

TOWN OF WASHINGTON

MASSACHUSETTS

ZONING (PROTECTIVE) BY-LAW

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### Section 1: Purpose

This by Law Is Adopted in Accordance with the Provisions of

Chapter 40a of the General Laws; As Amended, to Regulate the Use of Land, Buildings, and Structures to the Full Extent of the

Independent Constitutional Powers of municipalities in the Commonwealth of Massachusetts, to protect the health, safety, and general welfare of the present and the future inhabitants of the town of Washington.

### Section 2: Definitions

For the Purpose of This By-Law, the following words and terms are used herein shall have the meanings or limitations of me here under defined, explained, or assign.

Assessor use or structure: A Use or Structure on the Same Lot with, and of a Nature Customarily Incidentally and Subordinate to the Principal Use of, the Existing Structure

Dwelling Units: one or more rooms constituting a separate, independent, housekeeping establishment with cooking, living, sanitary, and sleeping facilities for the use of one family.

Dwelling, Single-Family: a detached residential building containing no more than 1 dwelling unit, designed for and occupied by one family only, but not including mobile homes whether or not erected upon a foundation.

Dwelling, Two Family: a detached residential building containing no more than two dwelling units, designed for and occupied by two families only, but not including mobile homes whether or not erected upon a foundation.

Family: one or more individuals related by blood marriage or adoption, or not more than 5 individuals who are not so related, living in a single dwelling and unit.

Home Occupation: a business engaged in within a dwelling or it's assessor structure by a resident thereof, involving no undue traffic, noise, or other factor unusual to a residential premise. For the purpose of this By-Law, home occupation does not include gift shops or any other similar retail establishments.

Lot: A single track of land held in identical ownership throughout, defined by metes and bounds or a lot lines in a deed or conveyance.

### Section 3: ZONING Districts

for purpose of this By-Law, the entire area of the town of Washington shall constitute a single zoning district with uniform regulations for each class or kind of structure or use permitted.

### Section 4: Use Regulations

Except As Provided by Law, or in This By-Law, No Building or Structure Shall Be Erected, and No Building, Structure, or land other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized.

- 4.1. 1. Single-family dwelling
- 4.1. 2. Use Of land and structure for agricultural, or horticultural, or floricultural purposes.
- 4.1. 3. Religious or educational uses or land owned or leased by the commonwealth of Massachusetts or any of its agencies, subdivisions, or bodies politic; or by a religious sect or denomination; or by a nonprofit educational corporation.
- 4.1. 4. Municipal or Governmental Use Including Educational Facilities, Parks, Playgrounds, or Other Recreational Facilities Owned or Operated by Any Agency of the Town of Washington.
- 4.1. 5. Accessory uses and Structures Customarily Incidental and to a Permitted Principal Use on the Same Premises, Including, but Not Limited to, the Following:
  - A. The use of a room or rooms in a dwelling or accessory rebuilding by a resident occupant for:
    - (1) The practice of a recognized profession.
    - (2) The use of a resident carpenter, painter, plumber, electrician, or other artisans in connection with his trade.
    - (3) The conduct of a home occupation by a resident, provided that there is no external evidence of any business other than a permitted sign for the identification of such business.
  - b. Rental of a room, or rooms not exceeding three in number, a dwelling by a resident family, provided that no separate kitchen facilities are maintained, and with the approval of the Board of Health.
  - C. The display and sale by a resident of the premises, at a roadside stand or otherwise, of natural products of which the major portion are produced on the premises.
  - D. The display of sign or signs, as regulated under section 6.4 of this By-law.
  - E. Mobile home usage, as regulated under section 6.5 of this By-law.

4.2 Uses which may be authorized by the Planning Board by special permit in accordance with the provisions of this By-law.

4.2.1 Two Family dwelling.

4.2.2 Commercial greenhouse, nursery, sawmill, dog kennel, or veterinary hospital.

4.2.3 Golf Course, ski tow, riding stable, or other recreational facility of similar character.

4.2.4 Campground or recreational vehicle park, as regulated under section 8 of the state sanitary code.

4.2.5 Mobile home park, as regulated under section 6.5 of this By-Law.

4.2.6 Any other use determined by the Planning Board to be similar in character to one or more uses specially authorized herein, provided that the board finds that the proposed use is in harmony with the general purpose and intent of this By-Law and not offensive or detrimental to the neighborhood.

4.2.7 The following uses are expressly prohibited:

A. Garbage and refuse incinerators to, or the dumping of refuse matter not originating on the premises, except in areas operated for that purpose By the Town of Washington or its approved contractors.

