ZONING BYLAWS
of the town of
HOLLAND, MASSACHUSETTS

(As amended through March 2012)

The accuracy of this text may be verified by consulting records of various town meetings held between October 28, 1975 and the present and notifications of approval received from the office of the Attorney General, all of which are on file in the office of the Town Clerk.

Kristen LaPlante
Town Clerk

March 2012

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SECTION I PURPOSE

1.0 PURPOSE

To promote the health, safety, convenience and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve the town under the provisions of the General Laws, Chapter 40A, the use, construction, repair, alteration and height of buildings and structures and the use of premises in the town of Holland, Mass., are hereby restricted and regulated as hereinafter provided.

It is the further purpose of this bylaw to:

1.01 Permit and encourage flexibility and creativity in the design of residential developments, provided that the over all density of any development is no greater than that permitted by strict application of the dimensional requirements of Section V of this bylaw.

1.02 Encourage the permanent preservation of open space, forest and agricultural lands and other natural resources.

1.03 Avoid excessive deforestation with its consequent adverse environmental impact.

1.04 Facilitate the planning and construction of streets, utilities and public services in an economical and efficient manner.

1.05 Avoid increasing the extent to which enlargement of pre-existing structures on non-conforming lots detracts from the density standards established hereby.

SECTION II DEFINITIONS

2.0 DEFINITIONS

2.01 For the purpose of this bylaw, certain terms or words used herein shall be interpreted and defined as follows: The present tense includes the future, the singular includes the plural. The word "used" or "occupied" shall be construed to include "intended", "arranged", or "designed to be used or occupied", the word "structure" shall include the word "building". The term "shall" is always mandatory.

2.02 In this bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory use: The use of a building or premises for a purpose customarily incidental to the main or principal use permitted in the district.

Accessory Building: An enclosed structure containing no living accommodations, including but not limited to, garage, wood shed, tool shed, non commercial greenhouse, boat house or similar structure, and the use of which is subordinate and incidental to that of a principal building.

Accessory Dwelling Unit: Accessory dwelling units are secondary housing units within, attached to or on the property of an existing single family home.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater.

Adult Motion Picture Theatre: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject's premise's gross floor area, or 200 sf, whichever is greater.

Adult Live Nudity Establishments: Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in sections 31 of chapter 272 of the Massachusetts General Laws.

Adult Use: For the purposes of this by-law, Adult Use shall be defined as any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws.

Adult Video Store : An Establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats of any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alteration: A change in or addition to a structure.

As-of-Right Siting: As-of-Right Siting means 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 approval to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the building official using 780 CMR and the Holland Zoning and General Bylaws, the Board of Selectmen, or person or board designated by local ordinance or bylaw.

Assisted Living: The new housing and health care alternative combining independence with personal care in a warm dignified community setting.

Attic: A room or rooms in the upper part of a building, directly beneath the roof. An attic shall be considered a full story unless it has less than five and one half feet of headroom over more than twenty five percent of its floor area, in which case it shall be considered a half story.

Bed and Breakfast Establishments: A Bed and Breakfast establishment is a single family dwelling having a mixed use as a home for the residential owner and as an accessory use for guest lodging. The home is to be the primary and legal residence of the owner

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall be construed, where the context requires, as though followed by the words “or part or parts thereof.” A porch is to be considered as a part of a building when considering setbacks.

Building, Accessory: See definition of Accessory Building in this section.

Building, Principal: See definition of Principal Building in this section.

Building Lot: See definition of Lot, Building in this section.

Business or Commerce: Engagement in the purchase, fabrication, assembly, sale, barter or exchange of goods, wares, merchandise or services, or the operation of recreational or amusement enterprises, or the maintenance or operation of offices related to such activities.

Cell Tower Definitions

Wireless Communications Facilities: The structures and devices designed to facilitate cellular telephone services, personal communications services and enhanced specialized mobile radio service as defined in Section 704 of the Federal Telecommunications Act of 1996. Included are towers, antennae mounted to towers or other structures, and accessory structures, such as sheds.

Co-location: The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

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

Monopole: The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top.

Child Care Facility: A center that serves children under seven years of age or under sixteen if the children have special needs, or school age children (under fourteen years of age or under sixteen if they have special needs) in programs that are held before or after school hours or during school vacation.

Detached: Separated from.

Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

Dwelling, Two Family: A detached building containing two dwelling units.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. This definition does not include a trailer, however mounted.

Family Day Care Home: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, that in either case the total number of children shall not exceed state standards, including participation children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives or the occasional care of children with or without compensation therefor.

Farm: A parcel of one or more lots under one ownership or lease used for the primary purpose of agriculture, horticulture, floriculture or viticulture. Neighboring lots divided by a private or public way and under common operation shall be construed as one farm.

Farm Business: A business established for the production, processing and/or sale of farm products.

Farm Stand: A stand established for the display and sale of farm products.

Fence: A human made barrier intended to prevent escape or intrusion, or intended to mark a boundary. Shrubs and/or shrubbery shall not constitute a fence for the purpose of this provision. Fences are considered "accessory structures" for the purpose of this bylaw.

Frontage: The linear distance of a lot fronting on a street measured continuously along one line between its side lot lines and their intersection with the street line.

Front Lot Line: See definition of Lot Line, Front in this section.

Front Yard: See definition of Yard, Front in this section.

Garden Apartment: Multi family dwelling units of moderate height and attractive landscaping, presenting pleasant, safe and healthy living space.

Greenhouse: A building whose roof and sides are made largely of, transparent or translucent material, used for the cultivation of plants for subsequent sale or personal enjoyment.

Height: In reference to a building, the vertical distance between the highest point of the roof and the average grade of land at the foundation of the primary foundation on which the building is located.

Home Occupation: An occupation, profession, activity or use carried out by a resident with the intention for economic gain, which is conducted as an accessory use in the resident's dwelling unit or accessory structure on the premises, which does not reveal any outward evidence that the premises are being used for any purpose other than residential.

Hotel: A building operated by a duly licensed inn holder where lodging is provided and food may be served to transient or permanent guests.

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

Lot: An area of land in one ownership, with definite boundaries.

Lot, Building: A parcel of land in one ownership meeting the dimensional requirements of this bylaw for the district in which such land is situated meeting the minimum yard requirements of that district, and defined on a plan or a deed recorded in the Registry of Deeds.

Lot Line, Front: The lot line separating a lot from a street right of way.

Lot Line, Rear: The lot line opposite the street line, except that in case of a corner lot, the rear line shall be the line opposite the street line of the street on which the building is numbered or would be numbered.

Lot Line, Side: The line dividing one lot from another.

Major Subdivision: A subdivision of five or more individual lots.

Marina: A small harbor or boat basin providing dockage, supplies and services to small pleasure craft.

Mobile Home: A residential living unit, built on a chassis, and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living.

Net Developable Acres: The total area of a property proposed as the site of a major subdivision, less all areas identified as wetland resource areas by the Conservation Commission in accordance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the Massachusetts General Laws.

Nursery: A farm specializing in raising flowers, shrubs, trees and other plants for sale.

N.F.P.A.: The National Fire Protection Association.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Open Space Community: A residential subdivision in which individual lots smaller and having less frontage than required by Section V of this bylaw may be permitted on condition that the provisions of Chapter 40A, Section 9 of the Massachusetts General Laws relating to cluster housing and the Rules and Regulations pertaining to subdivisions promulgated by the Holland Planning Board are complied with.

Parking Area: Any open space used for parking motor vehicles.

Party Wall : A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

Primary Structure: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

Principal Building: A building in which is conducted the primary or predominant use of the lot on which it is located.
The main or most important building on a lot.

Principal Use: The primary or predominant use of any lot.

Project Area: Any plot of land, of whatever size, under one ownership, to be used for development purposes.

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

Rear Lot Line: See definition of Lot Line, Rear in this section.

Rear Yard: See definition of Yard, Rear in this section.

Research office or establishment: A facility primarily for scientific or product research, investigation, testing or experimentation, along with incidental offices incidental storage incidental manufacture and sale for products and incidental employee only facility.

School: A building devoted to the instruction or education in primary, secondary, high school or post secondary grades, or providing specialized training in particular subjects or trades.

Self-service Storage Facility: A building where storage units are rented and pick and deposit of property shall be allowed. No flammable liquids or explosive or hazardous materials shall be stored. No servicing or repair of any engines of any type is allowed. No storage of motor vehicles, boats, or similar equipment is allowed.

Setback: The minimum distance from a lot line to a building placed thereon, or feature thereof, as is required in a particular situation by Section V, Table 2 hereof. Said setback shall be measured perpendicular (at right angles) to the lot line. At no point shall any structure on the lot be any closer to any street line, whether said street line directly abuts the lot or not, than the minimum front yard requirements for that zoning district.

Setback, Front: Setback required from a front lot line and from any street line of a corner lot or through lot, or from any driveway where no street exits.
Setback Line: A line, whether straight or not, parallel to a lot line, which denotes the location of the minimum setback.

Setback, Rear: Setback required from a rear lot line.

Setback, Side: Setback required from a side lot line.

Side Lot Line: See definition of Lot Line, Side in this section.

Side Yard: See definition for Yard, Side in this section.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors, indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Political: A non commercial sign erected to show support for a candidate for public office or to express an opinion.

Site Plan: A plan meeting the requirements specified in Section VIII, Special Permit, of this bylaw.

Site Plan Approval: review by the Planning Board to determine conformance with local zoning ordinances or bylaws. The purpose of the site plan review is to determine that the use complies with all requirements set forth in this zoning bylaw and that the site design conforms to established standards regarding landscaping, access, and other zoning provisions

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Special Permit: A permit issued by a special permit granting authority pursuant to provisions of this bylaw and of Section 9 of the Zoning Act to permit uses, structures or structural alterations which are in harmony with the general purposes of this bylaw and which shall be subject to general of specific provisions as therein set forth and to conditions, safeguards and limitations which may be imposed by the special permit granting authority.

Special Permit Granting Authority: The Zoning Board of Appeals or the Planning Board as specified in Section VIII thereof.

Story: The horizontal portion through a building between floor and ceiling. The word "story" shall not include the portion of the basement or cellar of a building above grade.

Street: A way, regardless of its legal status, which is physically in existence and used by members of the public for the passage of vehicles.

Street Line: The dividing line between a street and a lot, including street lines established by the public authority laying out the street upon which the lot abuts.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna, or the like. The word "structure" will be construed, where the context allows, as though followed by the words "or part or parts thereof'.

Structure, Attached: A building having any portion of one or more walls in common or within ten feet of an adjacent building.

Structure, Detached: A building having ten feet or more of open space on all sides.

Subdivision: As defined in Massachusetts General Laws, Chapter 41, Section 81 L.

Use: The purpose or activity for which land or buildings are occupied or maintained.

Variance: A decision of the Zoning Board of Appeals permitting a departure from the literal terms of this bylaw in circumstances and upon conditions defined by Section 10 of Chapter 40A of the Massachusetts General Laws and by Section 9.04(c) hereof.

Water: Supplemental water supply, the storage of water, on site, for fire control use.

Yard: A required open space, unoccupied except as herein permitted, between a principal building and a street or lot line.

Yard, Front: The minimum required unoccupied space or area between the street line and the front setback line, such unoccupied space or area extending the entire width or distance across the lot.

Yard, Rear: The required unoccupied space or area within the lot between the rear lot line and the rear setback line.

Yard, Side: The required unoccupied space or area within the lot between the side lot line and the side setback line.

SECTION III ESTABLISHMENT OF DISTRICTS

3.0 TYPES OF DISTRICTS

For purposes of this bylaw the town of Holland, Mass., is hereby divided into the following types of use districts:

SHORT NAME	FULL NAME
R	Residential
AR	Agricultural-Residential
GA	Garden Apartment
B	Business
RB	Rural Business
SC	Special Conservancy District
FP	Flood Plain
C	Commercial

3.1 ZONING MAP

Said districts are located and bounded as shown on a map entitled "Zoning Map of Holland, Massachusetts", adopted September 5, 1995 and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this bylaw.

3.2 ZONING MAP INTERPRETATION

For purposes of interpretation of the Zoning Map the location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

3.21 Zoning district boundaries which follow streets, railroads, utility lines, utility easements, or water courses shall be deemed to coincide with the mean center line thereof.

3.22 Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of the property, lot, or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.

3.23 In all cases which are not covered by the other provisions of the Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or if none are given, then by the scale of said map.

SECTION IV USE REGULATIONS

Except as provided in Section IV hereof, no building 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 of the uses hereinafter set forth as permitted as of right in the district in which such building, structure or land is located, or set forth as according to Table 1, Holland Schedule of Use Regulations. Uses permitted and uses permitted by special permit shall be in conformity with all intensity regulations and any other pertinent requirements of this bylaw.

The following abbreviations are used in Table 1:

Y	Yes, Use permitted as of right.
SP	Use allowed by Special Permit granted by the Planning Board.
ZBA	Use allowed by Special Permit granted by the Zoning Board of Appeals.
PA	Site Plan approval
N	No - Use prohibited.

All uses that are not listed in the Table of Uses are considered prohibited by the town of Holland. This can be in the text of the bylaw, or as part of the actual table.

Table 1 HOLLAND SCHEDULE OF PRINCIPLE USES

No.	Land Use Classification	Standards and Conditions	ZONING DISTRICTS R	AR	GA	B	RB	SC	C
AGRICULTURE									
1.	Commercial riding stable on parcels of 5 acres or more		Y	Y	Y	Y	Y	Y	Y
2.	Riding stables on less than 5 acres	See Section VIII for special permit standards	N	SP	N	SP	SP	N	SP
3.	Raising of swine and fur bearing animals on parcels of at least 5 acres		PA	PA	PA	PA	PA	PA	PA
4.	Raising of swine and fur bearing animals on parcels of less than 5 acres	See Section VIII for special permit standards	N	SP	N	N	SP	N	SP
5.	Farm, nursery on parcels of at least 5 acres		Y	Y	Y	Y	Y	Y	Y
6.	Farm, nursery on parcels of less than 5 acres permit standards	See Section VIII for special	SP	SP	N	SP	Y	N	Y
7.	Commercial greenhouse on parcels less than 5 acres	See Section VII for special permit standards	N	SP	N	Y	Y	N	Y
8.	Commercial greenhouse on parcels of at least 5 acres		Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL									
9.	Detached single-family dwelling		Y	Y	Y	Y	Y	Y	N
10.	Two-family dwelling		Y	SP	Y	Y	Y	SP	N
11.	Open space community	See Section 6.02 for specific standards and conditions	SP	SP	N	N	N	SP	N
12.	Renting of rooms or furnishings	No more than four tenants or boarders in a dwelling regularly occupied for residential purposes	Y	Y	Y	Y	Y	Y	N
13.	Family day care homes having no more than two non-resident employees	See definition of Family Day Care	Y	Y	Y	Y	Y	Y	N
14.	Family day care homes having more than two non-resident employees		SP	SP	SP	SP	SP	SP	N
15	Assisted living		N	SP	N	N	N	SP	N
16	Bed and Breakfast Establishments		SP	SP	SP	SP	SP	SP	SP
17	Accessory Dwelling		SP	SP	SP	SP	SP	SP	N

INSTITUTIONAL									
18	Religious uses		Y	Y	Y	Y	Y	Y	Y
19	Educational uses		Y	Y	Y	Y	Y	Y	Y
20	Hospital, sanitarium, convalescent home		N	N	N	SP	SP	SP	N
21	Private club not conducted for profit		SP	SP	N	N	SP	N	SP
22	Service or Public Utility	Not involving manufacturing, except products which are sold on a retail basis directly from the producer to the consumer	N	N	N	SP	SP	N	SP
23	Place of amusement or assembly		N	N	N	Y	Y	N	Y
24	Club conducted for profit		N	N	N	Y	Y	N	Y
BUSINESS									
25	Marina		N	SP	N	N	N	N	N
26	Hotel, Motel		N	N	N	Y	Y	Y	SP
27	Restaurant		N	N	N	Y	Y	Y	SP
29	Self-service storage facilities		N	N	N	SP	SP	N	SP
30	Ski Tow		N	N	N	SP	SP	N	SP
31	Golf Course		N	SP	N	N	SP	SP	SP
32	Removal of Soil, Loam, Sand or Gravel	Provision must be made to maintain the area in a safe and sanitary condition and to enable re establishment of turf in excavated areas sufficient to stabilize soil and prevent erosion. Excavation shall be limited to a depth which leaves at least 5 feet of natural undisturbed soil cover above the highest water table elevation. See Section 7.5 for additional standards and conditions.	N	SP	N	N	SP	N	SP
33	wholesale or retail businesses, including the construction of a commercial structure		N	N	N	SP	SP	N	SP
34	Automobile service station, repair shop, storage garage, gas station or salesperson		N	N	N	SP	SP	N	SP
35	Any manufacturing use involving processing, fabrication or (?)	See Section 6.2 for specific standards and requirements. Assembly other than a Home Occupation as defined by Section 6.01	N	N	N	SP	SP	N	SP
36	Conference Center		N	N	N	Y	Y	Y	Y

