurance, or other business professionals which may include space for appropriate support staff (e.g., administrative assistants, etc.).

OFFICE, PROFESSIONAL: The workplace of physicians, lawyers, engineers, or other licensed professionals which may include space for appropriate support staff (e.g., nurses, administrative assistants, etc.).

REGISTERED MARIJUANA DISPENSARY (RMD): A not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.100, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and/or preparation of marijuana and related products.

RESTAURANT: An establishment at which the principal activity is the preparation and retail sale of food or beverage.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH: A restaurant that incorporates facilities such as a drive-through window that allows customers to purchase food or drinks while they are seated in motor vehicles.

SIGN: Any permanent or temporary structure, device, blimp, model, banner, pennant, insignia, trade flag, words, letters, numerals, figures or symbols, used for the visual attraction of the public to any place, person, subject, firm, event, or activity, which is designed to be seen from outside of a building. A sign shall also include lettering on a motor vehicle or trailer unless the vehicle or trailer is licensed for road travel and is in use or parked in a legal parking or loading area.

SPECIAL PERMIT GRANTING AUTHORITY: The Board of Appeals shall be the Special Permit Granting Authority.

STREET: The entire right of way, including sidewalks, of any public way, or a private way shown on an approved plan of a subdivision, used or intended for use by automobile traffic to which owners of abutting land have a right to access. If no right of way boundary has been established, it shall be deemed to extend twenty-five (25) feet on each side of the center of the traveled way and parallel thereto.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter or for other purposes, including a building, framework, *parking lot,* swimming pool, shed, platform, sign, tower or similar object.

TANK: Means any structure any part of which is used, or designed to be used, for the storage of any product.

MANUFACTURED HOUSING COMMUNITY: Any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with manufactured homes shall be defined as a manufactured housing community. No lot or tract of land may be used for a manufactured housing community unless the owner or occupant thereof is the holder of a license granted under M.G.L. Ch 140, Section 32 B. The Board of Health of a city or town shall, forthwith upon granting an original or renewal license under said Section 32 B for a manufactured housing community, send a copy of such license to the city or town clerk.
A lot or tract of land provided by a state or county fair, agricultural and horticultural society, grange or 4–H club for the use of manufactured homes to accommodate personnel who are to participate in any fair or exhibition conducted by such organization, which fair or exhibition does not continue for a period of exceeding ten consecutive days, or a lot or tract of land provided by a college or university for the use of manufactured homes to accommodate students lacking dormitory facilities shall not be deemed a manufactured housing community.

TRANSPORTATION TERMINAL: A facility for the loading, unloading, and interchange of passengers, baggage, and/or freight between modes of transportation, including bus terminals, railroad stations, rail yards, airport terminals, park and ride lots, and related storage and parking areas.

SECTION 18: DATA CENTERS

A one-year moratorium on Data Centers.

The purpose of the moratorium is to provide the Gill Planning Board with sufficient time to study, consider, and adopt zoning regulations governing the siting, permitting, construction, installation, operation, and maintenance of Data Centers so that reasonable regulations can be developed for consideration at a spring 2027 Town Meeting. Data Centers are an emerging form of land use with unique impacts on energy and noise and is currently undefined in Gill's Zoning Bylaws.

Since such regulations and land uses must be known and duly considered in order to effectively evaluate and establish local zoning regulations for such novel and evolving uses in regard to public health, safety and welfare, this interim restriction is hereby established.

A Data Center shall mean a facility primarily used for the storage, management, processing, or transmission of digital data, including but not limited to servers, networking equipment, cooling systems, and associated infrastructure.

During the term of this moratorium, no special permit, site plan approval, building permit, zoning permit, certificate of occupancy, or other discretionary or ministerial approval shall be issued for: Data Centers.

The moratorium will be in effect starting on May 4, 2026, upon adoption at Town Meeting. The moratorium will be in place until May 3, 2027, or such time prior when zoning regulations superseding any provision of this section are duly adopted.

If any subsection, sentence, clause, phrase, or other portion of this Section 18 is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be severed and all other provisions of this Section 18 shall

continue in full force and effect.