B. Distillation of bones, rendering a fat, or the reduction of animal glue.

C. Manufacturer of animal glue.

D. Slaughterhouse.

E. Piggery, unless accessory to agricultural activities.

F. Fur farm.

G. Storage or treatment of ash or other similar material resulting in the creation of dust.

H. the accumulation, harboring, or dismantling for sale of metals or parts of automobiles, vehicles, or unsorted items in a state of disrepair, otherwise classified as junk.

1. Notwithstanding the provisions of this section, no use shall be permitted which that would be offensive to the neighborhood because of injurious or obnoxious noise, vibration, smoke, gas fumes, odors, dust, or any other objectionable features, or be hazardous to the community because of fire, explosion, traffic, or any other cause. No use shall be permitted which could prove destructive to the safety or welfare of the neighborhood, or destructors to property values, because of any excessive nuisance qualities.

4.2.8 Special permits may be issued for accessory use to a by-right use, whether or not this on the same parcel, that is necessary in connection with scientific research or development or related production, provided that the Planning Board finds that the proposed accessory use does not substantially derogate from the public good.

## Section 5: INTENSITY REGULATIONS

### 5.1 Residential Usage

5.1.1 Any building used for residential purposes shall be located on a lot having a lot area of not less than 4 acres for a single family dwelling, or not less than 8 acres for two family dwellings.

5.1.2 Lot Frontage shall not be less than 200 feet for single-family dwellings nor less than 300 feet for two family dwellings.

5.1.3 No more than one single or two family dwelling shall be located upon a lot, except where specifically authorized by special permit issued by the Planning Board when the lot area is sufficient to provide a minimum of 4 acres per dwelling unit, and when Lot frontage is sufficient to allow a minimum of 200 feet per dwelling unit.

5.1.4 Any Building or structure shall be set back from the line of Lot frontage a minimum of 40 feet and from all other Lot boundaries a minimum of 20 feet

5.1.5 No lot shall be less than 100 feet in width at any given point.

### 5.2 Non-Residential Usage

5.2.1 Any building or structure used for nonresidential purposes shall be located on a lot having a lot area of not less than 3 acres.

5.2.2 Any lot used for Nonresidential Purposes Shall Have a Minimum Frontage of 200 Feet.

5.2.3 Any building or structure shall be set back from the line of the Lot frontage a minimum of 40 feet and from all other Lot boundaries a minimum of 30 feet.

## SECTION 6: SPECIAL PROVISIONS

### 6.1 NONCONFORMING STRUCTURES, USES, AND LOTS

6.1.1 The provisions of this By-Law shall not apply to users or structures lawfully in existence or lawfully begun at the time of adoption of this By-Law, nor to any alterations, reconstruction, extensions, any structural changes to a single-family or two family dwelling as provided in section 6, Chapter 40A of the General Laws.

6.1.2 Any pre-existing nonconforming structure or use may be rebuilt or reestablished within two years if damaged or destroyed by fire or other catastrophe.

6.1.3 Pre-Existing Nonconforming Structures or uses may be extended, altered, or changed to another nonconforming use by special permit from the Planning Board, provided that the board finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

6.1.4 A nonconforming use of land or structures which has been abandoned or not used for a period of two years or more shall not be reestablished, and any further use of this such premises shall conform to the provisions of this By-Law, except by special permit from the Planning Board.

6.1.5 Nonconforming lots on record, and lots shown on a plan endorsed by the Planning Board under the subdivision Control Law are exempt from the provisions of this By-Law to the extent provided in section 6, Chapter 40A of the General Laws.

## 6.2 Special Permits

6.2.1 The Planning Board for the town of Washington is herein designated as the special permit granting authority to hear and decide upon applications for special permits as specifically authorized under this By-Law, in accordance with the divisions of section 9, Chapter 40 A of the General Laws.

6.2.2 Special permits shall only be issued following public hearings held within 65 days after the filing of an application with the Planning Board.

6.2.3 A special permit shall lapse in two years if a substantial use or construction has not begun under the permit by such date, except for good cause.

## 6.3 OFF STREET PARKING PROVISIONS

any building or structure hereafter erected or converted for business or public use shall be located on a lot of sufficient Lot area to provide suitable off Street parking space, with adequate disposal of storm water, capable of accommodating parked vehicles for anticipated maximum use of the proposed facility.

## 6.4 Sign Regulations

### 6.4.1 Permitted Accessory Signs

A. Noncommercial signs, not exceeding 3 square feet in area, and bearing only the names of residence or other identification of the premises or commonly used warning signs.