37	Health or Fitness facilities	May include overnight and boarding accommodations, employee/staff dwelling facilities (single or multi family dwelling) for employees, staff (both professional and non professional), directors and administrators of such health or fitness facilities limited to not more than one permanent dwelling per ten acres, and all uses customarily ancillary or appurtenant thereto. "Permanent dwelling unit" shall mean any detached single family dwelling unit or multiple family dwelling units containing, within such unit, kitchen and toilet facilities and at least 300 square feet of living space.	N	N	N	Y	Y	Y	Y
38	Executive or Administrative offices		N	N	N	Y	Y	Y	Y
39	Research Offices or establishments devoted to research and development of renewable or alternative energy		N	N	N	SP	SP	N	PA
40	Large Scale Solar Power Generation" as PA in Commercial only		N	N	N	N	N	N	PA
<u>ACCESSORY USES</u>									
41	Accessory buildings	See Section 7.3 for standards and requirements pertaining to accessory buildings	Y	Y	Y	Y	Y	Y	Y
42	Home Occupations employing one non-resident	See Section 6.01 for standards and requirements	Y	Y	N	Y	Y	N	N
43.	Home occupations including employment of more than one non-resident	See Section 6.01 for standards and requirements	SP	SP	N	SP	SP	N	N
44.	Home occupations which do not employ any non-residents	See Section 6.01 for standards and requirements	Y	Y	Y	Y	Y	Y	N
45	Child care facilities		PA	PA	PA	PA	PA	PA	N

46	Adult Entertainment	See Section 6.6 for specifics	N	N	N	SP	N	N	SP
47	Private garage or carport for not more than three automobiles, one of which may be a commercial vehicle not exceeding 2 tons rated gross weight		Y	Y	Y	Y	Y	Y	Y
48	Toolshed, greenhouse, playhouse, gazebo, cabana, boat house or other similar structure for domestic use		Y	Y	Y	Y	Y	Y	Y
49	Shelter for small animals commonly kept as pets		Y	Y	Y	Y	Y	Y	Y
50	Fallout shelter		Y	Y	Y	Y	Y	Y	Y
51	Private swimming pool		Y	Y	Y	Y	Y	Y	Y
52	Parking lot		N	N	N	Y	Y	N	Y
53	Garage for more than 1 commercial vehicle or for any commercial vehicle exceeding 2 tons rated gross weight		N	N	N	Y	N	N	Y
FENCES									
54	Fences located in the front yard portion of any lot which do not exceed four feet in height	See section 7.21 for specific standards and requirements	Y	Y	Y	Y	Y	Y	Y
55	Fences located in the side yard of rear yard portion of any lot which do not exceed six feet in height	See section 7.21 for specific standards and requirements	Y	Y	Y	Y	Y	Y	Y
56	Party line fences	See section 7.21 for specific standards and requirements	Y	Y	Y	Y	Y	Y	Y
PRE-EXISTING NON-CONFORMING USES OR STRUCTURES									
57	Alteration, reconstruction, and/or change in use or structure	See Section 7.02 for specific requirements	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
58	Conversion of seasonal homes to year-round use	See Section 7.02 for specific requirements	Y	Y	Y	N	N	Y	N
59	Municipal buildings / structures		SP	SP	N	N	N	N	N

SECTION V. DIMENSIONAL REQUIREMENTS

A building or structure hereafter erected in any district shall be located on a lot having not less than the minimum requirements set forth in Table 2 below. Except in Garden Apartments and Special Conservancy Districts, no more than one principal building shall be built upon any such lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth in Table 2 below.

	Minimum Dimension	**Minimum Yard Dimension**				**Max. Height of Buildings (d)**		**Max % coverage lot -- including accessory buildings**
District	Area in Sq. Ft.	Frontage in ft.	Front in ft.	Side in ft.	Rear in ft.	No. of Stories	Ft.	
	(a)	(a)(b)						
Residential	2 acres	200	25	20	30	2.5	35	30
Residential (non-residential uses)	2 acres	200	25	20	30	2.5	35	30
Agricultural-Residential	3 acres	300	40	40	40	2.5	35	20
Agricultural-Residential (non-residential uses)	3 acres	300	25	10 (d)	30	2.5	35	30
Assisted Living	REFER TO DETAILS IN SECTION 6.4							
Garden Apartments (single family residential uses)	2 acres	200	25	20	30	2.5	35	30
Garden Apartments (Garden Apartment Uses)	REFER TO DETAILS IN SECTION 6.1							
Business (residential uses)	1 acre	200	25	10	20	2.5	35	40
Business (non-residential use)	8,000	50	15	20 (e)	20 (f)	3.0	40	60
Rural-Business (Residential use)	2 acres	200	40	40	40	2.5	35	20
Rural-Business (Non-residential use)	30,000	200	40	20 (e)	20 (f)	2.5	35	20
Commercial**	30,000	75	20	20 (g)	20(g)	3.0	50	20
Special Conservancy (Residential Uses)	2 acres	200	100	40	40	3.0	50	
Special Conservancy (Non-residential Uses)	2 acres	200	100	40	40	3.0	50	20
Open Space Community	2 acres	200	100	40 (e)	40 (f)(g)	3.0	50	20

FOOTNOTES TO THE PRECEDING TABLE 2

(a) Some "grandfathered" lots may be exempted from certain dimensional requirements of Table 2 by the provisions of the Zoning Act, M.G.L. c. 40A, Section 6, which reads in part:

"any increase in area, frontage, width, yard or depth requirements of a zoning ...bylaw shall not apply to a lot for single and two family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and has less than the proposed [i.e. present] requirement but at least five thousand square feet of area and fifty feet of frontage. Any...[such] increase... shall not apply for a period of five years from its effective date ...to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy six, and had less area, frontage, width, yard or depth requirement than the... [present]...zoning requirement but contained at least seven thousand five hundred square feet of area and seventy five feet of frontage ...and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership."

The text of Section 6 should be consulted for provisions relating to situations not covered by the foregoing quotation.

The provisions of this section shall not be construed to prohibit a lot being built upon, if at the time of building, building upon such lot is not prohibited by the bylaws in effect in Holland.

(b) Required frontage shall be measured on an accepted public way currently maintained as such, or on a private way which, as determined by a decision of the Planning Board, is in reasonably close conformity with the standards for roads contained in the Rules and Regulations of the Holland Planning Board.

(c) To be measured from the right of way line where a plan of the way is on file with Registry of Deeds, or, in the absence of such plan, from a line 25 feet from and parallel with the center line of the traveled way.

(d) The limitation on height of buildings shall not apply in any district to chimneys, ventilators, antennas or ornamental features containing no living accommodations.

(e) Side yard dimension will be (50) feet when adjacent to Residential District.

(f) Rear dimension will be (50) feet when adjacent to Residential District.

(g) Side and Rear yard dimensions will be fifty (50) feet when adjacent to Agricultural-Residential District

* Maximum lot coverage shall be determined by dividing the total area enclosed by the outside perimeter of the foundation walls of all buildings and parking lots, by the total area. Recreational facilities such as tennis courts, pools, bicycle paths, running paths, volleyball courts, horseback riding trails, pedestrian foot paths and other recreational facilities and temporary enclosures therefore, shall not be included in the percentage lot coverage computation.

** There may be more than one (1) building on each lot. There shall be at least 20 feet between buildings, provided that connecting corridors between buildings, covered walkways and other connector devices shall not be considered in measuring such distance for purposes of this section.

SECTION VI. SPECIAL REGULATIONS APPLICABLE TO PARTICULAR DISTRICTS

6.0 RESIDENTIAL AND AGRICULTURAL RESIDENTIAL DISTRICTS

6.01 HOME OCCUPATIONS

a . Purpose

The purpose of this section is to permit the residents of the Town of Holland a broad choice in the use of their homes as places of livelihood and the production or supplementation of personal and family income without infringing upon the residential character of the neighborhood.

b. Applicability

Home occupations shall be permitted in Residential and Agricultural Residential districts by right only if the additional standards and conditions specified in subsection 6.01 (d) herein are met.

c. Definition

Home Occupation: An occupation, profession, activity or use carried out by a resident with the intention for economic gain, which is conducted as an accessory use in the resident's dwelling unit or accessory structure on the premises, which does not reveal any outward evidence that the premises are being used for any purpose other than residential.

d. Standards and Conditions

In order for a resident to operate a home occupation or a home tradesman use on his residential lot, the following standards and condition must be met:

1. Residency Requirement

The principal residence of the owner/operator of every home occupation shall be the dwelling unit in which the business operates.

2. Location

The use shall be conducted entirely within a completely enclosed dwelling unit or within an accessory structure normally associated with a residence such as a garage or barn.

3. Home Occupation Floor Area Requirements

The home occupation must be incidental to the use of a dwelling unit. No more than 30% of the gross floor area of the residential dwelling or accessory structures or 750 square feet, whichever is greater, may be used in connection with the home occupation, or for storage purposes in connection with the home occupation. Floor area, in this case, shall include the gross floor area

of all heated and ventilated, and thereby habitable rooms on the property, including basements, attic space and accessory buildings.

4. Home Occupations and Clients

(a) If home occupation use requires the visitation of clients at the site, the lot in which the single family house is located must meet the density and dimensional requirements in Section V, Table 2 (area, frontage and setback regulations), provided however, that this requirement shall not apply to the continuation, without substantial change, of a home occupation which was registered as such with the Town Clerk on or before July 31, 1998, and which otherwise complies with the requirements of this section.

(b) A pre existing home occupation shall be a home occupation that was registered with the Town Clerk not later than December 1997 and shall be exempted from the requirement in sub paragraph d (1) above.

5. Good Neighbor Standards

The home occupation shall not constitute a nuisance by reason of air or water pollution, excessive noise or visually flagrant structures and accessories, and shall not present a serious hazard to abutters, vehicles or pedestrians.

No highly toxic, explosive, flammable, combustible, radioactive or similar hazardous materials are to be used or stored on the premises in amounts that exceed those that are typically found in normal residential use.

6. Parking

Off street parking for the home occupation use must be provided on the premises with a minimum setback of ten feet from any lot line.

6.02 OPEN SPACE COMMUNITIES

a. The Planning Board shall have authority to grant a special permit for the development of a major subdivision in a residential, special conservancy or agricultural residential district as an open space community, provided that no such permit shall be granted with respect to a plot containing less than ten developable acres.

b. Any special permit for an open space community shall require that the development comply with the requirements of Chapter 40A, Section 9, of the Massachusetts General Laws pertaining to cluster development and with the reasonable rules and regulations promulgated by the Planning Board pursuant to the provisions of Chapter 41, Section 81 Q of the Massachusetts General Laws.

c. Each individual lot in an open space community shall have an area of not less than 10,000 square feet and a frontage of not less than 75 feet.

d. The number of individual lots in an open space community development shall not exceed the estimated number of lots which the net developable acres of the site could accommodate under the density requirements of Section V. Such number shall be estimated by assuming that with conventional planning 15% of the net developable acres of the site would have been required for streets or other public uses.

e. The maximum number of dwelling units permitted in a residential cluster development shall be calculated according to the following procedures:

1. The maximum number of dwelling units permitted shall be the maximum number of lots complying with the dimensional requirements of Section V, Table 2, which could be accommodated by the net developable acres remaining after the area of all wetlands has been subtracted from the total acreage of the property.

2. Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and Town of Holland General By Laws Chapter 15, all wetlands shall be identified and their area subtracted from the acreage of the total parcel to determine the net developable acres.

f. The required open land within an Open Space Community shall be determined as follows:

1. At least fifty percent of the net acreage remaining after the area of all wetlands has been subtracted shall be retained as open land.

2. Open land shall be configured in order to protect shoreline areas.

3. All open land shall be permanently protected as provided for in Section 6.021.

4. The developer must survey and mark with a stone marker all boundaries of the property to be preserved.

5. The land to be protected must be transferred to the prospective owner or holder of the restriction prior to the beginning of construction if feasible. If not feasible, the developer must not use this parcel as any type of staging location or use in the construction process.

6. The Assessor's Office must be automatically notified of changes in property lines and designations of certain subdivided parcels as being protected pursuant to town bylaw.

7. Partnerships between town boards, homeowners associations and land trusts (if applicable) are encourage to provide enforcement and stewardship of the property on a permanent basis.

g. All residential structures and accessory uses within the development shall be set back from the boundaries of the development by a buffer strip of at least fifty feet in width which shall include trees and shall be kept in a natural or landscaped condition.

6.021 Ownership of Common Open Space

All open land required in Section 6.02I shall be either:

a. Conveyed to a community association owned or to be owned by the owners of lots within the development. If such community association is utilized ownership thereof shall pass with conveyances of the lots in perpetuity, or

b. Conveyed to a non profit organization the principal purpose of which is the conservation or preservation of open space, or

c. Conveyed to the Town of Holland, 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.

d. The developer will provide to the Planning Board the specifics of the usage of the protected land, what is not permitted, who can access the property, when the property can be used and what areas are off limits.

e. Weather resistant permanent signage explaining usage and restrictions must be placed at all trail and other entrances and along parcel boundaries at a height that will protect them from destruction by abusers. Landowners and new owners must be notified in writing as to the permitted nature of the land's usage.

6.022 In cases where such land is not conveyed to the Town of Holland, 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 built for residential use nor developed for accessory uses, including but not limited to parking or roadways. Such restriction 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.

6.1 GARDEN APARTMENT DISTRICT

6.11 Purpose

Each "project area", as hereinafter defined, in a Garden Apartment District, shall be used exclusively for the erection and maintenance of apartment dwellings which shall be subject to the provisions of this Section 6.1, to the end that pleasant, open, safe, healthy and presentable

multi family dwelling units of moderate and attractive landscaping may be available for residential use.

6.12 Permitted Uses; Major and Accessory Uses

a . In any Garden Apartment District the major object will the erection of garden type apartment buildings, and no other building or structure shall be erected, altered or used therein for any purpose except for such apartment buildings or customary accessory uses, including private garages.

b. No business, service or industry connected directly or indirectly with motor vehicles shall be carried on in any Garden Apartment District.

6.13 Area Regulations

a. Coverage of Project Area. The total area enclosed by the outside perimeter of the foundation walls of all buildings erected or altered on such area shall not cover more than thirty percent of the total project area in which they are located, excluding from such total area the total area of all streets furnishing access to any buildings located in such project area.

b. Total Project Area. The gross size of the project area shall be related to the number of apartments units and the number of bedrooms per unit and shall not be less than:

1. 4200 square feet of land area per dwelling unit for each unit with three or more bedrooms.

2. 3300 square feet of land area per dwelling unit for each one or two bedrooms unit.

3. 2500 square feet of land area per dwelling unit for each efficiency or "no bedroom" unit.

6.14 Height Requirements

a. Residential Buildings. Residential buildings in a project area shall not exceed two stories in height above grade. Basement apartments are not permitted.

b. Accessory Buildings.

1. Single story accessory buildings shall not exceed 15 feet in height.

2. Two story, 25 five feet in height.

3. In no case shall the height of any accessory building exceed the height of residential building in any project area.

6.15 Setbacks and Distance Between Buildings

a. Buildings to Lot and Street Lines

1. No portion of any building shall be closer than 50 feet to any lot line or Town line, or 20 feet from any street or driveway shown on a plan approved by the Planning Board.

2. No portion of any building shall be closer than 40 feet to any exterior street line or street line of an interior through street

3. Generally no rear wall of any building shall be more than 350 feet from any street or driveway shown on a plan approved by the Planning Board

b. Building to Building
All residential buildings shall be at least 20 feet from each other EXCEPT that in no case shall two windowed walls facing one another be closer than 40 feet.

c. Screening
When a building is 100 feet or less from any lot line, natural screening consisting of coniferous trees of a height no less than seven feet shall be used where no comparable screening exists originally.

6.16 Courts

All courts shall have a minimum width of ten feet as measured in a straight line at ground level and at right angles between the closest points of any walls or projections there from.

6.17 Off Street Parking

a. Parking Requirements

Off street parking shall be provided at the rate of at least one and one half parking spaces for each apartment.

b. Location of Parking

All parking shall be located:

1. Not less than 40 feet from any building unless in conjunction with a garage or carport.

2. Not less than ten feet from any external street (each street on which a lot abuts).

3. In the case of any internal street or drive providing access to more than 100 parking spaces, all parking spaces shall be physically separated from the paved street width be a curb, planting strip or other suitable barrier against un-channelized access or egress.