SECTION 19: PUBLIC HEARING NOTICES

The Planning Board, the Board of Appeals, and Special Permit Granting Authority shall post in the newspaper and mail to abutters notice of their public hearing in the Town as provided by M.G.L. Ch.40A Sec. 11.

SECTION 20: AMENDMENTS TO ZONING BYLAWS

No change or amendment of this Bylaw shall be adopted except after a public hearing by the Planning Board and then if it is passed by a two-thirds (2/3) vote of a Town Meeting, subject to the regulations set in Section 5, Chapter 40A, of General Laws. If such change or amendment is defeated, it may not be reconsidered for two (2) years after such defeat except as otherwise provided by the above law. Amendments, or changes of this Bylaw may be initiated by the Selectmen, the Zoning Board of Appeals, the Planning Board, petition of ten (10) registered voters, or a landowner whose land would be affected by such amendment, and shall be made in the manner set out by the law cited above.

SECTION 21: VIOLATION FINES

Any person, firm, or corporation who violates or refuses to comply with any applicable provision of this Bylaw, upon conviction, shall be fined a sum not to exceed two hundred fifty dollars ($250) for each day of such violation.

SECTION 22: SEPARABILITY

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

SECTION 23: SOLAR ELECTRIC INSTALLATIONS

A. Purpose

The purpose of this bylaw is to facilitate the creation of new Large-Scale Ground-Mounted Solar Electric Installations (see Section 23B. Definitions) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Electric Installations greater than 15 kW.

1. Applicability

This section applies to Large-Scale Ground-Mounted Solar Electric Installations greater than 15 kW. Smaller scale (15 kW or less) ground mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this section, but require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other provisions of Gill's Zoning Bylaws such as setback requirements.

Large-Scale Ground-Mounted Solar Electric Installations greater than 15 kW and up to 250 kW that occupy no more than one (1) acre of land proposed to be constructed in the Solar Electric Overlay District are allowed As-of-Right, but are subject to Site Plan Review (see Section 24) and the requirements of this section.

Large-Scale Ground-Mounted Solar Electric Installations which require a Special Permit and Site Plan Review in accordance with the Zoning Bylaws of the Town of Gill, in addition to meeting the requirements of this section are as follows:

a. an installation greater than 15 kW up to 250 kW located outside of the Solar Overlay District; and
b. an installation larger than 250 kW or an installation occupying more than one (1) acre of land on one or more adjacent parcels (including those separated by a roadway) located either inside or outside the Solar Electric Overlay District in the R, R-A, or VC Zoning Districts.

This section also pertains to physical modifications that materially alter the type, configuration, or size of Large-Scale Ground-Mounted Solar Electric installations or related equipment.

All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

B. Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the Board of Selectmen, or person or board designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

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

Designated Location: The Solar Electric Overlay District designated by the Town of Gill is shown on the Solar Overlay District Map dated August 24, 2011, in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Gill Town Clerk.

Large-Scale Ground-Mounted Solar Electric Installation: A solar electric system that is structurally mounted on the ground or on poles placed in the ground, and is not roof-mounted, and has a minimum nameplate capacity greater than 15 kW.

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

Site Plan Review: Review by the Zoning Board of Appeals to determine conformance with local zoning ordinances or bylaws.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

Zoning Enforcement Authority: The Building Inspector is charged with enforcing the zoning ordinances or bylaws.

C. General Requirements for all Large Scale Solar Ground-Mounted Solar Electric Installations

The following requirements are common to all Large-Scale Ground-Mounted Solar Electric installations.

1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all Large-Scale Ground-Mounted Solar Electric 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 electric installation shall be constructed in accordance with the Massachusetts State Building Code.

2. Building Permit and Building Inspection

No Large-Scale Ground-Mounted Solar Electric Installations shall be constructed, installed or modified as provided in this section without first obtaining a building permit including payment of any required fees.

D. Site Plan Review

Large-Scale Ground-Mounted Solar Electric Installations shall undergo Site Plan Review (see Section 24) by the Zoning Board of Appeals prior to construction, installation or modification as provided in this section.

1. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

2. Required Documents

The project proponent shall provide the following documents in addition to or in coordination with those required for Site Plan Review (see Section 24):

a. A site plan showing:

- **i.** Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
- **ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- **iii.** Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- **iv.** Locations of Floodplains or inundation areas for moderate or high hazard dams;
- **v.** Locations of local and national historical, and archeological districts;

vi. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;

vii. Blueprints or drawings of the solar electric 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;

viii. One or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

ix. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;

x. Name, address, and contact information for proposed system installer;

xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

xii. The name, contact information and signature of any agents representing the project proponent; and

xiii. Documentation of actual or prospective access and control of the project site;

b. An operation and maintenance plan (see Section 23F.);

c. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

d. Proof of liability insurance; and

e. Description of financial surety that satisfies Section 23L.

3. Historical and Archaeological Areas

The owner should obtain written verification from the Town Clerk as to whether or not the project is sited within a local or national historical or archeological district. If the project is within such a district, then at the time of site plan submission to the Town Clerk, the owner must also:

a. Complete a Project Notification Form (obtain from: http://www.sec.state.ma.us/mhc/) accompanied by standard documents (USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan).

b. Send the items in (a) above along with the Site Plans documents (D.2.a) above to the Massachusetts Historical Commission with a cover letter requesting the Commission send its response to the Zoning Board of Appeals, the Gill Historical Commission, and the owner.

c. A copy of the packet assembled in (b) above should also be sent to the Gill Historical Commission.

The Zoning Board of Appeals may waive one or more requirements for submittal as outlined in Section 23.D.2. (Required Documents) for projects 60 kW or less, upon written request by the applicant, if in the opinion of the Zoning Board of Appeals the scale or site conditions of the proposed project warrants such a waiver. In addition, the Zoning Board of Appeals may reduce the setback requirements of Section 23.H.1 for projects 60 kW or less, upon written request by the applicant, provided that such reduced setbacks meet the minimum setback requirements for the zoning district where the facility is located as outlined in Section 3 Dimensional Schedule. Such determination to waive one or more of the submittal requirements or to allow a reduction in setbacks shall be in the sole discretion of the Zoning Board of Appeals.

E. 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 solar electric installation.

F. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation, which shall include measures for maintaining safe access to the installation, storm water and vegetation controls, as well as general procedures for operational maintenance of the installation.

G. Utility Notification

No large-scale, ground-mounted solar electric installation shall be constructed until evidence has been given to the Zoning Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation owner or operator's intent to install an interconnected facility. Off-grid systems shall be exempt from this requirement.

H. Dimension and Height Requirements

1. Setbacks

For Large-Scale Ground-Mounted Solar Electric Installations, front, side and rear setbacks shall be as follows:

- **a.** Front yard: The front yard depth shall not be less than 50 feet.
- **b.** Side yard. Each side yard shall have a depth of at least 50 feet.
- **c.** Rear yard. The rear yard depth shall not be less than 50 feet.

The required setback areas should not be included in the 1 acre maximum calculation for By-Right solar electric installations (see Section 23A.).

2. Appurtenant Structures

All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, and setbacks as specified in Section 23H., open space, parking and building coverage requirements. All such 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 screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3. Height of Structures

The height of any structure associated with a Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 35 feet.

I. Design and Performance Standards

1. Lighting

Lighting of solar electric installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that

required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar electric installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage
An identification sign with manufacturer/operator's name and emergency contact information shall be required at the facility site. Signs on Solar Electric Installations shall comply with Gill's sign bylaw.

Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.

3. Utility Connections
Reasonable efforts, as determined by the Zoning Board of Appeals, shall be made to place all utility connections from the solar electric installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

4. Roads
Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

5. Hazardous Materials
Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

J. Safety and Environmental Standards

1. Emergency Services
The Large-Scale Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local 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 electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion and Habitat Impacts
Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

K. Monitoring, Maintenance and Reporting

1. Solar Electric Installation Conditions
The Large-Scale Ground-Mounted Solar Electric Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, control of vegetation, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and any access road(s).

2. Modifications
Any material modification which would increase the kW size, scale (footprint), or height of the solar electric installation by more than 5% after issuance of the required building permit shall require approval by the Zoning Board of Appeals.