B. One sign, not exceeding 8 square feet in area, for a permitted accessory use of the premises.

C. Signs for commercial or other nonresidential uses, not exceeding 32 square feet in area, except by special permit from the Planning Board.

#### 6.4.2 Sign Restrictions

A. No sign shall use moving parts, noisemaking devices, red lights, or lights which blink, flash, rotate, or vary in light intensity.

B. Any lighting use to illuminate a sign shall be shielded to prevent the observance of the light source from a traveled way.

C. No sign shall be placed upon the roof of any building or structure or extend above the parapet or eave line of such building or structure.

D. Freestanding signs may not exceed 8 feet in height above grade, or be located closer than 10 feet to the line of the Lot frontage except with a special permit from the Planning Board in cases where the board finds that the requirements of that particular location dictate greater height or smaller setback.

E. No sign shall be located off the premises to which it applies, except that directional, informational, or identification signs may be permitted by special permit from the Planning Board where the board finds that such signs will serve the public convenience and not be detrimental to the neighborhood with respect to size location or design.

#### 6.5 MOBILE HOMES

6.5.1 Occupancy of a mobile home as a dwelling unit shall not be permitted other than in a licensed mobile home park, except as a temporary dwelling as regulated under section 6.5.2 of this By-Law.

6.5.2 Occupancy of a mobile home as temporary living quarters for one year may be allowed by special permit from the Planning Board when the mobile home is located on a lot on which a dwelling is under construction for over occupancy, subject to the approval by the board of health in regard to water supplied and water disposal facilities.

6.5.3 Mobile Home Parks may be allowed by a special permit from the Planning Board, subject to the following conditions:

A. For purposes of this By-Law, mobile home parks are intended to provide permanent, rather than transient, residential sites.

B. Mobile home parks shall be designated to accommodate no fewer than 12 dwelling units.

C. Mobile home parks shall be subject to the intensity regulations set forth under section 5.2 of this By-Law.

#### Section 7: ZONING Board of Appeals

7.1 There Shall Be a Zoning Board of Appeals Consisting of Three Members and two(2) associate members to be appointed by the board of selectmen as provided in section 12, Chapter 40a of the General Laws. The Board shall act within its statutory powers as provided in section 14, Chapter 40a of the General Laws and on matters with its jurisdiction under this By-Law in a manner prescribed in section 15, chapter 40A of the General Laws. This Board of appeals shall also serve as the board of appeals under this Subdivision Control Law as provided in Chapter 41, section 81-Z. of the General Laws.

7.2 Authorized use Variances may be provided under the provisions set forth in section 10, Chapter 40A, of the General Laws.

#### SECTION 8: ADMINISTRATION AND ENFORCEMENT

8.1 This By-Law shall be enforced by the building inspector appointed by the board of selectmen as provided in the state building code.

8.2 Construction or Operation under a Building or Special Permit shall conform to any subsequent amendments of this By-Law unless the permit is issued before the first publication of the required notice of public hearing by the Planning Board of such amendment, and the use or construction is commenced within a period of not more than six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.3 Whoever Shall Violate Any Provisions of This By-Law or fail to comply with any of its requirements shall upon conviction thereof, be fined not more than \$100 for each offense. Each day such violation continues shall be considered a separate offense.

#### SECTION 9: AMENDMENT AND THE VALIDITY

##### 9.1 Amendment

This By-Law may be amended from time to time in an annual or specific town meeting in accordance with Chapter 48, section 5 of the General Laws.

##### 9.2 Validity

9.2.1 This By-Law, or any amendments thereto, shall take effect on the date on which such adoption or amendment is voted by the town meeting.



9.2.2 This By-Law Repeals and Replaces the Zoning By-law adopted by the town of Washington On June 15, 1968 and subsequent amendments made thereto.

9.2.3 The Validity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

Earth removal By-Law

TOWN OF WASHINGTON

A DOCUMENT MAY 14TH 1990

A. Purpose

It is the intention of the following regulations and requirements to provide for the public safety; to control noise, air or water pollution, erosion, vibration and landslides; to protect neighboring residential properties and public ways from any adverse effects which may be caused by this use; to provide for the restoration of the land for its reuse at the termination of the extractive activity, and to protect the area you from becoming an eyesore.