4. In no case shall perpendicular or bay parking be permitted on the principal streets built to Town standards.

c. Additional Requirements

There shall be at least one area of open space large enough and centrally located so as to constitute a usable general recreation area for the inhabitants of the complex. This main recreation area shall have at least 20,000 square feet for each 50 units or portion thereof in the development.

6.18 Access

a. All streets furnishing access to any garden type apartment building erected under the provisions of this section shall be provided in accordance with the applicable Rules and Regulations for the Development of Subdivisions of the Planning Board of the Town of Holland.

b. The Planning Board shall determine what is adequate access to each building. This includes the construction characteristics of the ways. In no case shall a drive be less than 20 feet in paved width. Principal criteria to be considered in this site plan review are:

1. The distance from each building to the nearest way providing access. Generally no building shall be more than 300 feet from a street built to Town standards.

2. Number of apartment units or parking spaces to be served by the way.

3. Accessibility to fire and other emergency service vehicles and plowing and sanding vehicles.

6.2 SPECIAL CONSERVANCY

6.21 Purpose

To conserve the unique landscape, wetland and ecological features, and high quality groundwater associated with the land in this district by limiting multi unit development to low density institutional, educational and recreational uses.

6.3 FLOOD PLAIN DISTRICT

6.31 The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1 30 on the Holland Flood Insurance Rate Maps, dated July 5,

1984 on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Holland Flood Insurance Study are incorporated herein by reference.

In Zone A the permit granting authorities shall obtain, review and reasonably utilize the best available floodway data to prohibit encroachments in floodway which would result in any increase in the base flood discharge. In Zones A1 30, and AE along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

6.32 In the Floodway designated on the Floodway Boundary and Floodway Map the following provisions shall apply:

a. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood.

b. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

6.33 Subdivision standard for the Flood Plain District.

All subdivision proposals and other proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the zoning bylaw it shall be reviewed to insure that:

a. The proposal is designed consistent with the need to minimize flood damage, and

b. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage, and

c. Adequate drainage systems shall be provided to reduce exposure to flood hazards, and

d. Base flood elevation (the level of the 100 year flood) data shall be provided for proposals greater than 50 lots or five acres, whichever is the lesser, for that portion within the Flood Plain District.

6.34 Health Regulations pertaining to the Flood Plain District.

The Board of Health, in reviewing all proposed water and sewer facilities to be located in the Flood Plain District established under the zoning bylaw, shall require that:

a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into the flood waters.

6.35 The following regulations were adopted at the June 25, 1991 Town Meeting "in order to make the Town of Holland's Flood Plain District Regulation compliant with Section 60.3(d) of the National Flood Insurance Program Regulations":

a. All necessary permits shall be obtained from those Federal, State and local government agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 U. S. C. 1334.

b. Prior to the alteration or relocation of any watercourses, adjacent communities will be notified.

c. The flood carrying capacity within an altered or relocated watercourse shall be maintained.

SECTION 6.40 ASSISTED LIVING

a. Assisted Living Any person advertising, operating, or maintaining an assisted living residence must be certified by the Executive Office of Elder Affairs under Chapter 19 D of the Massachusetts General Laws.

b. Who is covered.

A person or organization that:

1. Provides room and board and assistance with activities of daily living directly through employees or through arrangements with other organizations to three or more adults who are unrelated to the care provider by blood or marriage.

2. Collects or arranges for payment for "assistance with activities of daily living" that is such as, but not limited to, physical support, aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks.

c. Mandatory Services.

Sponsors of certified assisted living residences must provide or arrange for social opportunities, access to community resources, assistance with ADL's including at minimum, bathing, dressing and ambulation, up to three (3) meals a day, housekeeping, laundry and, where required by service plans, "self administered medication

management." Each residence must provide 24 hour on site staff to respond to urgent or emergency needs, and an emergency signaling system.

d. Health Related Services.
The sponsor may provide ancillary services for health related care, such as physician services, pharmacy, restorative therapies, podiatry, hospice and home health services, but only through licensed personnel.

e. Long Term Care.
No residence may admit any person who requires 24 hour skilled nursing supervision, but may admit or retain any person in need of skilled nursing care if that care is provided by a certified or licensed home health agency for not more than 180 days in a 12 month period. The resident to whom the care is provided must be suffering from a short term illness, meaning a medical condition from which recovery can be expected within 180 consecutive days.

Injections of insulin or other drugs used routinely for maintenance therapy of a disease and licensed hospice care are not subject to time limits.

f. Construction Standards

Interior and exterior construction designs must comply with the "Americans with Disabilities Act."

SECTION 6.41 ASSISTED LIVING DEVELOPMENTS

a. The Planning Board shall have authority to grant a special permit for the development of an assisted living development in an agricultural residential district as an assisted living community, provided that no such permit shall be granted with respect to a plot containing less than ten developable acres.

b. Any special permit for an assisted living development shall require that the development comply with the requirements of Chapter 40A, Section 9, of the Massachusetts General Laws pertaining to cluster development and with the reasonable rules and regulations promulgated by the Planning Board pursuant to the provisions of Chapter 41, Section 81 Q of the Massachusetts General Laws.

c. Each individual lot in an assisted living development shall have an area of not less than 5,000 square feet and a frontage of not less than 50 feet.

d. The number of individual lots in an assisted living development shall not exceed the estimated number of lots which the net developable acres of the site could accommodate under the density requirements of four units per acres at 20% cover. Such number shall be estimated by assuming that with conventional planning 15% of the net developable acres of the site would have been required for streets or other public uses.

e. The maximum number of dwelling units permitted in an assisted living development shall be calculated according to the following procedures:

1 . The maximum number of dwelling units permitted shall be the maximum number of lots complying with the dimensional requirements of four units per acre, which could be accommodated by the net developable acres remaining after the area of all wetlands has been subtracted from the total acreage of the property.

2. Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M. G. L. Chapter 131, Section 40, and Town of Holland General By Laws Chapter 15, all wetlands shall be identified and their area subtracted from the acreage of the total parcel to determine the net developable acres.

f. The required open land within an assisted living development shall be determined as follows:

1. At least 50% of the net acreage remaining after the area of all wetland has been subtracted shall be retained as open land.

2. Open land shall be configured in order to protect shoreline areas.

3. All open land shall be permanently protected as provided for in Section 6.02.

g. All residential structures and accessory uses within the development shall be set back from the boundaries of the development by a buffer strip of at least 50 feet in width which shall include trees and shall be kept in a natural or landscaped condition.

Section 6.5 WIRELESS COMMUNICATIONS FACILITIES BYLAW

(adopted at STM June 30, 2003)

6.51 Purpose:

The purpose of the Wireless Communications Facilities Overlay district is to establish a district in which wireless communications facilities may be permitted with minimal impact upon the public health, safety and general welfare. This bylaw has been created to (a) protect the general public from hazards associated with wireless communications facilities (b) minimize visual impacts from wireless communication facilities (c) prevent an adverse impact on local property values or the rural and residential character or Holland and (d) promote shared use of existing facilities and structures to reduce the need for new facilities. This section does not apply to satellite dishes and antennas for residential use.

Definition Delineation. The Wireless Communications Facilities Overlay District (WCFOD) shall include all land in the Town of Holland with the following exceptions:

Residential
Special Conservancy

Underlying Zoning Requirements. The Wireless Communications Facilities Overlay District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically provided herein.

6.52 Special Permit Requirements

a. A wireless communications facility may be erected on land located in the Wireless Communications Facilities Overlay District upon the issuance of a Special Permit by the Planning Board pursuant to Section VIII of this Bylaw.

b. No wireless communications facilities shall be erected or installed except in compliance with the provisions of this Section. Any proposed modification to an existing wireless communications facility including but not limited to extension in the height, addition of antennas or panels, or construction of a new or replacement facility shall be subject to these provisions and shall require a new application. The Planning Board may at its discretion, waive any application requirements for modifications to existing facilities.

c. New towers shall be considered only upon finding by the Planning Board that existing or approved towers cannot accommodate the equipment planned for the proposed tower. The applicant shall demonstrate that there is not an existing, approved or proposed wireless communications facility which can accommodate the equipment planned for the applicant's tower.

6.53 Siting, Design and Construction Guidelines

a. To the extent feasible, all service providers shall co-locate on a single tower. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of towers which will be required within the community. New towers shall be considered only upon a finding by the Planning Board that existing or approved towers cannot adequately fulfill the applicant's service requirements or accommodate the wireless communications equipment contemplated by the applicant.

b. All towers shall be designed to be constructed to the minimum height necessary to accommodate anticipated and future use. No wireless communications facility shall exceed 190 feet in height as measured from the ground level at the base of the tower.

c. All wireless communications facilities shall be sited in such a manner that the view of facility from adjacent abutters, residential neighbors and other areas of town shall be as limited as possible. Owners of wireless communications facilities shall endeavor to install said facilities in a manner that blends in and does not contrast with the tower and/or landscape where it is located. The Planning Board may impose reasonable conditions to ensure this result, including painting and lighting standards.

d. Lattice style towers and/or any tower requiring guy wires shall not be permitted. Facilities requiring the construction of a tower shall be located on stealth monopoles.

e. The setback of a tower from the property line of the lot on which it is located shall be at least equal to the height of the pre-engineered fault measured at the finished grade of the tower base. No wireless communications facility shall be located within 300 feet of an existing residential building and 750 feet from any historic district.

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

g. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the town and of abutting properties. Fencing shall not be constructed of barbed or razor wire. A landscape buffer of evergreen shrubs or trees shall be provided at the time of installation on the outside of the fenced area. The shrub or tree planting shall mature to a height greater than the fence height and be planted at a height of at least four feet. At maturity, the landscape plantings must provide a dense visual barrier throughout the year. All landscape plantings must be continually maintained.

h. There shall be no signs associated with a wireless communications facility except: a sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a 24 hour basis; a no trespassing sign; a sign displaying the FCC registration number; and any signs required to warn of danger. All signs shall comply with the requirements of the Holland Zoning Bylaw.

i. Night lighting of towers shall be prohibited. Tower lighting shall be limited to that needed for emergencies. Lighting of buildings and the ground may be provided to ensure a safe and secure facility. All lighting shall be shielded to prevent undue impact on surrounding properties.

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

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

l. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize marring and scarring of the landscape or silting of streams or wetlands.

m. Grading or construction which will result in final slopes of 15 percent or greater on 50 percent or note of lot area or on thirty thousand square feet of more of a single lot, even if less than half the lot area, shall be allowed only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or environmental degradation. All such slopes exceeding 15 percent which result from site grading or construction activities shall either be covered with topsoil to a depth of four inches and

planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

6.54 Application Requirements

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

a. A site plan prepared by a professional engineer at a scale of 1:40 which complies with all requirements of Section 6.54 of this bylaw and which shows the following: tower location, tower height, accessory buildings and/or housings for switching equipment, topography of the lot on which the proposed tower will be constructed, underlying zoning districts, fencing and landscaping, access and parking, lighting, limits of clearing, site boundaries, abutters and utilities.

b. A plan outlining the return of the site to pre-existing condition shall be submitted as part of the application. A bond, in an amount that the applicant estimates will be required to recondition the site shall be required. The Planning Board must approve the amount of the bond and any terms and conditions of its release. Said bond shall be held by the town and released at such time as the Planning Board determines that the condition of the bond agreement has been satisfied.

c. A color photograph or rendition of the proposed wireless communications facilities including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the proposed wireless communications facilities from the nearest street or streets.

d. A description of the wireless communications facilities including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type, size and number of transmitters and a technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.

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

f. A description of the special design features utilized to minimize the visual impact of the proposed wireless communications facilities.

g. A certification that the applicant possesses all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service.

h. Within thirty days after filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the maximum height of the proposed installation on a weekend day between the hours of noon and 3 PM. The balloon shall be of a size and color that can be seen from every direction for a distance of one mile. The applicant shall be responsible for posting the date and location of the balloon as a legal advertisement at least 14 days but not more than 21 days before the flight in at least two different issues of a newspaper with a general circulation in the Town of Holland.

i. Proof of ownership of the proposed site or proof of a contract or lease with the owner of the site establishing the applicant's right to construct a wireless communications facility on the site. The application must be signed by the owner of the property and the company proposing to erect the facility.

6.55 Compliance

a. Failure to comply with the provisions of this section or a Special Permit granted under this section shall be grounds for a non-renewal of a Special Permit.

b. Certification demonstrating continuing compliance with the standards of the Federal Communication Commission, Federal Aviation Administration, the American National Standards Institute and the regulations of the Massachusetts Department of Public Health; certification of the operator's possession of all necessary licenses to operate such a facility; and certification that the wireless communications facility is still in use shall be filed with the Building Inspector on an annual basis by the Special Permit holder.

6.56 Conditions

a. Any Special Permit granted or renewed under this section shall expire five years after the date of the decision of the Planning Board granting the Special Permit, unless sooner renewed.

b. For wireless communications facilities located on town property, the operator must execute an agreement with the Town whereby the operator indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use of occupancy of the Town owned property by the Operator.

   a. Providers of wireless communications services shall report to the Building Inspector any cessation in the use or operation of any wireless communications facility that exceeds 30 days and such facilities shall be removed at the owner's expense within one year of cessation of use or operation.

SECTION 6.6 ADULT ENTERTAINMENT BUSINESS

6.61 Intent

This Zoning Bylaw is enacted pursuant to MGL Ch 40A §9A Special permit for adult entertainment businesses. Its purpose is to prevent the secondary effects associated with these establishments, and to protect the health, safety and general welfare of the present and future inhabitants of the Town of Holland.

6.62 Special Permit Granting Authority

Adult entertainment businesses may be allowed by Special Permit. The Planning Board shall be the Special Permit Granting Authority for adult entertainment businesses and is authorized to hear and decide upon applications for Special Permits for such businesses.

6.63 Application in Zoning Districts

Adult entertainment business use may be permitted by Special Permit in the Business and Commercial Districts. All Adult Entertainment uses shall comply with the following requirements:

A. No adult entertainment establishment shall be located within the following designated areas:

1) within 500 feet from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;
2) within 500 feet from the nearest property line of any public or private school, or municipal building open to the general public;
3) within 500 feet from the nearest property line of church or other religious facility;
4) within 500 feet from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;
5) within 500 feet from the nearest property line of any group day care center, family day care center, nursing home and hospital;
6) within 1000 feet from the nearest property line of any other adult entertainment establishment;
7) within 500 feet from any establishment licensed under the provisions of MGL ch138§12
8) within 50 feet of a public or private way or 40 feet from all other property lines;

The distances specified above shall be measured by a straight line from the nearest structure on the premises on which the adult entertainment is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.

B. Additional site requirements:

1) The maximum lot coverage, including building, parking and driveways shall be 50% of the upland lot area

2) A 20 foot vegetated buffer containing adequate screening appropriate to the character of the area and the intensity of the use shall be provided between an adult entertainment establishment and other abutting commercial uses.

3) An adult entertainment use shall not be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.

4) The appearance of buildings for adult uses shall be consistent with the appearance of buildings in similar (but not specifically "adult") use, and not employ unusual color or building design which would attract attention to the premises.

5) There shall be screening of windows and doors to prevent the public's view of the interior from any public or private right of way or abutting property.

6.64 Applications

1) A site plan shall be submitted by the applicant in order that the Planning Board may determine compliance with the provisions of this bylaw. The site plan shall be prepared and submitted in accordance with Section 7.7 Site Plan Approval of this bylaw. The site plan shall also show when appropriate the distances between the proposed adult entertainment establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and municipal building and any other adult entertainment establishment(s).

2. All applications for a Special Permit for Adult Entertainment Establishments must include the following information:

a. Names and addresses of the legal owner(s) of the Adult Entertainment Establishment.

b. Names and addresses of all persons having a fee, equity and/or security interest in such establishment. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the Special Permit Granting Authority will know who are the persons who will actually own and control the establishment. The applicant and /or owner must disclose if they have been convicted of violating the provisions of MGL ch119§63 or chapter 272.

c. Name and address of the manager

d. The number of employees or proposed number of employees, as the case may be.

e. Proposed security precautions.

3. Special Permits shall be granted for adult entertainment establishments only upon determination by the Special Permit Granting Authority that the location and design of the facility are in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not involve minors in any way.

4. In approving a Special Permit, the Special Permit Granting Authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the immediate area and the Town, provided however that no such conditions in fact prohibit the use of the property for the use intended. No Special Permit shall take effect until such decision has been recorded in the Registry of Deeds. Conditions of approval may include but are not limited to the following:

a. Street, side or rear setbacks greater than the minimum required by the bylaw.

b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting or other means.

c. Modification of the exterior features or appearances of the structure.

d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.

e. Regulation of number, design and location of access drives or other traffic features.

f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.

g. The Special Permit shall be issued to the owner of the establishment and shall not transfer with a change in ownership of the business and/or property.

h. Where the Adult Use is not governed by other State or Local Licensing Board, the following conditions shall apply:

5. A manager responsible for the operation of the establishment shall be designated by the owner, if the owner is not the manager. The manager shall register with the Board of Selectmen. No manager shall be designated who has been convicted of violating MGL Ch 119, Section 63,(inducing or abetting delinquency of a child) or MGL Ch. 272, Section 28, (matter harmful to minors, etc.) or similar laws in other states.