L. Abandonment or Decommissioning

1. Removal Requirements
Any large-scale ground-mounted solar electric installation which has reached the end of its useful life or has been abandoned consistent with Section 23L.(2) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all Large-Scale Ground-Mounted Solar Electric Installations, structures, equipment, security barriers and transmission lines from the site.
b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment
Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Board of Appeals. If the owner or operator of the Large-Scale Ground-Mounted Solar Electric 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, then the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground-Mounted Solar Electric Generating Installation. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property

3. Financial Surety
The Zoning Board of Appeals may require that a performance bond, secured by a deposit of money, negotiable securities or other form acceptable to the Zoning Board of Appeals in the form

selected by the Zoning Board of Appeals, be posted with the Town to guarantee compliance with the conditions of the permit. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

SECTION 24: SITE PLAN REVIEW

Site Plan Review is required for all uses as provided in this bylaw and as described in this Section.

A. Purpose

This section of the Bylaw is enacted under the authority of Chapter 40A of the Massachusetts General Laws to accomplish the purposes of protecting the health, safety, convenience and general welfare of the inhabitants of the Town. The Site Plan Review Bylaw regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The areas of concern are:

1. The balance of rights of land owners to use their land, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, or storm water run-off;

2. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;

3. The adequacy of methods of disposal of wastes and protection from pollution of surface or ground water;

4. The protection of historical and natural environmental features on the site under review and in adjacent areas; and

5. The protection of ground and surface water supplies.

B. Projects Requiring Site Plan Review

Site Plan Review by the Zoning Board of Appeals is required for the following:

1. Commercial, industrial, municipal, and institutional developments or redevelopments of more than 2,500 square feet of enclosed floor area;

2. Multi-family residential developments or redevelopment of an existing structure for four or more dwelling units on a single lot.

3. Uses having ten (10) or more off-street parking spaces; or the expansion of an existing parking lot by ten (10) or more spaces or 2,000 or more square feet.

4. Residential uses, commercial uses or mixed use developments locating on a Flag Lot pursuant to

Section 5 of the Zoning Bylaws.

5. Common Driveways pursuant to Section 2G.

6. Large-Scale Ground-Mounted Solar Electric Installations greater than 15 kW.

7. Registered Marijuana Dispensaries (see Section 25).

For these uses, no permit for construction, reconstruction or occupancy shall be given except in conformity with a Site Plan approved by the Zoning Board of Appeals.

Site Plan review by the Planning Board is required for the following:

1. Subdivisions of land resulting in the creation of four (4) or more building lots.

2. Conservation Developments as described in Section 6 of the Zoning Bylaws.

C. Procedure

1. An applicant for Site Plan Review shall submit a Site Plan in accordance with this section to the Town Clerk. The Town Clerk shall forthwith transmit a copy of the application to the Town board reviewing the application (the "Reviewing Board") (either the Board of Appeals or the Planning Board) as defined in Section 24B. The Town Clerk shall indicate the date on which the Site Plan was received and transmit a copy of the dated application to the applicant. The date of receipt as indicated by the Town Clerk shall be considered to be the date on which the application has been filed with the Reviewing Board. It shall be the responsibility of the applicant to furnish all supporting documentation with the application and the dated copy received from the Town Clerk does not absolve the applicant from this responsibility.

2. The Reviewing Board shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the plans. The Reviewing Board has the right to retain a Registered Professional Engineer or other expert consultant(s)to advise the Reviewing Board on any or all aspects of the site plan. The costs of such expert consultant reviews shall be borne by the applicant.

3. The Reviewing Board shall transmit to the Conservation Commission, Board of Health, Historical Commission, and Building Inspector, and other Boards as deemed necessary, copies of the site plan documents. The Boards have up to forty-five (45) days to submit recommendations in writing to the Reviewing Board concerning;

    a. The adequacy of the data and procedure used by the applicant to determine the impacts of the proposed development;

    b. The effects of the projected impacts of the proposed development; and

    c. The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

    Failure of an agency to report within the allotted time shall be interpreted as non-opposition to the

submitted site plan.

4. The Reviewing Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and shall take final action within ninety (90) days from the time of hearing. The Reviewing Board's final action in writing shall consist of either:

   a. Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Bylaw;

   b. Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Bylaw; or

   c. Approval of the site plan subject to any conditions, modifications, and restrictions as required by the Board which will ensure that the project meets the Standards for Review.