B. Activities affected

1. All removal of earth materials such as clay sand or gravel, from land anywhere in town is hereby prohibited unless done in strict compliance with a permit granted hereunder by the Planning Board after a duly advertised public hearing. The term "removal" as used herein shall mean shipping, digging, or excavating the earth material from one lot or removing it away from said Lot. The removal of topsoil, sod or loam from a lot is prohibited.
2. This By-Law shall not apply to Earth removal from a building lot necessary for the construction of a permitted wowing or structure or the access thereto.
3. This By-Law shall not apply to a removal operation which is being conducted in compliance with the requirements of a subdivision plan approved by the Planning Board
4. Earth removal operations consisting of less than 50 cubic yards in any 12 month period shall be exempt from any or all of the requirements as set forth herein.

C. Requirements

1. Any application for Earth removal operation shall be accompanied by:

A. A plan prepared and signed by a registered land surveyor or engineer showing the property lines, along with the names and addresses of all abutters and property owners within 300 feet of the property including those across any shriek or way.

B. A plan showing existing grades at 6 m or 20 foot or closer contour intervals, of the area from which the material is to be removed and of surrounding areas within 100 feet of the removal operations. This plan shall show all structures, vegetative cover, not for war are ways and wetlands, within 100 feet of operations; roads and access to operations. The plan may be an enlargement of the most recent USGS topographical map of the area, showing the property lines of the parcel and all of the information listed above

C. A plan a plan for restoration of the land showing proposed grades after completion of excavation at 3 m or 10 foot or closer contour intervals, including vegetative cover, trees, etc.

2. A performance bond in an amount determined by the Planning Board and approved as to form by Town Council has been posted in the name of the town assuring satisfactory performance in the fulfillment of the requirements of this By-Law and such other conditions as the Planning Board may impose as conditions to issuance of its permit, i.e. coverage for damage to public ways, etc.

3. Spring high water table shall be established at a time and location determined by the Planning Board from a test pit or well and the level related to a permanent movement on the property this information shall show on the topographic plans.

4. Removal shall not take place at any grade below a level that would reasonably be considered a desirable grade for the later development of the area including consideration of public health standards, or below grades specified in the plan accompanying the permit application.

5. No area shall be excavated so as to cause accumulation of freestanding water. Provision shall be made for safe drainage of water, and for the prevention of wind or water erosion carrying material onto adjoining properties.

6. Soil and existing vegetation shall not be disturbed within 100 feet of the boundaries of the lot, excepting at the conclusion of operations if required in order to improve the overall grading.

7. The unreclaimed Earth removal operation shall not exceed a total area of 7 acres at any one time.

C. 8. During removal operations no slope shall exceed the natural angle of repose of the material in a dry state, except when the operation will remain dormant for more than 60 days, the slope shall not exceed one for vertical rise of one and a half (1-1/2) foot horizontal distance.

D. Restoration

Forthwith following the expiration or withdrawal of a permit, or voluntary cessation of operations, or upon completion of removal in a substantial area, that entire area show restored as follows:

1. All land shall be so graded that no slope exceeds 1 foot vertical rise in 2 feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.
2. The entire area excepting exposed ledge rock shall be covered with not less than 4 inches of good quality loam, or plantable soil, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or groundcover, depending upon conditions.
3. Bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

E. Other Conditions

1. Before granting a permit, the Planning Board shall give due consideration to the location of the proposed Earth removal, to the general character of the neighborhood surrounding such location, and to the general safety of the public.
2. the Planning Board may impose conditions and restrictions with regard to length of time the permit will remain in force not to exceed one year; the hours of the day during which activities related to the removal of earth materials may be conducted; the method of excavating earth materials; the route of transporting excavated earth materials from the premises; the control of underground and surface drainage; the disposal of rock, trees, stumps, and other debris; increase setback of operations from property lines; and provisions for landscaping, screening, fencing or other barriers against nuisances and hazards to the public safety and welfare; and in order to protect the area from becoming an eyesore.
3. Permits may be renewed upon application without a public hearing. Prior to renewal, inspections of the premises shall be made by the Planning Board to determine that the provisions of the By-Law and permit conditions are being complied with. The Planning Board after hearing and proof of violations of the By-Law or conditions may withdraw the permit, after which the operation shall be discontinued and the area restored in accordance with the provisions contained in section C. herein and the conditions of the permit.
4. The plan may be revised during the life of the permit, regarding changes in proposed finish grades, with the approval of the Planning Board.
5. The Planning Board or their agents shall be free to inspect the premises at any time.
6. The Planning Board may establish rules and regulations to implement this By-Law, including a schedule of fees for permit applications.