6. The Special Permit Granting Authority may limit the hours of operation.

7. Special permits for Adult Entertainment Establishments shall not be granted to any person or persons convicted of violating the provisions of the Massachusetts General Laws Chapter 119, Section 63, nor Massachusetts General Laws Chapter 272, Section 238, or similar laws in other states.

6.65 <u>Lapse of Permit</u>

1. Any special permit granted hereunder for an adult entertainment establishment shall lapse after one year, excluding such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or if in the case of a permit for construction, if construction has not begun by such date except for good cause, excluding such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17, from the grant thereof.

2. The Special Permit shall lapse after two years, unless a shorter term is specified by the Special Permit Granting Authority. Upon receipt of a valid application, the Special Permit

Granting Authority may grant another Special Permit provided that the Board finds that all conditions of this Section and of approval have been complied with.

3. The Special Permit shall not be renewed if any of the following has taken place on or in proximity to and associated with the premises, a) unlawful sexual activity; b) gambling; c)drug use; d) violent crimes; e) offenses against children; f) repeated public disturbances requiring intervention by the police; and, g) any other illegal activities.

Violation of any of the conditions of approval of the Special Permit shall be grounds for non-renewal of the Special Permit as provided for above.

6.66 Existing Adult Entertainment Establishments

Any Adult Entertainment Establishment that was in existence as of the first date of the publication of the notice of public hearing on this zoning amendment regulating adult uses may continue to operate in the same location, without material change in scale or content of the business but shall apply for such Permit within 90 days following the adoption of this bylaw.

6.67 Prohibited Use

Nothing in the Ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violated any Town Ordinance or Statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or the public display thereof.

6.68 Sign Requirements

1. Sign content shall identify the name of the establishment only and shall contain no advertisement in addition to the identification of the use. Only one identification sign to be mounted on the building wall face shall be allowed for an adult use. All other signs whether on the exterior of the building or visible from the exterior of the building are prohibited.

2. No adult entertainment establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate, or contain reflective or fluorescent elements.
3. No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of an adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store shall be displayed in the windows of, or on the building of, any adult entertainment establishment.

6.69 Severability

If any clause or provision or section of this bylaw shall be determined to be illegal by a court or competent jurisdiction, the remainder of this bylaw shall not be affected thereby.

SECTION 6.7 ACCESSORY DWELLING UNIT

6.7.1 Purpose and Intent:

The intent of permitting accessory dwelling units is to:

1. Provide homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;

3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;

4. Provide housing units for persons with disabilities;

5. Protect stability, property values, and the residential character of a neighborhood.

6. Legalize conversions to encourage compliance with state building code.

6.7.2.0 Accessory Dwelling Standards

The Planning Board as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit: within an existing or new owner-occupied single-family dwelling; in an attached structure to an existing single family home; or detached structure on a single-family home lot only when the following conditions are met:

1. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.

2. Only one accessory dwelling unit may be created within a single-family house or house lot.

3. The accessory apartment unit will abide by the same minimum dimensional standards as the principal dwelling as specified in the Holland Zoning Bylaw, Table 2, Table of Dimensional Requirements. The accessory apartment shall be included in the calculation of maximum total lot coverage.

4. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence.

5. Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building.

6. The size of the accessory dwelling unit shall be no more than fifty percent (50%) of the gross floor area of the principal residence or eight hundred (800) square feet, whichever is less. This applies to accessory apartments created within an existing home, as an attached structure to an existing home, or as a detached structure.

7. Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the eight hundred (800) square feet allowed by this bylaw/ordinance.

8. An accessory dwelling unit may not be occupied by more than three (3) people nor have more than *one* bedroom.

9. The accessory dwelling unit shall be designed so that the appearance of the building remains that of a single-family dwelling. To the extent practicable:

- All stairways to the apartment should be enclosed within the exterior walls of the dwelling. Otherwise, they must not be apparent from the street.
- Any new entrance shall be located on the side or in the rear of the dwelling.
- The accessory apartment must use the same driveway as the main dwelling unit;
- Where necessary to provide safe access and egress for disabled persons, the requirements of this paragraph may be waived by the Planning Board.

10. The construction of any accessory dwelling unit must be in conformance with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.

11. Off-street parking spaces must be available for use by the owner-occupant(s) and tenants. All vehicles must be parked off the street.

6.7.3.0 Application Procedure

1. The procedure for the submission and approval of a Special Permit for an Accessory Apartment in Owner-Occupied, Single-Family Dwelling shall be the same as prescribed in the (Special Permit Section of the Zoning Bylaw) except it shall include a notarized letter of application from the Holland Town Clerk stating that the owner will occupy one of the dwelling units on the premises. A non-refundable fee, the amount of which is outlined in Planning Board procedures shall be included with the application for an accessory apartment to cover the cost of processing the application. The applicant shall also be responsible for the cost of legal notices. As part of the public hearing process, parties of interest, as defined in M.G.L. Chapter 4OA, Sec. 11 must be notified.

2. Upon receiving a special permit, the owner(s) must file on subject property a Declaration of Covenants at the Hampden County Registry of Deeds. The zoning approval and the notarized letters required in 04.1 must be recorded in the Hampden County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Official, prior to issuance of a Certificate of Occupancy for the accessory dwelling unit by the Building Official.

3. When a structure that has received a permit for an accessory dwelling unit is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within sixty (60) days of the sale, submit a notarized letter to the Building Official stating that they will occupy one of the dwelling units on the premises as their primary residence.
4. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Planning Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

5. Prior to issuance of a special permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building as part of the application.

6.7.4.0 Administration and Enforcement

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.

2. No building shall be constructed or changed in use or configuration until the Building Official has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a Certificate of Occupancy has been issued by the Building Official where required.

3. The Building Official shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.

4. The Building Official shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

6. The Planning Board may, after making findings of fact that support the decision, approve modifications to the dimensional standards of this bylaw, section 02.0, that will not exceed those standards by more than 10 percent.

6.7.5.0 Accessory Apartments in Existence Before the Adoption of An Accessory Apartment Bylaw

1. To ensure that accessory apartments or conversions in existence before the adoption of this Accessory Apartment Bylaw are in compliance with the State Building Code Regulations, the Planning Board may authorize, under a special permit and in conjunction with the Building Official, use known as an Accessory Apartment in an Owner-Occupied, Single-Family Dwelling.

2. The applicant must follow the same procedure described in this Section including the submission of a notarized letter by the Holland Town Clerk declaring owner occupancy and a Declaration of Covenants.

SECTION 6.8 BED & BREAKFAST ESTABLISHMENTS

6.8.1.Purpose:

The purpose of the Bed and Breakfast ByLaw is to permit the utilization of homes in residential, agricultural residential, business, rural business, and special conservancy districts for small home-based businesses. Further, this bylaw regulates Bed and Breakfast establishments to insure sensitivity and compatibility with surrounding neighborhoods and to minimize adverse impacts on neighboring residential uses.

6.8.2Procedure:

Bed and Breakfast establishments may be permitted by special permit in residential, agricultural residential, business, rural business, special conservancy, and commercial zones. Once the special permit is obtained, prior to the renting of any rooms to guests, the applicant shall obtain a certificate of inspection from the Building Inspector.

6.8.3.0 Requirements:

6.8.3.1. The Bed and Breakfast establishment and operation shall be located within a single family dwelling which is the owner's primary and legal residence.
6.8.3.2. A maximum of five guest bedrooms may be dedicated to the Bed and Breakfast establishment. Additionally, there shall be no more than ten guests at the establishment at any time.
6.8.3.3. The owner of the property shall be responsible for the operation of the property and shall reside on the property when the Bed and Breakfast establishment is in operation.
6.8.3.4. No meals except breakfast shall be served to guests. Alcohol is prohibited from being sold by the owner to any Bed and Breakfast guest.
6.8.3.5. There shall be at least one bathroom for every two guest rooms. The bathroom(s) are to be dedicated solely for Bed and Breakfast guests.
6.8.3.6. Septic design shall comply with requirements of State Law and the Holland Board of Health.
6.8.3.7. Signage, parking, and lighting shall comply with all applicable Holland zoning bylaws.
6.8.3.8. The Bed and Breakfast will meet all applicable MA food preparation laws.
6.8.3.9. All bed & Breakfast establishments are Lodging Homes and must meet all of the requirements of M.G.L. Chapter 140 Sections 22 thru 31.

SECTION 6.9 Commercial District

6.9.1 As-of-Right Zoning Bylaw for Large-Scale Ground-Mounted Solar Photovoltaic Installations

6.9.1.0 Purpose

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

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations. S*olar photovoltaic installations that utilize ground-mounted systems which individually have a rated name plate capacity of 250 kW (DC) or more.*

6.9.1.1.Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

1.0 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations sited in Holland Commercial District.

1.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

1.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

1.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

1.4 Site Plan Review and Approval

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review and approval by the Planning Board prior to construction, installation or modification as provided in this section.

2.4.1 General

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

2.4.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

2.4.2.1 Site plan showing:

2.4.2.1.1 Property lines and physical features, including roads, for the project site;

2.4.2.1.2 Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

2.4.2.1.3 Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures

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

2.4.2.1.5 Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

2.4.2.1.6 Name, address, email, phone number, and professional license number of proposed system installer;

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

2.4.2.1.8 The name, address, email, phone number and signature of any agents representing the project proponent; and

2.4.2.2 Documentation of actual or prospective access and control of the project site (see also Section 2.5);

2.4.2.3 An operation and maintenance plan (see also Section 2.6);

2.4.2.4 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);

2.4.2.5 Proof of liability insurance; and

2.4.2.6 Description of financial surety that satisfies Section 2.12.3.

2.4.2.7 Landscape Plan (see also Section 2.9.4)

2.4.3 Waivers

2.4.3.1 The PB may waive strict compliance with any requirement with this section of this bylaw, or the rules and regulations promulgated hereunder, where:

2.4.3.1.1 Such action is allowed by federal, state and local statues and/or regulations;

2.4.3.1.2 Is not inconsistent with the purpose and intent of this by-law.

2.4.3.1.3 Poses undue difficulty or unreasonable burden on the applicant

2.4.3.1.4 Is unnecessary or redundant to the specific installation

2.4.3.2 Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this section of the by-laws does not further the purposes or objectives of this by-law.

2.4.3.3 All waiver requests shall be discussed and voted on at the public hearing for the project.

2.4.3.4 If in the PB opinion, additional time or information is required for review of a waiver request, the Board may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

2.5 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 photovoltaic installation.

2.6 Maintenance & Operation Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Forms for a Model M&O Plan are available through the Planning Board or Building Inspector.

2.7 Utility Notification

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

2.8 Dimension and Density Requirements

2.8.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

2.8.1.1 Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

2.8.1.2 Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

2.8.1.3 Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

2.8.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to existing setbacks and regulations concerning the bulk and height of structures, lot area, 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. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

2.9 Design Standards

2.9.1 Lighting

Lighting of solar photovoltaic 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 within the solar photovoltaic installation property shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2.9.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with Holland's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number visible from a right of way where the property has frontage.

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

2.9.3 Utility Connections

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

2.9.4 Landscape Plan

A landscape plan shall be provided that shows the location of all existing and proposed plantings. The landscape plan shall specify the size, type and location of all proposed plantings. All appurtenant structures buildings part of the Large Scale Ground Mounted Solar Photovoltaic Installation shall be screened from adjacent properties by a minimum six feet (6') high evergreen vegetative buffer wherever possible.

2.10 Safety and Environmental Standards

2.10.1 Emergency Services

The large scale solar photovoltaic installation 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 photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2.10.2 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 photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

2.11 Monitoring and Maintenance

2.11.1 Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

2.11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board..

2.11.3 Maintenance and Operation Plan and Reports
The applicant shall submit a Maintenance and Operation Plan for maintaining access roads, vegetation, and the storm water management system, as well as general procedures for operational maintenance of the Large Scale Ground Mounted Solar Photovoltaic System in accordance with manufacturer's specifications

At minimum, Maintenance & Operation Reports shall include all work performed at the site (upgrades, landscaping, etc.) and the quantity of energy produced in the reporting period. A brief M&O Report shall be submitted every six (6) months to the Building Inspector.

2.12 Abandonment or Decommissioning

2.12.1 Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 2.12.2 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 Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

2.12.1.1 Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2.12.1.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
2.12.1.3 Stabilization and re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation, upon written request which documents that the proposed option will have a larger positive impact than removing landscaping and foundations.

2.12.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year. Failure to submit two consecutive M&O Plans to the Building Commissioner shall constitute abandonment. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

2.12.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- 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 VII. GENERAL REGULATIONS APPLCABLE TO ALL ZONNG DISTRICTS

7.0 PRE EXISTING NONCONFORMING USES AND STRUCTURES

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

7.02 Alteration, reconstruction, extension or structural change (collectively "alteration") to a non-conforming single or two family residential structure shall not be considered an increase in the non-conforming nature of the structure and shall be permitted by right under the following circumstances:

7.021 Normal repairs or replacement of parts of any non-conforming structure, provided that such repair or replacement does not constitute an extension of a non-conforming use of such structure

7.022 Alteration to a conforming structure where the alteration will also comply with all applicable sections of the zoning by laws in effect at the time of application, if the existing structure is located on a lot which is non-conforming as the result of a zoning change.

7.023 Alteration within the existing footprint of a non-conforming structure to comply with requirements of the Massachusetts Building Code.

7.024 Alteration to a non-conforming structure where the alteration will comply with all applicable sections of the zoning by laws in effect at the time of application and will not increase the habitable space.

7.025 Alteration to a non-conforming structure on a lot of at least 10,000 square feet, where the alteration will comply with all applicable sections of the zoning by law in effect at the time of application, including, but not limited to setback, yard building coverage and height requirements.

7.026 In cases where the applicant seeks to increase the height of any structure that encroaches on a required setback, where any increase in height will occur within such encroachment, there shall be no alteration as of right under this section.

7.03 Construction of a one story accessory building, deck or landing which contains no plumbing or septic facilities, is not used for the storage of motor vehicles or parts thereof and complies with the setback requirements and percent of lot coverage requirements of Section V, Table 2, shall not be considered an increase in the non-conforming nature of the structure and shall be permitted by right.

7.04 Abandonment. A nonconforming use which has been abandoned for two or more years shall not be re established and any future use shall conform with this bylaw.

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

7.06 CONVERSION OF SEASONAL HOMES TO YEAR ROUND RESIDENCES

7.061 The purposes of this section are:

a. To protect surface and ground water resources in the Town of Holland from pollution.

b. To conserve the recreational, scenic and ecological values of water resources in the Town of Holland for the health, safety and welfare and enjoyment of the people.

c. To insure that the development or conversion of homes for year round use occurs only on those lots which are served by adequate sewage disposal facilities, water supply, drainage, roads and driveways.

7.062 A building that contains a permanently installed heating system and is in conformance with all the applicable sections of the state and town building and health codes shall be considered a "year round use" structure.

Those structures that do not contain a permanently installed heating system capable of maintaining a mean temperature of 70° Fahrenheit during the winter season and are not in conformance with all the applicable sections of the state and town building and health codes, shall be considered a "seasonal use" structure.

For the purposes of these zoning by laws, portable heating devices such as, but not limited to: ceramic heaters, electric space heaters, propane heaters, kerosene heaters; and heating devices such as, but not limited to: wood burning/pellet burning/sawdust burning stoves and fireplaces and gas burning fireplaces shall not be considered "permanent installed heating systems" capable of maintaining a mean temperature of 70° Fahrenheit in all living spaces, during the winter season.

7.063 <u>General Regulations</u>

If a residential structure lawfully existing as a seasonal use at the time of adoption of this bylaw is damaged or destroyed by casualty or fire, the residential use may be continued or rebuilt as a seasonal use, to its pre existing nonconforming height, footprint and density, and shall conform as nearly as possible to the current setback requirements of this zoning bylaw.