D. Submission Requirements

A site plan shall be prepared by a registered Professional Engineer, Landscape Architect, or Architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for narrative. The site plan shall include all data, detail and supporting information as outlined in Appendix A. The Reviewing Board may waive one or more requirements for submittal as outlined in Appendix A upon written request by the applicant if the small scale or simplicity of the projects warrants such a waiver. Such determination to waive one or more of the requirements shall be in the sole discretion of the Reviewing Board.

E. Standards for Review

The Reviewing Board shall review the site plan and supporting data taking into consideration the reasonable fulfillment of the following objectives;

1. Conformance with the provisions of the Bylaw of the Town, the General Laws of Massachusetts, and all applicable rules and regulations of State and Federal agencies.

2. Protection of Town amenities and abutting properties through the minimizing of any undue disturbance from noise, smoke, fumes, dust, odor, glare, or storm water run-off.

3. Convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

4. Adequacy of the methods of disposal of sewage and refuse and the protection from pollution of surface and ground water. This includes minimizing the erosion of soil both during and after construction.

5. The reasonable demands placed upon Town Services and infrastructure.

6. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.

7. Applicant's efforts to integrate the proposed site plan development into the existing landscape

through design features such as vegetative buffers, and retention of open space and agricultural land.

8. Minimization of the area over which existing vegetation is to be removed. Where tree removal is required, special attention is to be given to the planting of replacement trees.

9. The setback, area, placement of parking, architectural style, signage, and landscaping of the development, and how these features protect and reflect the surrounding historic and scenic landscape.

10. The potential impact on surface or ground water supplies and steps taken to protect these resources.

11. Provision for adequate drainage and stormwater management to prevent flooding and to protect surface and ground water from pollutants.

F. Enforcement

1. The Reviewing Board may require the posting of a bond to assure compliance with the plan and stated conditions to its approval, and may suspend any permit or license when work is not performed as required.

2. Site Plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause. This time limit shall be extended to include the time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws.

3. The Reviewing Board may periodically amend or add rules and regulations relating to the procedures and administration of this Bylaw.

SECTION 25: REGISTERED MARIJUANA DISPENSARIES

A. Purpose

1. The purpose of this section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs), in accordance with the Humanitarian Medical Use of Marijuana Act, M.G.L. c.94C, App. §1-1, et seq., in areas where such a facility is not inconsistent with the neighborhood character, to minimize adverse impacts of RMDs on adjacent properties and Town services, and to ensure the health, safety, and general well-being of the public as well as of patients seeking treatment.
2. RMDs, for purposes of this bylaw, are considered to be an industrial use due to the scale and scope of their operations.

B. Procedures and Application Requirements

In accordance with the purpose of this section as stated above in Section 25A and with the general purpose of these bylaws outlined in Section 1, Registered Marijuana Dispensaries (RMDs) shall only be allowed in the Village Commercial District with a Special Permit from the Zoning Board of Appeals (pursuant to the requirements of Section 2D, Special Permit Guidelines, herein) and following Site Plan Review by the Zoning Board of Appeals (pursuant to the requirements of Section 24, Site Plan Review,

herein, in its entirety). In addition, the following specific provisions shall apply for the review and permitting of RMDs.

1. Applicant shall submit a copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of an RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health. An applicant shall provide evidence that it is so certified (at least provisionally), and shall submit to the Zoning Board of Appeals all materials associated with its application to the Department of Public Health for such certification, with such redactions as necessary to protect confidential information therein.
2. Applicant shall submit evidence that they have site control and the right to use the site for an RMD, 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.
3. Applicant shall submit documentation of security measures to be implemented, including security lighting and measures to mitigate negative impacts on abutting properties.
4. Applicant shall submit documentation of estimated sewer and water usage and provide evidence that such capacity is available.
5. Applicant shall submit a list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.