7. Notice of the public hearings shall be sent to the conservation commission. The applicant must comply with all provisions of the wetlands protection act.

#### F. Enforcement

Whosoever Violates Any Provisions of This By-Law or Any Condition under Which a Permit Is Issued, Shall Be Liable to the fines and penalties set forth in Chapter 40, Section 21, paragraph 17 of the General Laws, and all amendments thereto. Each day that such violation continues shall constitute a separate offense.

#### G. Savings Clause

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

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## SECTION 10: WIRELESS COMMUNICATIONS

APPROVED TOWN MEETING., JULY 2,2001

### I. Purpose

The purpose of this by-law is to outline the special permitting process to site a wireless communication facility anywhere in town, while minimizing potential damage and adverse visual impacts of wireless communication facilities on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

### II. Definitions

DISTANCE shall be measured on a horizontal plane.

FAA shall mean the Federal Aviation Administration

FCC shall mean the Federal Communications Commission

HEIGHT shall be the distance measured from ground level to the highest point on the structure.

NON-RESIDENTIAL STRUCTURE shall mean such structures as, but not limited to, buildings, grain silos and water towers, but does not include houses or apartments.

WIRELESS COMMUNICATION BUILDING shall mean any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation and is an accessory to a wireless communication structure.

WIRELESS COMMUNICATION DEVICE shall mean any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation that is attached to a structure.

WIRELESS COMMUNICATION FACILITY shall be used as a general term to include wireless communication building, wireless communication device and wireless communication structure.

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WIRELESS COMMUNICATION STRUCTURE shall mean any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

### ID. Exemptions

The following shall be exempt from this by-law:

- A. Wireless communication facilities used for Town or State emergency services.
- B. Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission and used solely for that purpose.
- C. Wireless communication structures and devices used expressly for home television reception.

#### IV. General Guidelines

- A. No wireless communication facility shall be erected, constructed, or installed without a special permit from the Planning Board.
- B. Wherever feasible, wireless communication devices shall be located on existing towers or other non-residential structures, minimizing proliferation of new towers.
- C. Wireless communication structures shall be built so that the structural integrity of the facility is able to accommodate devices operated by another carrier with little or no modification.
- D. Wireless communication buildings shall be no larger than 500 square feet and 12 feet high, shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to this particular site.

#### v. Siting and Height Requirements

##### A. Setbacks

1. The minimum distance from the base of the wireless communication structure to any property line or road right-of-way shall be at least 1.5 times the height of the structure.

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2. The minimum distance from any guy wire, anchor or brace to any property line or road right-of-way shall be equal to the length of the guywire.

3. The setbacks for the wireless communication building shall comply with the setback requirement for the zoning district.

4. The wireless communication structure shall be a minimum distance of three times the height from school buildings, playgrounds, athletic fields, and abutting residences to prevent the structure from appearing to "tower" over; adversely affecting property values.

B. The height shall be the minimum height necessary to accommodate anticipated and future use.

C. Wireless communication structures are encouraged on State Lands provided that said lands are not subject to the provisions of Article 97 of the Amendments to

the Constitution of the Commonwealth of Massachusetts. If facilities predating this by-law exist on such lands, the shared use of such facilities is encouraged.

D. The wireless communication structure shall, when possible, be sited off ridge lines and where their visual impact is the least detrimental to valuable historic and scenic areas.

E. No new wireless communication structure shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing wireless communication structure can accommodate the Applicant's proposed wireless communication device. Evidence submitted to demonstrate that no existing structure can accommodate the applicant's proposed device may consist of any of the following:

1. No existing wireless communication structures or non-residential structures are located within the geographic area required to meet the applicant's engineering requirements.

2. Existing wireless communication structures or non-residential structures are not of sufficient height to meet the applicant's requirements.

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4. The proposed wireless communication device would cause electromagnetic interference with the existing devices on the site, or the existing devices would cause interference with the proposed wireless communication device.

5. The fee, costs, or contractual provisions required by the owner in order to share an existing wireless communication structure or adapt an existing structure for use are in excess of twice the cost of building a new structure.

6. The applicant demonstrates that there are other limiting factors that render existing structures unreasonable.

## VI. Design Requirements

A. Wireless communication structures shall be designed to accommodate the maximum number of users as technologically possible.

B. There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.

C. All wireless communication devices shall be colored, molded, and/or installed to blend into the structure and/or the landscape.

D. The facility shall be fenced to control access and shall include any structures, accessory building and the entire fall zone.