7.064 Conversion of a Non-Conforming Seasonal Dwelling to a Year Round Dwelling

A variance shall be obtained from the Zoning Board of Appeals to address the issue of non-conformity. If the variance is granted, then all of the following conditions shall be met in order for the conversion to be approved:

a. The septic sewage disposal system which is proposed to serve the converted dwelling unit has been inspected according to the criteria set forth in 310 CMR 15.302, and

b. The septic sewage disposal system which is proposed to serve the converted dwelling unit has, in the opinion of the Holland Board of Health, achieved "Maximum Feasible Compliance" as defined in Title V of the Massachusetts Environmental Code (310 CMR 15.404); and

c. The septic sewage disposal system which is to serve the dwelling unit proposed for conversion complies with all the Board of Health regulations in effect at the time of the proposed conversion; and

d. The Holland Planning Board certifies that the dwelling has motor vehicle access to a "street" which meets the standards and requirements for public ways specified in the Subdivision Rules and Regulations of the Planning Board which are in effect at the time of the application for the conversion permit; and

e. The lot on which the building or structure stands includes a minimum of two off street parking spaces.

7.1 SIGNS

7.11 General Restrictions and Allowances

Any exterior sign or advertising device hereafter erected or maintained shall, except as expressly provided, conform to the following restrictions:

a. No sign shall be so located that it will cause danger to traffic by obscuring the view of a public way.

b. Flashing, blinking, revolving signs and similar displays are not permitted except by special permit by the Board of Appeals.

c. No sign shall be place on or project over town property or be placed on utility poles which are located on town property.

d. Nothing in this bylaw shall forbid property owners from erecting on their own property signs not more than two square feet in area containing the words "No Dumping", "No Trespassing", "Private Property", "Beware of Dog", "Blind Driveway" or other customary signs of similar import.

e. One sign for each family residing on the premises indicating the name of the owner or occupant or pertaining to a permitted accessory use provided, however, that said sign shall not exceed two square feet in area, or twelve feet in the aggregate.

f. One sign not over nine square feet in area pertaining to permitted buildings, structures and uses of the premises, other than dwellings, and their accessory buildings.

g. Temporary signs aggregating not over twelve square feet in area pertaining to the sale or lease of the premises on which said signs are located, provided that said signs shall be permitted for a period not exceeding one year.

h. Directional signs not exceeding two square feet in area pertaining to churches, schools, institutions and other non profit uses, or to the location of businesses, places of accommodation and professional offices.

i. Political signs shall be allowed as a matter of right, but shall not be greater in either area or in the aggregate, than that allowed for non political signs.

7.13 Business Districts

In all business districts the following signs and no other are permitted:

a. Signs shall pertain only to a use or business conducted on the premises on which they are located and must conform to the height regulations in the appropriate district.

b. The total surface area of no one exterior sign on any one property shall not exceed one square foot for each linear foot of street frontage; however, in no instance shall the total surface area of all exterior signs combined on one premises be more than 200 square feet in area.

c. Notwithstanding any other provisions of this bylaw, religious and public institutions shall be permitted to erect signs in the aggregate of not more than fifteen square feet, and only on property belonging to same.

d. Illuminated signs shall be located twenty five feet or more from a residential district boundary line.

e. No sign shall extend over public property.
f. Political signs not exceeding 200 square feet in the aggregate.

7.2 FENCES

7.21 Except as permitted in subsection 7.22 fences must be at least six inches from any lot line and must be erected so that the less appealing or post side shall face inward from the property lie of the person who constructs the fence, and chain link or cyclone fences shall have the barbs face down.

7.22 Party line fences to a maximum height of six feet may be located on or within six inches of a lot line if authorized by permanent easements, legally enforceable against all grantees, duly recorded with the Registry of Deeds with respect to each of the adjoining lots.

7.3 ACCESSORY BUILDINGS

No accessory building or structure shall be located within in the required front yard area. No accessory building shall be located in any side yard area nearer to the side lot line than ten feet, or in a rear yard area nearer to the rear lot line than ten feet or nearer to another principal or accessory building than ten feet, provided that this restriction will not apply to a boat ramp or to a dock complying with the requirements of Chapter 11 of the General Bylaws of the Town of Holland.

7.4 PARKING STANDARDS

(adopted at STM June 30, 2003)

7.41 Purpose

It is the purpose of this section that all new, expanded or intensified uses within the town provide adequate off-street parking.

7.42 Application

No use shall be intensified without providing adequate off-street parking as provided herein.

7.421 Existing parking spaces may be counted to meet the minimum off-street parking requirements for an intensified use only if it can be demonstrated that they are not used as of right by existing uses and are exclusively available as of right for said proposed intensification.

7.422 All off-street parking spaces required by this section shall be located on the same lot as the use for which such spaces are required, except that in the Business district, parking spaces may be located on another lot within three hundred (300) feet of, and in the same zoning district as the use for which such spaces are required.

7.43 Design/Screening Standards

a. Each off-street parking space shall have minimum dimensions of nine (9) by twenty (20) feet excluding the driveway to such space.

b. Drainage facilities for each parking area shall be designed and constructed to contain storm water run-off on the premises.

c. Parking areas for five (5) or more cars shall be designed with enough maneuvering space so that vehicles need not back onto a public way.

d. No parking lot shall be illuminated so as to cause glare for motorists, pedestrians or neighboring premises.

7.44 Landscape Requirements for Parking Lots

a. In all Single Family Residential Districts, where a legal use or a combination of legal uses requires the provision of five (5) or more parking spaces, the following requirements shall apply:

(1) All the requirements of this Section and

(2) A landscaped setback shall be provided from the surfaced area of a parking lot and all entrance and exit drives, to the road lot line, a distance equal to the required front yard building setback requirement, or a maximum of 50 feet, whichever is less. Existing trees and shrubs shall be retained within the road right of way and within the required front yard landscaped setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the required front yard landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found in the region. A minimum of one street tree with a minimum caliper of three (3) inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained.

7.45 In all Business and Commercial Districts, a parking lot shall conform to the following requirements:

a. Screening from Residential and Agricultural/Residential Districts: Where a parking lot containing five or more spaces abuts a residential district, or is located across the road from a residential district, it shall be screened as follows: (i.) retention or planting of a sufficient area of natural vegetation to provide a dense screen; and/or (ii.) a dense hedge providing year round screening, and/or (iii.) where vegetative screening is not practical, a fence, with not more than 50% open space between the panels. Such screening shall be maintained in good condition at all times, and no advertising shall be placed upon the screening. In a Historic District, fences and hedges may be subject to other regulation.

b. All landscaped areas shall be continuously maintained. No occupancy certificate shall be issued until the landscape plan has been implemented according to an approved Site Plan, except that the Building Inspector may issue an occupancy certificate prior to installation of landscape materials, provided that the applicant posts security with the town for 150% of the estimated cost of installation and plant materials.

7.46 Location of Parking Lot in Relationship to Buildings

Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact, or is infeasible due to configuration of the site.

7.47 Conflicting Provisions

Any specific provision in any other section of this by-law relating to parking shall prevail over the provisions of this section.

7.48 Schedule of Off-Street Parking Requirements

The following standards represent the minimum parking requirements to be applied:

USE	REQUIRED SPACES
Attached Dwelling Units (D.U.)	1.5/D.U.+ 1 visitor space/10 required D.U. spaces
Guesthouse, Lodging House, Group Accommodation, Bed and Breakfast	1.2/Bedroom
Hotel/Motel Guest Units	1.2/guest unit + 1/every 2 employees on maximum shift
Nursing Homes/Hospitals	1/every 3 beds
Industry, Warehousing, Storage, Distribution, Wholesaling	1/700 sq.ft. gross floor area or 1/every 1.3 employees on maximum shift, whichever is greater
Retail, Consumer Service	1/200 sq.ft. gross floor area + 1/separate enterprise
Office, Professional, Administrative, Banks	1/300 sq.ft. gross floor area+ 1/separate suite
Restaurants, Licensed Common Victualer or employees, Purveyor of Food ready to be consumed on or off premises	1/every 3 seats + 1/every 2 + 5/take-out area
Places of Public Assembly	1/every 3 persons capacity
Convenience Store	1/every 300 square feet of gross floor area
Tennis, Handball and Racquetball Courts	3/court, except 0 when a single court is located as accessory to a single- family dwelling
Laundromats	1/every 4 machines
Gas/Service Stations	3/service bay or 1/100 sq.ft. gross floor area, whichever is greater
All Other Uses	As determined by the Building Inspector

7.48.1Any building hereafter constructed for business or industrial use in the Business or Rural Business Zoning districts shall provide an off street parking area equal to twice the floor area of the building to be constructed.

7.48.2 Any building constructed in the Special Conservancy District shall be provided with at least one parking space per 750 square feet of building.

7.48.3 Handicapped Parking: All parking areas shall provide handicapped accessible parking spaces, as required by the Federal Americans with Disabilities Act (ADA).

7.48.4 In addition to "Handicapped Parking Requirements" at least one convenient parking space must be made available for the mobility impaired.

7.49 Reduction of Requirements/When Applicable

The Planning Board may reduce the requirements of this section by the granting of a Special Permit only if lesser off-street parking is shown to be adequate given such special circumstances as:

(a) Use of a common parking area by different uses having different peak hours of demand.

(b) Age or other characteristics of occupants which reduce auto usage.

(c) Characteristics of use invalidating normal methods of calculating parking demand.

(d) Supplementary parking provided off-premise.

7.5 EARTH REMOVAL AND EXTRACTIVE OPERATIONS

7.51 Standards for Size of Operations

Non commercial Earth Removal and Extraction operations of less than 300 cubic yards and/or the movement of topsoil and subsoil for personnel landscaping or residential property may have the following requirements waived in part of in full by the Planning Board.

7.52 Standards for Operation of Earth Removal and Extractive Operations

7.52.1 Topsoil and subsoil stripped from the operating areas shall be in stockpiles and seeded with an erosion control seed mixture, and used in restoring the area.

7.52.2 No removal or extraction shall take place within 300 feet of an existing public way if the extractive operations are below the grade of the centerline of the road.

7.52.3 No removal or excavation shall take place within 30 feet of an adjacent property line or within 100 feet of a wetland.

7.52.4 No removal or excavation below the natural grade of any property boundary shall be permitted nearer than 30 feet from such boundary.

7.52.5 No area shall be excavated or filled so as to cause the accumulation of free standing water unless the Planning Board shall permit the creation of a pond upon the approval of the Conservation Commission.

7.52.6 Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table. A monitoring well may be required to be installed by the property owner to verify groundwater elevations.

7.52.7 The active operation area shall not exceed a total of three (3) acres at any one time for excavation. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.

7.52.8 Operation hours shall be between 7:00 a.m. and 6:00 p.m., Monday through Saturday. The operator shall be responsible for cleaning spillage on public ways.

7.58.9 Access road shall be treated with a suitable material to reduce dust and mud for a distance of 150 feet back from such a way. Access road entrances shall include a gate or other secure mechanisms to restrict public ways.

7.58.10 The applicant shall file a complete set of plans of existing and proposed completed cross sections of the area of operations with the Town of Holland Planning Board. Said plan shall be approved by a Registered Land Surveyor, registered in the Commonwealth of Massachusetts.

7.58.11 The applicant shall post a performance bond with the Planning Board. Said bond shall be equal to the assessed value of the land parcel or parcels being used for earth removal operations.

7.53 Standards for Restoration of Earth Removal and Extractive Operations

a. Restoration shall be carried on simultaneously with excavation so that, for excavation only, when any three (3) acre operation area has been excavated at least two (2) of those acres must be restored before work commences on the next two (2) contiguous acres. All excavations of less than three (3) acre operation must be restored within one growing season from completion of operations, unless otherwise instructed by the Planning Board.

b. The land shall be left so that natural storm drainage shall leave the property at the original natural drainage points, and so that the total discharge at peak flow as well as he area of drainage of any one point is not increased.

c. No slope created shall be finished at a grade in excess of two horizontal feet to one vertical foot.

7.60 SUPPLEMENTAL WATER SUPPLY

Whenever an individual or a firm purchases for the purposes of subdivision or construction three (3) or more residential buildings on contiguous lots or a development of three (3) or more residential buildings or a commercial building of more than 2000 square feet of size the requirement of section shall apply.

A dry hydrant system or a cistern shall be installed for the exclusive utilization of essential fire and maintenance personnel.

The capacity of these dry hydrant systems or cisterns shall be in conformance with the current requirements of NFPA 1231.

1. Capacity will be based upon the required flow for the structure being constructed.

2. For residential areas, a minimum capacity will be twelve thousand (12,000) gallons.

3. For commercial structures, the minimum capacity will be twenty five thousand (25,000) gallons.

4. Farm and agricultural uses will be exempt from these requirements for accessory use. Residences shall not be exempt.

7.61 Dry hydrants shall have the following:

1. A four and one half inch (4 1/2) male National Standard Thread nipple with female cover located within fifteen (15) feet of maintained vehicle access.

2. Signage shall be as described in Section 7.68 (8).

3. Design of dry hydrants shall include usage of worksheet B 5.3.3 National Fire Protection Association.

7.62 Prior to construction, plans will be reviewed and stamped by a Certified Fire Protection Engineer. When plans are submitted to the Fire Chief, they must be accompanied by a five year bond equaling the replacement cost of the entire system as determined by the Fire Chief.

7.63 After completion of construction, final as built drawings must be submitted and an acceptance test conducted by the Town of Holland Fire Department.

7.64 Prior to construction, the developer/builder will provide the Fire Department's water supply account with funds necessary to cover all costs of maintenance for five (5) year after completion and acceptance. This amount will be determined by the Fire Chief. Should the full amount not be utilized, the remaining balance will be returned to the developer by the town at the end of the five year period (Prior Code 5161 3)

7.65 Prior to issuance of the building permit for the third residence, these systems shall be complete and fully operational.

7.66 All cisterns are to be designed in accordance with the current edition of NFPA 1231 and are to include:

1. A four and one half (4 1/2") National Standard Thread (NST) male connection with female cover within fifteen (15) feet of maintained vehicle access.

2. A maximum six inch (6") diameter drilled well with a minimum twenty five foot (25) casing and drive shoe, equipped with a minimum one half (1/2) horsepower well pump to provide a 5 10 GPM constant flow.

3. A minimum 32 inch inspection manhole.

4. An 8 inch vent constructed of ASTM Schedule 40 PVC.

5. A clappered Siamese two and one half inch (2 1/2") female National Standard Thread fill connection.

6. A lighted control panel with green power indicating light emitting diode (LED), and low level flashing red indicator and orange pump running indicator. These indicator lights shall be appropriately labeled. The developer must construct a mounting panel and have metered power connected to the cistern after obtaining all necessary electrical permits.

7. The tank itself shall be constructed of reinforced concrete and be lined with an approved plastic liner or rubber membrane. All components shall be consistent with the specifications of NFPA 1231.

8. A sign which has a minimum one inch white reflective letters on a red reflective background. Signage shall state:

Fire Department Cistern		Fire Department Dry Hydrant
_____Capacity	or	_____Capacity
ID # _____		ID #_____

9. All suction and fill piping shall be ASTM Schedule 40 Steel. Vent piping shall be ASTM Schedule 40 PVC with glued joints painted with an epoxy paint to prevent ultra violet degradation. Suction piping shall be painted red. All other exposed piping shall be painted black.

10. Suction piping inside the tank shall be of a size to deliver the required fire flow and shall have a listed mesh screen installed vertically at the bottom of the cistern at a height of six inches off the bottom of the cistern attached to a 4' by 4' by 1/4" anti vortex plate.

11. All fire department pump and suction connections shall be protected from damage by either stantions, posts or landscaping.

12. All electrical controls, boxes and manholes shall be locked with "keyed alike" padlocks. Master lock number shall be obtained from the fire department.

7.7 SITE PLAN APPROVAL

(adopted at STM June 27, 2001)

7.71 Purpose

a) The purpose of the Site Plan Approval is to ensure that development is suitable and designed in a manner that will not result in a detriment to the neighborhood or to the environment and will provide for the safety and general welfare of the inhabitants of the Town.

b) Site Plan Approval is to be granted by the Planning Board for the Town of Holland.

c) It is further the intent of the Site Plan Approval to ensure that development is consistent with the Zoning Bylaws and Building Regulations.

7.72 Projects Requiring Site Plan Approval

Any non single family unit, non-single family outbuilding or additions to exiting structures require Site Plan Approval.

The Planning Board may waive the requirement for Site Plan Approval if the board determines that the proposed construction or alteration will have minimal effect relative to the criteria set forth in Section

7.73 Site Plan Requirements

All site plans shall be on standard 24”x36” sheets prepared by a registered architect, landscape architect or professional engineer and shall show:

The location, boundaries and owner of record of the site, adjacent streets or ways and the location and owners’ names of all abutting properties.

Existing and proposed topography of the site and topography of areas within 100 feet of the site, showing contours, location of wetlands, streams, water bodies, drainage swales, area subject to flooding and unique natural land features.

Existing and proposed structures including dimensions and elevations.

The location of proposed streets, parking and loading areas, driveways, walkways, access and egress points.