C. Special Conditions

1. No RMD shall be sited within a radius of three hundred (300) feet of a school, daycare center, park or playground, or any location where children commonly congregate, the 300 foot distance to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.
2. RMDs shall only be engaged in the uses permitted by its definition and may not include other businesses or services.
3. No RMD shall be located inside a building containing any other uses; RMDs (including cultivation, production and/or dispensary locations) shall be stand-alone facilities used for that purpose only.
4. Buildings where RMDs operate shall be compatible in style and scale with those in the surrounding neighborhood.
5. No marijuana or MIPs shall be smoked, eaten or otherwise consumed or ingested within the premises.
6. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, and no sale or other distribution of marijuana and/or MIPs shall occur upon the premises or via delivery to or from the premises, between the hours of 8:00 p.m. and 9:00 a.m.
7. RMDs shall be located in such a way as to minimize impacts on prime farmland soils.
8. RMD owner/operators seeking a Special Permit and/or Site Plan Approval are encouraged to

negotiate a Payment in Lieu of Taxes (PILOT) agreement with the Town of Gill. Such an agreement would be presumed by the Zoning Board of Appeals to have a positive impact on Town finances for purposes of the Special Permit Guidelines established in Section 2.D.7, herein.

9. A Special Permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the Special Permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by Special Permit. If the registration for a Registered Marijuana Dispensary has been revoked, transferred to another controlling entity, or relocated to a different site, a new Special Permit and Site Plan Review shall be required prior to issuance of a Certificate of Occupancy.
10. Special Permits and/or Site Plan Approvals shall have a limited term related to the duration of the applicant's ownership/control of the premises as an RMD, and shall expire:
    a. If the permit holder ceases operation of the RMD for at least 6 months, or
    b. The permit holder's registration by MDPH expires or is terminated.
11. The permit holder shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration.

D. Administration

The Special Permit Granting Authority may adopt and from time to time amend regulations for the submission and approval of Special Permits and Site Plans for RMDs, including the fee schedule for applications.

APPENDIX A

The site plan shall include the following data, detail, and supporting plans. The actual number of pages submitted will depend on the size and complexity of the development, however, all of the requirements must be met in each plan, or a notation made as to the reason for its omission.

Site plans will be prepared by a Registered Professional Engineer, Landscape Architect, or Architect at a scale of 1 inch equals 20 feet, on standard 24' x 36' sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.

FOR THE BOARD OF APPEALS AND PLANNING BOARD USE IN REVIEW

1. Name of project, boundaries, location in town, date, north arrow and scale of the plan.

2. Name and address of the owner of record, developer, and seal of the engineer, landscape architect or architect.

3. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.

4. All existing lot lines, easements, rights-of-way, size in acres or square feet of the lot, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.

5. The location and use of all existing and proposed buildings and structures within the development. Include dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

6. Location of all present and proposed public and private ways proposed grades, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and waste disposal containers.

7. The location, height, intensity, and bulb type (e.g. fluorescent, sodium), of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

8. The location, height, size, materials and design of all proposed signage.

9. Location of all present and proposed utility systems including:

    - sewage or septic systems
    - water supply system
    - telephone, cable and electrical systems
    - storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.

   The Reviewing Board may also request soil logs, percolation tests and storm run-off calculations for large or environmentally sensitive developments.

   The applicant shall submit plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties as applicable.

10. Existing and proposed topography at a two foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodedic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area will be shown, and base flood elevations given.

    Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and its approximate volume in cubic yards.

11. A landscape plan showing all existing natural land features, trees, forest coverage and water sources, and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

12. Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.

13. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet of the site.

    The Reviewing Board, Planning Board or Board of Appeals may require a detailed traffic study for large developments or for those in heavily trafficked areas to include:

    i. The projected number of motor vehicle trips to enter or leave from the site shall be estimated for daily and peak hour traffic levels.
    ii. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

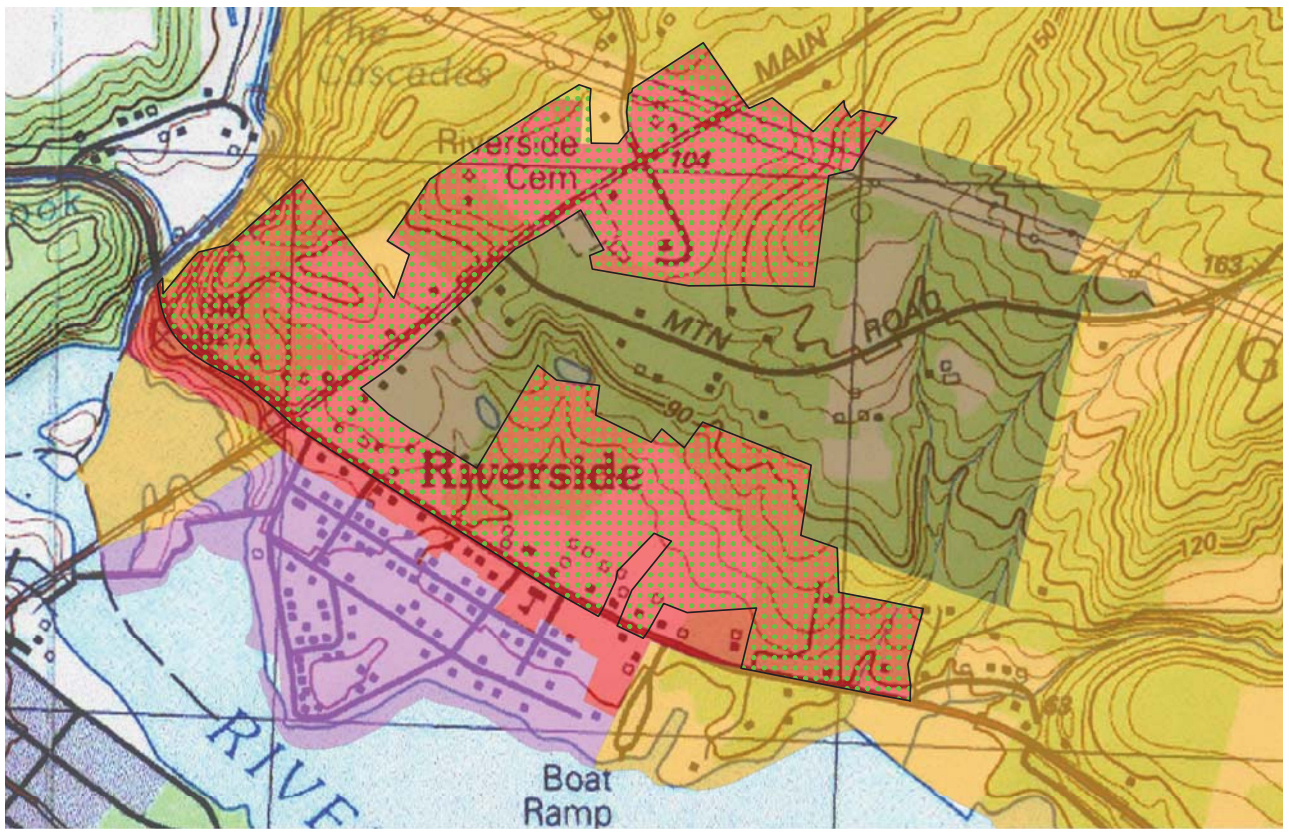
iii. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels will be given.

14. For new construction or alterations to any existing building a table containing the following information must be included:
    a) Area of building to be used of a particular use such as selling, offices, storage, etc.
    b) Maximum number of employees.
    c) Maximum seating capacity where applicable.
    d) Number of parking spaces existing and required for the intended use.

15. Elevation plans at a scale of 1/4"= 1'0" for all exterior facades of the proposed structure(s) and/or existing facades plus addition(s) showing design features and indicating the type and color of materials to be used.

Zoning Map
Town of Gill

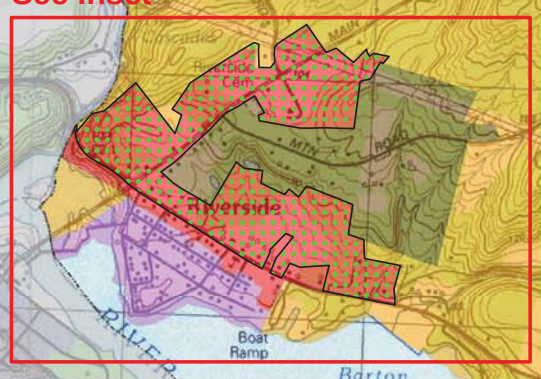
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Zoning District

- Residential
- Residential Agricultural
- Village Commercial
- Village Residential
- Solar Overlay District

See Inset





May 2015

Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS and FRCOG. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.

Franklin Regional Council of Governments