The location and a description of proposed septic systems, water supply, storm drainage systems, utilities and waste and other refuse disposal systems.

The location and a description of proposed open space or recreation areas and landscape features, including the location and description of screening, fencing and planting.

A complete list of chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.

7.74 Procedures for Site Plan Approval

a. The original site plan shall be filed with the Town Clerk and ten copies concurrently filed with the Planning Board. The date of receipt by the Town Clerk shall be considered the date on which the application has been filed with the Planning Board.

b. All applications for Site Plan Approval shall be accompanied by cash or check payable to the Town of Holland in the amount of $100.00 plus $0.05/square foot of building. When the Site Plan Approval and the Special Permit hearing are held concurrently, the Site Plan Approval fee is waived and the fee will be addressed in Section VIII Part 8.26.

c. Copies of the Site Plan will be distributed by the Planning Board to the Building Inspector, the Conservation Commission, the Board of Health, the Economic Development Board and the Highway, Police and Fire Departments who shall review the application and submit recommendations to the Planning Board. Failure to make recommendations within 45 days of the referral shall be deemed to mean lack of opposition.

d. The Planning board shall hold a hearing pursuant to public notice as required by Section 9 of the Zoning Act, (M.G.L. Ch. 40A).

e. After due consideration of the recommendations of other boards and departments, the Planning Board shall take final action within 135 days from the filing of the application.

f. If the proposed development requires a Special Permit, then the requirements of M.G.L. Ch. 40A, Section 9 and Section 8 of the Town of Holland Zoning By-laws take precedence.

g. For the purpose of securing the performance of all proposed work including landscaping and off-site improvements, the Board may require any of the following: a performance bond, deposit of money, bank passbook, or letter of credit in an amount determined by the Board to be sufficient to cover the cost of all or any part of improvements required.

7.75 Site Plan Approval Criteria

Site Plan Approval criteria shall be the same as the criteria for Special Permit Approval, specified in Section 8.4 of the Zoning By-laws of the Town of Holland. The criteria shall be considered by the aforementioned boards, departments and officials in determining whether approval of the Site Plan is consistent with the purposes of this By-law. These criteria are not intended to be exhaustive and specific additional standards may be applied for a project if in the opinion of the Planning Board they are

reasonably necessary. The issues represented by the criteria must be addressed to the satisfaction of the Planning Board in the Site Plan.

7.751 One item to be added to the criteria for Site Plan Approval is as follows: Electric, telephone, cable TV, and other utilities are required to be placed underground where physically and environmentally feasible.

7.76 Final Decision

The Planning Board's decision shall consist of either:

a) A written approval of the proposed project.
b) A written denial of the application stating the reason(s) for the denial, or
c) A written approval subject to any conditions modifications and restrictions as the Planning Board may deem necessary to satisfy this Bylaw.

The Planning Board's decision shall be mailed to the applicant and filed with the Town Clerk. A copy shall also be sent to the Building Inspector.

No Certificate of Occupancy shall be issued for any structure subject to Site Plan Approval unless it and all of its related facilities substantially conforms to the approved Site Plan.

7.77 Enforcement

7.771 Approval of the Site Plan may be extended for one additional year at the discretion of the Planning Board after the receipt of a written request from the owner or his designated agent and for good cause shown. If one year has elapsed from the date of approval and no extensions have been granted, or if granted, then at the end of the one year extension no construction has been started, the Site Plan approval shall become null and void without requiring any further action by the Planning Board.

7.772 Violations of the approved site plan or any conditions of approval shall be subject to the provisions of Section 9.0 of the Zoning Bylaw.

7.78 Appeal Process

If an aggrieved person wishes to appeal the decision of the Planning Board, the procedures as outlined in M.G.L. Ch. 40A, Section 8 must be followed except where a Site Plan Approval is issued in conjunction with a Special Permit, wherein M.G.L. Ch. 40A Section 17 must be followed.

7.8 COMMON DRIVEWAYS

(adopted at STM June 30, 2003)

7.81 Purpose

The purpose of this ordinance is to:

1.Enhance the safety and welfare of residents of common driveways and

2. Clarify the rights and responsibilities of builders and residents of common driveways, and of the Town of Holland, and to

3. Provide access to no more than three (3) lots over a common driveway, rather than by individual driveways on each lot, in order to:

4. Enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the ways used public ways, particularly arterial streets as defined in the subdivision Rules and Regulations, Holland, Massachusetts;

5. Preserve, protect and enhance environmentally sensitive land, such as well recharge areas, wetlands and floodplains, by reducing the area of land that is cleared, excavated, filled and/or covered with impervious surface;

6. Encourage the protection and preservation of significant natural features and vistas.

7.82 Definition

Common Driveway - Vehicular access, which is not a street, but extending from a street, serving as a common vehicular access to more than one (1) but not more than three (3) residential, industrial or commercial lots in any district built in accordance with standards set forth in this bylaw and allowed by Special Permit. The driveway will lie entirely within the lots being served.

7.83 Prohibition

A common driveway which would serve more than three (3) residential lots is prohibited.

7.84 Scope

Common driveways may be allowed by Special Permit and Plan Approval by the Planning Board for residential and commercial uses. Where the proposed development constitutes a subdivision under the Subdivision Control Law, MGL, Chapter 41, s.81-k et seq, this Bylaw shall not apply. All lots associated with the use of a common driveway must provide off-street parking in accordance with Town of Holland criteria. A common driveway shall not become a public way. The Town of Holland shall not be required to provide construction, reconstruction, maintenance, snowplowing, school bus pick-up or police patrols along a common driveway, unless by contract duly entered into by the Town and all landowners served by the common driveway.

7.85 Common Driveway Standards

The Planning Board may authorize the use of common driveways to provide access to no more than three (3) individual lots of land through issuance of a Special Permit. The following conditions must be met, except minimum standards may be increased for commercial uses and other standards may be required based on site configurations:

7.85.**1** Dimensions

a. A common driveway shall have a minimum roadway width of 14 feet to a maximum of 24 feet, in addition to an easement of sufficient width to assure proper drainage and maintenance.

b. A common driveway shall not exceed 1000 feet in length.

c. The slope or grade of a common drive shall in no place exceed 8% if unpaved or 12% if paved.

d. The common drive shall intersect a public way at an angle of not less than 80 degrees.

e. Alignment and sight distances should be sufficient to support a design speed of 15 mph;

f. The common driveway shall be capable of providing access for emergency vehicles (WB 50) with either a "hammer head", "T" or "Y" configuration in lieu of a cul-de-sac for reverse direction in a single movement;

g. A fire hydrant is required if the terminus of the common driveway is greater than 500 feet from an existing hydrant on a public way;

h. The common driveway shall lie entirely within the lots being served.

7.85**.** 2. <u>Construction</u>

a. The common driveway shall be constructed of a 12-inch gravel base consisting of three successive layers of ¾-inch crushed traprock stone, ½-inch crushed traprock stone, and ¼-inch crushed traprock stone; the Planning Board may require a bituminous concrete surface.

b. Drainage shall be adequate to dispose of surface runoff, prevent erosion and runoff onto adjoining roads.

c. Any additional storm drainage generated by the new driveway shall not run onto any adjacent property, and to the extent feasible all storm water shall be recharged on-site;

d. Any utility extensions along the common driveway shall be considered privately owned and maintained.

7.85**.** 3. <u>Alignment and Design</u>

a. The common driveway, at its intersection with the street, must provide a leveling-off area with a slope no greater than 1% for the first 20 feet and a slope no greater than 5% for the next 30 feet.

b. There shall be a minimum of 1000 feet between the entrances of any two common driveways onto any road.

c. The common driveway shall enter a roadway at a point separated by at least one hundred (100) feet from an intersection. On a state-numbered highway, the common driveway shall enter the roadway at a point separated by at least one hundred (100) feet from any other driveway, curb cut, or intersection.

d. A common driveway shall have adequate sight distance at its intersection with a public or private road, and shall not create traffic safety hazards to its users or the public.

e. The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.

f. The common driveway shall provide the only vehicular egress/access to the lots being serviced by it, and this shall be so stated in the deeds to the subject lots.

g. Street Numbers and Identification - Permanent signs, sufficiently readable from the road to serve the purpose of emergency identification, indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the intersection of an individual lot driveway with the common driveway. This requirement is in addition to those for individual homes or businesses.

h. Common driveway design shall to the greatest extent possible minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and result in the preservation of rural character through reduction of number of access ways; and retention of existing vegetation and topography.

i. These standards may be waived when, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

j. No common driveway shall be extended or connected to any way other than at one point of intersection with a street providing frontage to the development.

k. All lots to be served by a common driveway must meet the requirements of a lot as defined in the bylaws. All dimensional requirements, as defined in the Zoning Ordinance, for lots served by a common driveway, including but not limited to, setback and dimension of front, side and rear yards, as measured in relation to the street serving as the legal frontage for the lots, shall be the same as would be required for those lots had they not shared a common driveway.

l. Each residential lot having access from an approved common driveway may be improved with no more than two (2) dwelling units and related accessory buildings and uses. Each commercial or industrial lot may be improved with no more than one unit except for a planned development.

m. If the common driveway provides access to two (2) or more lots, the landowners of all residences, or commercial or industrial units served by a common driveway shall be granted

a right-of-way. Such right-of-way shall be recorded at the Registry of Deeds within thirty (30) days of approval by the Planning Board, together with a statement of covenants as follows:

n. The common driveway shall at no time become the responsibility or liability of the Town of Holland.

o. Each landowner served by the common driveway shall be liable and responsible in whole for the repair and maintenance of any portion of the common driveway to which they have the exclusive Right of Way, such as a spur serving solely one parcel.

p. Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the common driveway to which more than one landowner hold a Right of Way.

q. A covenant shall be entered into between the owner or developer and the Town in a form acceptable to the Planning Board, which binds current and future owners of each lot served by the common driveway, prohibiting the sale of lots and erection of building except for lots approved and/or prior to the adoption of this ordinance, until such time as the common driveway has been constructed in accordance with the approved plan. A draft covenant shall be submitted for approval with the special permit application and shall include but not be limited to specific standards for maintenance and repair of the driveway and drainage system, provision for allocating financial responsibility, and a procedure for resolution of disagreements. If the special permit is granted, the covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to every lot served by the common driveway,

r. A common driveway shall not be approved until a declaration of covenants, easements and restrictions for the use and maintenance of the common driveway has been approved by Town counsel and the Highway Department.

s. The Planning Board may require a performance bond or other security for the completion of the common driveway. Such security shall be posted prior to construction of the driveway. The driveway shall be completed, inspected by the Planning Board or its designee, and the security released prior to the issuance of occupancy permits for the lots served by the common driveway.

7.86 <u>Procedure for Special Permits</u>

The Planning Board shall follow the procedural requirements for Special Permits as per Massachusetts General Law, Chapter 40A and Section 8.0-8.7, Procedure for Special Permits of the Holland Zoning By-Law.

7.9 CUTTING, SAWING, LOGGING AND MARKETING OF LUMBER, PULP AND FIREWOOD

(adopted at STM June 30, 2003)

7.91 Standards for Operation of Cutting, Sawing and Marketing of Lumber, Pulp and Firewood

a. No mud or debris is to be tracked onto any paved road from site. Stone or gravel should be used to cover site loading area to insure against mud buildup.

b. All loading of equipment is to be restricted to designated areas shown on Site Plan. No loading shall take place on paved roads.

c. The proposed development shall maximize the convenience and safety of vehicular and pedestrian movement within the site and shall provide safe access to and from public and private roads.

d. The development shall provide adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation and to minimize changes in groundwater levels, increased run off and potential for flooding.

e. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect neighbors from unsightly features, if applicable.

f. Construction, logging. And other outdoor activities on the site shall not operate between the hours of 9:00 PM and 7 AM of the following day.

g. There shall be no emissions of toxic or noxious matter or objectionable odors of any kind in such quantity as to be readily detectable at any property line of the lot on which the use emitting the toxic or noxious material or odor is located. For the purposes of this section, toxic or noxious matter is any solid, liquid, or gaseous matter which by chemical means is inherently harmful and likely to destroy life or impair health or capable of causing damage to property or injury to the well being of people.

h. All outdoor storage facilities for fuel, chemicals, hazardous materials or wastes, and potentially harmful raw materials shall be located on impervious pavement, and shall be completely enclosed by an impervious dyke which shall be high enough to contain the volume of liquid kept in the storage area, at least equal to 110% of the capacity of the containers so that the liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area.

i. No highly flammable or explosive liquids, solids or gasses shall be stored in bulk above ground unless they are located in anchored tanks at least 75 feet from any lot line, town

way or interior roadway or in underground tanks at least 40 feet from lot lines. All relevant federal and state regulations shall also be met.

j. The rate of stormwater runoff from a site shall not be increased during or after foresting.

k. Erosion of soil and sedimentation into bodies of water shall be minimized by using the following erosion control measures:

Areas exposed or disturbed due to stripping of vegetation, soil removal or reguarding shall be stabilized permanently within six months of completion of foresting.

During foresting, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is stabilized permanently, sediment in runoff water shall be trapped by using staked hay bales, silt fencing, sedimentation traps or any combination of these techniques sufficient to prevent sediment from reaching any property line or any stream or water body. There, erosion control devices shall be inspected and if necessary repaired on a weekly basis as well as before an after major storms.

l. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or of dampening the ground with water.

m. Commercial logging operations shall obtain approval from the Highway Department for driveway cuts or any access or egress to and from the site.

n. Any logging performed by a commercial logging company or logger or where wood will be sold commercially shall obtain a state cutting plan prior to commencing of cutting.

o. Logging shall be performed in compliance with all applicable state and local laws.

p. A $1,000 bond is required to be deposited with the Town of Holland.

7.10 ACCESSORY USES

(adopted at STM June 30, 2003)

7.10.1 Purpose

It is the intent of this subsection to permit Accessory Uses or Accessory Buildings with reasonable safeguards, within the zoning districts established herein; it is not intended to allow inappropriate or incompatible uses in residential neighborhoods. Accessory uses or accessory buildings are permitted, provided any such use or building is customarily incidental to, subordinate to and on the same lot, adjacent lot, or lot directly across a street or way from the principal lot, as the principal use it serves, provided that both lots are retained in identical ownership, except as otherwise provided for herein. Agricultural uses are exempt from the regulations in this section.

7.10.2 Applicability

Accessory uses. Accessory buildings or uses, as below, shall be permitted in any district when incidental to a conforming principal building or use therein. Such other accessory uses as the Building Inspector may deem customarily incidental to the principal use and consistent with the purposes of this by-law shall be permitted.

A. Restrictions:

(1) No use shall be permitted in any district as an accessory use which increases the number of dwelling units or the number of buildings on any lot beyond that which is permitted in that district or which constitutes in effect a conversion of a permitted use to one not permitted in that district.

(2) In residence districts, no use shall be permitted as an accessory use to a dwelling, which involves or requires any construction features or alterations not residential in character.

(3) No accessory use shall include any activity primarily conducted for gain, except as incidental to a permitted home occupation.

(4) The provisions of this section shall not apply to accessory uses which are necessary in connection with scientific research, scientific development or related production activities, whether or not on the same premises as the principal use and only if such uses are accessory to principal uses permitted as a matter of right. Such accessory use may only be allowed by special permit of the Board of Selectmen and only after it is determined that the proposed accessory use does not substantially derogate from the public good. All general requirements for the granting of a special permit shall apply in these cases.

(5) Any use which is accessory to a principal use allowed by right shall be allowed only in connection with such allowed principal use. Any use which is accessory to a principal use allowed by special permit, and which is not specifically included in the original special permit, shall be allowed only after issuance of a new special permit. Cessation of a principal use shall require cessation of any accessory use which is not otherwise allowed as a principal use. The Building Inspector shall be responsible for determining which uses are principal, and which uses are accessory. The following shall be limitations on certain specific accessory uses:

(a) The keeping of farm animals, to include all farm animals and exotics, and a related private stable, for personal use, are permitted as accessory uses in accordance with the following conditions:

1. The minimum acreage required for keeping any farm or exotic animal, except as described below, shall be 30,000 square feet for the first animal and 15,000 square feet for each additional such animal. Animals under six (6) months of age not to be counted for acreage requirements.

2. The minimum acreage required for keeping sheep, goats, llama, rabbits, or poultry, except as allowed under household pets, shall be 30,000 square feet for up to three (3) animals and 10,000 square feet for each additional such animal. (The requirements for these animals are less stringent than other farm animals because these animals have less environmental impact.) Animals under six (6) months of age are not to be counted for acreage requirements.

3. The location of any stable shall not be less than one hundred (100) feet from any street lot line, and not less than thirty (30) feet from any other lot line.

4. There must be adequate fencing to contain all farm animals at least twenty (20) feet from all property boundaries at all times, except when animals are being directly supervised by and under control of a person.

5. Stables, corrals and yards shall be properly drained and reasonably free from excessive odor, dust, and mud, so as not to create a nuisance or health hazard to the community or to surrounding property owners, from an air or drainage pollution standpoint. Maintenance of the stable and property used in the keeping of animals shall conform to all health and wetland regulations.

(b) Horses, ponies, llamas and sheep may be kept for personal use without being accessory to any other use, otherwise in accordance with this section.

(c) The keeping of the household pets, for personal use, is permitted as an accessory use for animals commonly considered household pets including dogs, cats, fish, and birds (parrots, parakeets, doves, pigeons, etc.), six (6) or fewer rabbits, and three (3) or fewer ducks or hens.

(6) The following regulations shall apply to Accessory Buildings:

(a) No accessory building shall be used as a dwelling except in a business district for the accommodation of a caretaker or foreman employed by a business on that site.

(b) Location: Accessory structures attached to principal structures shall be located in accordance with the dimensional controls in the schedule (Section IV) for

the district(s) in which they are located. Detached accessory structures may be erected in the rear yard area provided:

1. An accessory building may be located within the required rear or side yard of the principal building, but it shall not be located nearer to any street line than the minimum setback in the zoning district in which it is located.

2. No accessory building shall be within fifteen (15) feet of any side nor forty (40) feet of the rear lot line.

3. An accessory building in a residence district shall not be located nearer than ten (10) feet to the principal building.

4. It must conform to the requirements of Section IV. Use Regulations.

5. In residential zoning districts, accessory uses and structures are allowed on a lot adjoining or immediately opposite and across a road from the lot on which the principal use it serves is located, provided that both lots are retained in identical ownership with respect to both fee and non-fee interests.

(c) Height: In all districts except Business, no accessory structure shall be higher than two and one-half stories or exceed 42 feet.

(7) Signs for an accessory use having no commercial message and which bear only house numbers, post box numbers, names of residents, or identification of premises and do not exceed two (2) square feet in area, or twelve feet n the aggregate area per premises are allowed in all Districts. The sign may include identification of an on-premise professional office or customary home occupation allowed by this Section.

(8) Farm buildings. The provisions of this section shall not apply to agricultural structures; however, all such buildings shall be located at least 50 feet from residence districts other than AR.

7.11 DEVELOPMENT AND PERFORMANCE STANDARDS

(adopted at STM June 30, 2003)

7.11.1 Purpose

The purpose of these Development Performance Standards is to promote well designed developments and to minimize the adverse impacts of such development on community character, traffic safety, environmental quality and neighboring properties.

7. 11.2 General Application

All projects or uses requiring Special Permit or Site Plan Approval must demonstrate compliance with the performance standards herein.

1. Access and Traffic Impacts
Applicants must demonstrate that the project will minimize traffic and safety impacts on roadways.

a. The number of curb cuts on town roads shall be minimized. To the extent feasible access shall be provided via one of the following:

(1) Access via existing side street.

(2) Access via a cul de sac or loop road shared by adjacent lots or premises.

b. One driveway shall be permitted as a matter of right.

c. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.

d. All driveways shall be designed with a safe sight distance.

2. Parking
Proposed projects or uses must comply with Parking and Off street Loading requirements in Section 7.4 and the following standards:

a. To the extent feasible, parking areas shall be located to the side or rear of the structure, and be shared with adjacent businesses.

b. Parking Area Screening and Buffering

(1) Vegetative or structural screens shall be established on the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spill over light, glare, noise, or exhaust fumes onto adjacent properties and to provide the parking area with a reasonable measure of shade when trees reach maturity.

(2) Vegetative or structural screens shall be no less than five (5) feet high and shall be visually impervious throughout the year. Screens may be a hedge, wall, fence, or combination of these choices. A land berm may be used to provide up to fifty (50) percent of the required height. The height of any screen shall decrease where driveways approach sidewalks, walking paths, and streets in order to provide adequate visibility of pedestrians from motor vehicles and to maintain a clear line of sight for vehicles entering the roadway.

(3) Every effort shall be made to integrate existing mature trees on the site into the proposed landscape plan. Existing trees which are used

to meet the requirements of this section shall be protected during construction using the following standards:

(a) Fencing or other protective barrier shall be used around trees on construction sites.

(b) Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.

(c) Vehicular (including construction machinery) and pedestrian traffic shall be kept away from trees to prevent soil compaction and destruction of the root system.

(d) If a tree is damaged during construction the applicant shall file a revised landscape plan with the Planning Board detailing an alternative planting schedule which shall meet the standards for landscaping set forth in this Bylaw.

3. Landscaping

a. A landscaped buffer strip at least 20 ft. wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 3 inch caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersection so that they do not present a traffic visibility hazard.

b. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms or wall or tight fence complemented by evergreen plantings.

c. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

d. Landscaping shall be in conformance with existing town bylaws.

e. Completion of the landscaping requirements may be postponed due to seasonal weather conditions for a period not to exceed six (6) months from the time of project completion.

4. Storm Water Run off

a. The rate of surface run off from a site shall not be increased after construction. If needed to meet this requirement and to maximize groundwater recharge, increased run off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of detention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

b. Neighboring properties shall not be adversely affected by flooding from excessive run off.

c. The use of proven, alternative paving systems, such as porous paving, is highly encouraged to reduce the amount of impervious surface on developed sites.

d. The use of shared stormwater management structures and facilities is highly encouraged.

5. Erosion Control

Erosion of soil and sedimentation of streams and waterbodies shall be minimized by using the following erosion control practices:

a. Exposed or disturbed areas due to stripping of vegetation, soil removal, and reguarding shall be permanently stabilized within six months of occupancy of a structure. During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in run off water shall be trapped by using staked hay bales or sedimentation traps.

b. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Natural Resources Conservation Service (NRCS).

c. All slopes exceeding 15% resulting from site grading shall be covered with four (4) inches of topsoil and planted with a vegetative cover sufficient to prevent erosion.

d. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place or business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

6. Water Quality

All outside storage facilities for fuel, hazardous materials or waste, and potentially harmful raw materials shall be located within an impervious, diked containment area adequate to hold one hundred ten (110) percent of the total volume of liquid kept within the storage area.

7. Explosive Materials

a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy five (75) feet from any lot line, town way, or interior roadway or forty (40) feet from lot line for underground tanks; plus all relevant federal and state regulations shall also be met.

b. Propane gas tanks in 250 pound cylinders (or smaller) shall be exempt from these safety regulations.

8. Lighting

a. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.

b. No light post shall be taller than sixteen (16) feet, except that the Planning Board may waive this requirement upon finding that the use of taller light standards up to twenty five (25) feet in height results in a more functional site configuration.

9. Noise

a. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line of the sound source:

District	**7AM -10PM**	**10PM - 7AM**
General Business	65	60
Commercial & Industrial	70	65
Multi-Unit & Residential	55	45

b. Source Pressure Level Limits Measured in dB (A's)
Sound pressure level shall be measured at all major lot lines, at a height of at least four feet (4') above the ground surface. Noise shall be measured with a sound level meter meeting current standards used by the Department of Environmental Protection.

c. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning devices, parades, or other special circumstances. Such activities shall comply with 310 CMR 7.10.

d. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.

10. Utilities

Electric, telecommunications, and other such utilities shall be underground where physically and environmentally feasible.

11. Air Quality Standards

a. Building construction: All buildings shall be of construction prescribed in the State Building Code.

b. Odor, dust, and smoke:
No such emission shall be discernible beyond the property line or, in the case of an industrial park development, or of a multiple use of the property, beyond one hundred (100) feet of the building generating the emission. The Department of Environmental Protection's regulations listed in 310 CMR 7.09 shall be enforced.

c. Noise:
All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness, and as measured at any property line of the lot shall not exceed the following intensity in relation to sound frequency. The Department of Environmental Protection's regulations on noise in 310 CMR 7.10 shall be enforced.

d. Heat, glare, vibration and radiation:
No heat, glare, or vibration shall be discernible from the outside of any structure, and all radiation shall be contained within a structure.

e. Storage:
All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways or abutting properties.

f. Waste disposal and water supply:
Regulations of the Department of Environmental Protection shall be met and shall be as indicated on the approved site plan.

8. Special Permits

8.1 Purpose of Special Permits

This section of the town bylaw is enacted under the authority of Chapter 40A, Section 9, of the Massachusetts General Laws to protect the health, safety, convenience and general welfare of the inhabitants of Holland. Special Permits are intended to provide a comprehensive review procedure for projects which may have significant impacts on the Town of Holland, to minimize the impacts of such development, and to ensure compliance with the following goals of the Town:

8.1.1 To promote development that is harmonious with surrounding areas;

8.1.2 To promote the safety of vehicular and pedestrian movement within the site and in relation to the adjacent areas, highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly and efficiently;

8.1.3 To promote an attractive and viable residential, commercial and business districts and expand the tax base of the Town;

8.1.4 To protect the rural character, environment, aesthetic visual qualities, natural environmental features, historical features and property values of the Town and neighboring properties;

8.1.5 To discourage unlimited commercial "strip development" and curb cuts along main roads, and encourage commercial growth in the commercial district;

8.1.6 To assure adequate drainage of surface water, stormwater or groundwater.

8.2 Uses Requiring Special Permits

Certain uses, structures, or conditions are designated within Section IV, Use Regulation, of the Holland Zoning Bylaw as requiring a special permit. A Special Permit shall be granted only after written application to, and a hearing by, the Special Permit Granting Authority and shall be subject to the provisions of Chapter 40A of the Massachusetts General Laws and this bylaw.

8.3 Authorization

This bylaw authorizes the Planning Board or Zoning Board of Appeals to be the Special Permit Granting Authority, as specified in Section IV Use Regulations.

8.4 Special Permit Application

8.4.1 For uses requiring a Special Permit in Section IV of the Holland Zoning Bylaw, the current owner of record, or any person authorized in writing by the owner of record, shall file an application for a Special Permit with the Town Clerk pursuant to M.G.L. Chapter 40A Section 9 is required accompanied by the required forms and fee and a copy of the application including the date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Special Permit Granting Authority.

8.4.2 The applicant shall file ten (10) copies of the application and any required supporting materials with the Town Clerk. The Special Permit Granting Authority may request additional copies as it deems necessary.

8.4.3 When the application has been received in a complete form as defined by said rules, a copy shall be forwarded to the Special Permit Granting Authority. The stamp of the Town Clerk shall designate the date of filing.

8.4.4 The Special Permit application shall include an official Special Permit form available from the Town Clerk "and a site plan stamped and signed by a registered surveyor authority or engineer or landscape architect" and an endorsed site plan.

All site plans shall be prepared by a registered professional engineer, surveyor, architect, or landscape architect at a scale of one inch equals twenty (20) feet, one inch equals forty (40) feet or one inch equals eighty (80) feet, whichever is appropriate to the size of the proposal, on standard twenty-four (24) inch to thirty-six (36) inch sheets.

8.4.5 The following contents are required for all Special Permit applications:

8.4.5.1 Name of the project, locus, date and scale plan showing the site's location, data, north arrow, and scale of the plan. All revisions occurring after original submission shall be noted and dated.

8.4.5.2 Name and address of the owner of record, developer, and original seal of the engineer, landscape architect, architect, or surveyor, as applicable.

8.4.5.3 A single-sheet locus plan at a scale of 1" = 100' showing the location and owner's names of all adjacent properties and those within 300 feet of the property line, and all zoning district boundaries.

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

8.4.5.5 Existing and proposed topography at a two foot contour interval, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and base flood elevations and unique natural land features. Where any changes in topography are proposed, finished contours shall be shown as solid lines.

8.4.5.6 Indicate all areas within the site and within fifty (50) feet of the site, where ground removal or filling is proposed, and given its approximate volume in cubic yards.

8.4.5.7 Existing and proposed structures, including dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations. Structures to be removed shall be indicated by dashed lines.

8.4.5.8 Elevation plans and renderings at a scale of ¼" = 1'0" for all exterior facades of the proposed structure(s) and/or existing facades plus additions(s) showing design features and indicating the type and color of materials to be used.

8.4.5.9 The location of all present and proposed parking and loading areas, public and private ways, driveways, walkways, ramps, curbs, landscaping walls, fences, and access and egress points. Location type and screening details for all waste disposal containers shall also be shown.

8.4.5.10 The location and description of all present and proposed utility systems, including sewerage or septic systems; telephone, cable television, and electrical systems; water supply system, storm drainage systems including existing and proposed drainlines, culverts, drainage swales, catch basins, utilities, hydrants, and manholes.

The Planning Board will require soil logs, percolation tests, and storm run-off calculations for large (over 5,000 square foot building or over one acre of land) or environmentally sensitive developments (abutting or within 100 feet of wetlands and/or abutting or within 500 feet of slopes over twenty five degrees) .

8.4.5.11 Plans to prevent pollution of surface or groundwater; 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.

8.4.5.12 The locations, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

8.4.5.13 Refuse and other waste disposal methods.

8.4.5.14 A landscape plan showing all existing natural land features, major trees, forest cover, 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. General soil types shall be indicated as part of the landscape plan.

8.4.5.15 The location, dimensions, height, color, illumination and characteristics of existing and proposed signs. Signage must conform with Section 7.1 of Holland Zoning Bylaw.

8.4.5.16 For alterations to any existing or new business / commercial / industrial uses, a table containing the following information:

8.4.5.16.1 Maximum area of building to be used for sales offices, business, or other uses.

8.4.5.16.2 Maximum number of employees, where applicable.

8.4.5.16.3 Maximum seating capacity, where applicable.

8.4.5.16.4 Number of parking spaces existing and required for the intended uses.

8.4.5.16.5 Expected hours of operation

8.4.5.17 Traffic flow patterns within the site, entrances and exits, loading and unloading areas, size and location of curb cuts on the site and within one hundred (100) feet of the site. Include the possible organization of traffic channels, acceleration and deceleration lanes, additional width or other means necessary to prevent difficult traffic situations.

8.4.5.18 A detailed Traffic Impact Statement is required in each case where a proposed new building, use or project will generate more than 250 trips per day, as based on the latest edition of "Trip Generation" from the Institute of Transportation Engineers. The Traffic Impact Statement shall contain:

8.4.5.18.1 The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

8.4.5.18.2 The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site and entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.

8.4.5.18.3 A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, vehicle queues, road capacities, and impacts on intersections.

8.4.5.18.4 A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means.

8.4.5.18.5 An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

8.4.5.18.6 Provision for adequate pedestrian and bicycle access and amenities, as necessary.

8.5 The Special Permit Granting Authority may require that additional information be shown on any site plan submitted with an application for a Special Permit. The Special Permit Granting Authority may also waive any information requirements it judges to be unnecessary to the review of a particular plan upon written request for waivers by petitioner specifying waivers requested.

8.6 Review Procedure

8.6.1 The Special Permit Granting Authority may adopt and revise reasonable regulations for the administration of this section.

8.6.2 The Special Permit Granting Authority shall within fourteen (14) days of receiving a Special Permit application, transmit one copy each to the Building Inspector, Board of Health, Conservation Commission, Highway Department, Fire Department, Police Department, Planning Board, Zoning Board of Appeals, Select Board, and Assessors Office, as appropriate, who shall review the application and submit their written recommendations and written comments to the Special Permit Granting Authority concerning:

8.6.2.1 The adequacy of the data and methodology used by the applicant to determine the impacts of the proposed developments;

8.6.2.2 The effects of the projected impacts of the proposed development;

8.6.2.3 Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of the bodies and boards mentioned in Section 8.6.2 of this bylaw to make recommendations within thirty five (35) days of the referral of the application shall be deemed to be lack of opposition.

8.6.3 Public Hearings

8.6.3.1 A public hearing shall be held within sixty-five (65) days after the filing of a Special Permit application, in accordance with the procedures in Massachusetts General Laws, Chapter 40A, Section 9, and this zoning bylaw. However, a public hearing shall not be held until a response has been received from the Boards/Departments as required herein, or the required comment period has elapsed.

8.6.3.2 Public Hearing Notice Requirements. In all cases when notice of a public hearing is required, the Special Permit Granting Authority shall cause to be given by publication in a newspaper of general circulation in the town once in each of two (2) successive weeks. The first publication to be not less than fourteen (14) days

before the day of the hearing and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen (14) days before the date of such hearing.

In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid to "parties of interest" as defined in M.G.L. Chapter 40A Section 11. The assessors maintaining any applicable tax list shall certify to the board holding the hearing the names and addresses of parties in interest, as defined in this Bylaw and such certification shall be conclusive for all purposes.

8.6.3.3 Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location of the area or premises which is the subject of the petition, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in the town.

8.6.4 As provided by MGL Chapter 44, Section 53G, the Special Permit Granting Authority may impose reasonable fees for the employment of outside consultants engaged by the Authority, for specific expert services deemed necessary by the Authority to come to a final decision on an Special Permit application submitted. A review fee may be imposed only if the work is in connection with the applicant's specific project and all written results and reports are made part of the record before the Authority. A review fee may be imposed only after the Authority has complied with the Uniform Procurement Act (M.G.L. Chapter 30B) and with the special account procedures set in M.G.L. Chapter 44 Section 53G.

8.7 Special Permit Decisions

8.7.1 The Special Permit Granting Authority shall make a decision and file the decision with the Town Clerk on the Special Permit within ninety (90) days following the close of the public hearing. Failure to take final action upon an application for a Special Permit within said ninety (90) days may be deemed to be a grant of the Special Permit provided petitioner complies with the provisions of M.G.L. Chapter 40A Section 9. An extension of the Special Permit review period may be granted if the Special Permit Granting Authority and petitioner applicant agree to an extension in writing. A copy of such agreement shall be filed with the Town Clerk.

8.7.2 In accord with M.G.L. Chapter 40A, Section 9, Special Permits issued by the Special Permit Granting Authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board, and a unanimous vote of a three-member board.

8.7.3 The decision of the Planning Board shall be filed within fourteen (14) days in the office of the Town Clerk along with detailed reasons therefore and all plans as finally approved. Copies shall

be sent to the Zoning Enforcement Officer and the Building Officer and to other parties as required under MGL Chapter 40A, the Zoning Act.

8.7.4 No Special Permit, or any extension, modification, or renewal thereof, shall take effect until a copy of the decision has been recorded by the applicant or his/her agent in the Hampden Country Registry of Deeds, bearing the certification of the Town Clerk that either:

8.7.4.1 Twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or;

8.7.4.2 An appeal has been filed, and it has been dismissed or denied.

The applicant shall submit proof of the recording to the Town Clerk.

8.7.5 Any extensions, modifications, or renewals of a Special Permit shall follow the same procedures as are required for the original granting of the Special Permit.

8.8 Special Permit Criteria for Approval

The Planning Board shall not grant any Special Permit unless it finds the reasonable fulfillment of the following criteria:

8.8.1 The use requested is listed in Section IV Use Regulations as a special permit in the District for which application is made;

8.8.2 Conformance with the provisions of the bylaws of the Town of Holland, the General Laws of Massachusetts and all applicable rules and regulations of state and federal agencies;

8.8.3 Protection of town amenities and abutting properties through the minimizing of any detrimental or offensive uses or destruction of unique or important natural, scenic or historic features on the site;

8.8.4 Minimization of traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site;

8.8.5 Mitigation of adverse impacts to the town and private water supplies, drainage or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will unduly be subjected to hazards affecting health, safety or the general welfare;

8.8.6 Applicant's efforts to integrate the development into the existing landscape through design features such as vegetative buffers and retention of open space or agricultural land;

8.8.7 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;

8.8.8 Adequacy of the methods to ensure that the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories;

8.8.9 Adequacy of the methods to ensure that the use shall comply with any and all applicable Special District Regulations and Special Use Regulations;

8.8.10 Adequacy of the measures to prevent significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge;

8.8.11 Provisions for adequate methods of disposal and recycling of sewage, refuse or other wastes generated by the proposed use;

8.8.12 Minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses of screening or vegetated buffer zones

8.9 Special Permit Conditions, Safeguards, and Limitations

The Special Permit Granting Authority may also impose, in accordance with M.G.L., Chapter 40A, such conditions and safeguards as it finds or otherwise serve the purposes of this Bylaw, including, but not limited to, the following:

8.9.1 Requirement of screening, buffers or planting strips, fences or walls;

8.9.2 Limitations of signs or other advertising features beyond the minimum established under Section7.1 of the Holland Zoning bylaw;

8.9.3 Limitations of number or density of occupants, times or nature of operations, size scale, or other characteristics or the use or facility;

8.9.4 Regulation of the number, design and location of access drives or circulation facilities;

8.9.5 Requirements of off-street parking, loading or other features beyond the minimum otherwise required by the Holland Zoning Bylaw;

8.9.6 Requirements of front, side or rear yards greater than the minimum otherwise prescribed by the Holland Zoning Bylaw;

8.9.7 Any other conditions, safeguards, and limitations in time and use which are consistent with the purpose of the Holland Zoning Bylaw. Such conditions shall be imposed in writing and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.

8.10 Filing and Enforcement of Special Permit

8.10.1 Once a Special Permit has been issued, the application for a building permit shall be filed with the Enforcement / Building Inspector accompanied by the plan approved by the Special Permit

Granting Authority and an application indicating all conditions set forth by the Special Permit Granting Authority when approving the plan. The Enforcement / Building Inspector shall verify that the building permit application for each lot is in conformity with the Special Permit.

8.10.2 Special Permits shall expire if a substantial use thereof has not commenced, except for good cause, within two (2) years of Special Permit approval (exclusive of time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws, Chapter 40A, Section 17, from the grant thereof).

8.10.3. Process for request for extension for good cause.
The petitioner must file the request for extension in writing with the Planning Board at least two weeks prior to a regularly scheduled Planning Board meeting in order for that item to be posted on its agenda per the rules of the Open Meeting Law. The Petitioner must also provide evidence to back up the cause for the extension. The Planning Board will make a decision on the request at the next regularly scheduled Planning Board meeting. A simple majority is required. The Planning Board will notify the petitioner, the Building inspector, and the Town Clerk.

8.10.4 The Special Permit Granting Authority may require the posting of a bond or other adequate security to assure compliance with the Special Permit, site plan and conditions and may suspend any permit or license when work is not performed as required.

8.10.5 .This bylaw shall be enforced by the Zoning Enforcement Officer. No building shall be built or altered and no use of land or a building shall be begun or changed without a permit having been issued by the Building Inspector. Any person violating this bylaw, the conditions of a permit granted under this bylaw, or any decision by the Zoning Board of Appeals or Planning Board under this bylaw, shall be liable to a fine of not more than three hundred dollars far each violation.

8.10.6 Construction or operation under any building permit or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within six months after the issuance of the permit and, in cases of construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Said six month period shall not include the time needed to pursue or await determination of an appeal of a Zoning Board of Appeals special permit decision.

8.10.7 In addition to the provisions for enforcement described above, the provisions of this bylaw, the conditions of a Zoning Board of Appeals or Planning Board or Zoning Enforcement Officer under this bylaw, may be enforced by non criminal complaint pursuant to the provisions of Chapter 40, Section 21 D of the General Laws, by the Zoning Enforcement Officer who shall impose a civil penalty of fifty dollars for each such violation.

8.11 Method of Appeal

Any person, any municipal officer, or any municipal board aggrieved by a decision of the Planning Board may appeal to a Court of competent jurisdiction, by bringing action within twenty (20) days after the decision has been filed with the Town Clerk, in accordance with M.G.L. Chapter 40A, Section 17.

9. Administrative Site Plan Review

9.1 Purpose

This Section of the Town Zoning Bylaw is enacted to protect the health, safety, convenience and general welfare of the inhabitants of Holland. Administrative Site Plan Reviews are reserved for projects that are allowed by right but still require a review by town bodies and boards before final approval can be granted. Administrative Site Plan Reviews are intended to provide review of procedure for projects which may have impacts on the Town of Holland, to minimize the impacts of such development, and to ensure compliance with the following goals of the Town:

9.1.1 To protect the health, safety, and general welfare of the inhabitants of the Town of Holland;

9.1.2 To ensure than new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town of Holland and to assure adequate drainage of surface water, groundwater and stormwater and safe vehicular and pedestrian access.;

9.1.3 To regulate rather than prohibit use through reasonable conditions concerning the location of buildings, signs, open space and landscaping, parking areas, pedestrian movement, storage areas, access and egress, drainage, sewerage, water supply, and fire safety.

9.2 Uses Requiring Administrative Site Plan Review

The building permit shall not be issued for any of the following uses unless a Site Plan has been approved and endorsed in accordance with this Section:

9.2.1 Certain uses, structures, or conditions designated within Section IV, Use Regulation, of the Holland Zoning Bylaw as requiring an Administrative Site Plan Review.

9.2.2 Expansion of any existing use requiring a Administrative Site Plan Review as designated within Section IV, Use Regulations, of the Holland Zoning Bylaw resulting in a floor space increase of twenty-five percent (25%) or five thousand (5,000) square feet, whichever is less;

9.2.3 Resumption of any use described above discontinued for more than two (2) years;

9.3 Authorization

This bylaw authorizes the Planning Board to be the Administrative Site Plan Review Authority, as specified in Section IV Use Regulations.

9.4 Administrative Site Plan Review Application Procedure

9.4.1 For uses requiring an Administrative Site Plan Review in Section IV, Use Regulations, of the Holland Zoning Bylaw, the current owner of record, or any person authorized in writing by the owner of record, shall file an application for an Administrative Site Plan Review with the Planning Board accompanied by the required application form and fee.

9.4.2 The applicant shall file nine (9) copies of the application and any required supporting materials with the Planning Board for review. The Planning Board may request additional copies as it deems necessary.

9.4.3 When the application has been received in a complete form as defined by said rules, a copy shall be forwarded to the Town Clerk. The stamp of the Town Clerk shall designate the date of filing.

9.4.4 The Planning Board within fourteen (14) days of the receipt Administrative Site Plan Review application, shall transmit to the Building Inspector, the Conservation Commission, and the Zoning Board of Appeals, and other appropriate town boards, commission or department copies of the application and site plan. The Boards receiving these copies shall have up to thirty (30) days to make recommendations to the Planning Board. Failure of the Boards to make recommendations within thirty (30) days of referring the application shall be deemed to be lack of opposition.

9.4.5 A public hearing is not required for an Administrative Site Plan Review. If the applicant filing an Administrative Site Plan Review request a hearing or if after studying the plan, the Planning Board is disposed to disapprove the plan or subject it to conditions which are opposed by the developer, the Board must honor the request for a hearing.

9.4.5.1 If a hearing is requested, the Planning Board must hold a public hearing within forty five (45) days of the request for a hearing and after due consideration of the recommendations received from boards and bodies mentioned in Section 9.4.5. The Board shall take final action within thirty (30) days from the time of the close of hearing.

9.4.5.2 In all cases when notice of a public hearing is required, the Planning Board holding such hearing shall publish a notice of the date, time, location, and topic of the Public Hearing in a newspaper of general circulation in Holland at least once in each of two (2) successive weeks. The first publication shall be published at least fourteen (14) days before the day of the hearing. The Planning Board shall also post a notice in a conspicuous place in the town hall for a period of not less than fourteen (14) days before the date of such hearing.

9.4.6 As provided by MGL Chapter 44, Section 53G, the Planning Board may impose reasonable fees for the employment of outside consultants engaged by the Board, for specific expert services deemed necessary by the Board to come to a final decision on an Administrative Site Plan Review application submitted. A review fee may be imposed only if the work is in connections with the applicant's specific project and all written results and reports are made part of the record before the Board. A review fee may be imposed only after the Board has complied with the Uniform Procurement Act (M.G.L. Chapter 30B) and with the special account procedures set in M.G.L. Chapter 44 Section 53G.

9.5 Administrative Site Plan Review Contents

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

9.5.1.1 Name of the project-locus, date and scale plan;

9.5.1.2 Name and address of the owner of record, developer, and seal of the engineer, landscape architect or engineer;

9.5.1.3 The location and boundaries of the lot, adjacent streets or ways, and any relevant zoning district boundaries;

9.5.1.4 Existing and proposed topography at the two foot contour interval the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and base flood elevations and unique natural land features;

9.5.1.5 Existing and proposed structures, including dimensions and elevations; and all exterior entrances and exits;

9.5.1.6 The location of existing and proposed parking and loading areas, public and private ways, driveways, walkways, sidewalks, curbing, access and egress points;

9.5.1.7 The location and description of all proposed septic systems, a soil percolation test, water supply, storm drainage systems including existing and proposed drain lines, culverts, drainage swales, catch basins, drainage calculations, and sub-drainage, utilities, hydrants, manholes, lighting fixtures, and refuse and other waste disposal methods and facilities;

9.5.1.8 Proposed landscape features including the location and a description of buffers, screening, fencing, and plantings, including the size and type of plants, material;

9.5.1.9 Location, dimensions, height, color, illumination and characteristics of existing and proposed signs that are compatible with Holland Zoning Bylaw Section 7.1;

9.5.1.10 The location and a description of proposed open space or recreation areas;

9.5.1.11 A lighting plan, including parking lot and building exterior lighting and any provision of light reduction through the use of shields, screening, or similar actions;

9.5.1.12 A plan for the control of erosion, dust, and silt, both during and after construction sequencing, temporary and permanent erosion control, and protection of water bodies;

9.5.1.13 For commercial uses, maximum areas of the building to be used for selling, offices, business or other uses, number of employees, seating capacity where applicable, and number of parking spaces required for intended use.

The Planning Board may waive any information requirements in Section 9.5.1, it judges to be unnecessary to the review of a particular plan.

9.7 Administrative Site Plan Review Decisions

9.7.1 The Planning Board shall make a decision within sixty-five (65) days of receiving completed Site Plan application and supporting plans and documents unless a public hearing is requested and in such case then a decision will be made within thirty (30) days of the close of the public hearing;

9.7.2 The Planning Board's final action in writing shall consist of either:

9.7.2.1 Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw;

9.7.2.2 Disapproval of the site plan based on a determination that the application was incomplete and insufficient information was submitted to review the proposal; or

9.7.2.3 Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the Criteria for Review.

9.8 Criteria for Review

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

9.8.1 The site plan conforms with all appropriate provisions of the Zoning Bylaw.

9.8.2 The site plan minimizes traffic and safety impacts of the proposed development and maximizes the convenience and safety of vehicular and pedestrian movement within the site.

9.8.3 The proposed development, to the extent feasible:

9.8.3.1 Is integrated into the existing landscape and protects abutting properties;

9.8.3.2 Minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas;

9.8.3.3 Minimizes obstruction of scenic views from publicly accessible locations;

9.8.3.4 Preserves unique natural or historical features;

9.8.3.5 Minimizes removal of trees, vegetation, and soil and grade changes,

9.8.3.6 Maximizes open space retention;

9.8.3.7 Screens objectionable features from neighboring properties and roadways;

9.8.3.8 Complies with allState and Federal requirements for handicap access; and

9.8.3.9 Controls offsite impacts from noise, temperature and wind conditions.

9.8.4 The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town of Holland.

9.8.5 The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on Town services and infrastructure.

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

9.9 Filing and Enforcement

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

9.9.2 Any approval of a Site Plan issued under this section shall lapse within one (1) year if a substantially complete use (as defined in this zoning bylaw) thereof has not commenced sooner except for good cause.

The time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws shall be included within the one (1) year time limit.

9.9.2.1 Process for request for extension for good cause.

The petitioner must file the request for extension in writing with the Planning Board at least two weeks prior to a regularly scheduled Planning Board meeting in order for that item to be posted on its agenda per the rules of the Open Meeting Law. The Petitioner must also provide evidence to back up the cause for the extension. The Planning Board will make a decision on the request at the next regularly scheduled Planning Board meeting. A simple majority is required. The Planning Board will notify the petitioner, the Building inspector, and the Town Clerk.

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

9.10 Method of Appeal

Any person, any municipal officer, or any municipal board aggrieved by a decision of the Planning Board may appeal to a Court of competent jurisdiction, by bringing action within twenty (20) days after the decision has been filed with the Town Clerk, in accordance with M.G.L. Chapter 40A, Section 17.

SECTION X. MISCELLANEOUS

10.01 Amendment. This bylaw may be amended from time to time at an annual or special town meeting in accord with the provisions of Section 5. Chapter 40A of the Massachusetts General Laws.

10.02 Validity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

SECTION XI ZONING ADMINISTRATION

11.01 Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals of three members and two associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in Chapter 40A of the General Laws. The Zoning Board of Appeals shall have the following powers:

a. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provision of Chapter 40A, General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A, General Laws, or of this bylaw.

b. Special Permits. To grant a special permit to expand or alter an existing nonconforming building as provided by sections of this bylaw when it shall have found that the use involved will not be substantially more detrimental to the established or future character of the neighborhood and town and subject to appropriate conditions or safeguards if deemed necessary

c. Variances. To authorize upon appeal, or upon petition, a variance form the terms of this bylaw with respect to particular land or structures if the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting them but not affecting generally the zoning district in which they are located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or other wise, to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

11.02 Zoning Enforcement Officer.

Zoning Enforcement Officer. To be appointed annually by the Board of Selectmen, who shall act as zoning enforcement officer and exercise such powers as may be delegated to him pursuant to the provisions of Chapter 4OA Sec 7, of the Massachusetts General Laws.