E. Night lighting of the facility shall be prohibited unless required by the FAA. If required by the FAA, a copy of the FAA permit requiring lighting should be submitted with the application.

F. There shall be a maximum 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 storage of vehicles or other equipment.

G. Existing on-site vegetation shall be preserved to the maximum extent possible.

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## VII. Application Process

Application for a special permit for siting wireless communication facilities shall be filed in accordance with Section 6.2 of this Zoning By-Law. The Applicant will be required to pay for consultants hired by the Planning Board pursuant to Chapter 593 of the Acts of 1989, M.L.G. C. 44, s.53G.

In the case of proposal for siting a new wireless communication structure, the Planning Board shall hold a public hearing within sixty-five days of filing of an application and shall issue a decision within ninety days following the date of the public hearing.

A. TO SITE A NEW WIRELESS COMMUNICATION STRUCTURE, THE APPLICANT SHALL SUBMIT:

1. Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40' or 1"=200' where appropriate, on as many sheets as necessary which show the following:

a. north arrow, date, scale, seals) of the licensed professional(s) who prepare plans and space for reviewing licensed engineer's seal.

b. Name and address of land owner and name and address of abutters.

c. property lines and location of permanent structures or buildings, within 500-foot radius of proposed wireless

communication structure.

d. Existing (from a topographical survey completed within 2 years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of 2-foot intervals and spot elevations at base of all the proposed and existing structures.

e. Vegetation to be removed or altered.

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g. Delineation of wetlands, if any.

h. Location of wireless communication structure, including supports or guy wires, if any.

1. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.



- J. Plans for accessory buildings.
- k. Layout and details of surfacing for access road and parking.
  1. Amenities such as lighting, fencing and landscaping.
- m. Four view lines in a one to three-mile radius of the site, beginning at True North and continuing clockwise at ninety degree intervals, plus additional view lines from any historic, scenic, or prominent areas of Town determined by the Planning Board.
  2. A map showing the areas covered/served by the proposed wireless communication structure and device of different signal strengths and the interface with adjacent service areas.
  3. A locus map at a scale 1"=1000' (or whatever is necessary to show where in town the proposed tower is sited) which shall show streets, and landscape features.
  4. A description of the soil and surface geology at the proposed site.
  5. A narrative report written by the carrier and licensed professional engineer which shall:
    - a. Describe the justification of proposed site.
    - b. Describe the structure and the technical, economic, and other reason for the facility design.
    - c. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
    - d. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
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    - e. Describe the projected future needs of the carrier, and how the proposed wireless communication facilities fit with future projections to serve the Town and adjacent towns.
    - f. Describe leasing agreement should another carrier desire to co-locate.
    - g. Describe special design features to minimize the visual impact of the proposed wireless communication facility.
    - h. Describe other carrier's purposes should there be co-location.
6. Proof of approval of all other necessary permits needed for construction and operation.
7. If the proposed facility is taller than the zone height restriction (and the Planning Board deems it necessary), after the application is submitted, and not more than 14 days before the public hearing, the applicant shall arrange to fly a

two-foot diameter balloon at the site of the proposed wireless communication structure at the maximum height of the proposed installation. The date and location of the flight shall be advertised at least 14 days, but not more than 21 days before the flights, and again in the public hearing advertisement in a newspaper with a general circulation in the town

B. TO SITE A WIRELESS COMMUNICATION DEVICE ON EXISTING WIRELESS COMMUNICATION STRUCTURES OR NON-RESIDENTIAL STRUCTURES SUCH AS BUILDINGS, GRAIN SILO, STEEPLES, WATER TOWERS OR OTHER NON-RESIDENTIAL STRUCTURES, INCLUDING CO-LOCATION WITH ANOTHER CARRIER, PROVIDED THAT THE NEW USE DOES NOT ADD TO THE HEIGHT OF THE STRUCTURE, THE APPLICANT SHALL SUBMIT:

1. Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40' or 1"=200' on as many sheets as necessary which shows the following:

a. north arrow, date, scale, the seals) of the licensed professionals who prepared the plans and a space for the reviewing licensed engineer's seal.

b. plans for supporting and attaching the device including specifications of hardware and all other building material

c. building plans for accessory buildings, if any.

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d. Layout and details of surfacing for access road and parking, if it is to be altered from the existing condition.

2. A map showing the areas covered by proposed device(s) of different signal strengths and the interface with adjacent service areas.

3. A narrative report written by the carrier and licensed professional engineer which shall:

a. include a draft of the contract between the structure/building owner (whichever appropriate) and the Applicant

b. demonstrate that the wireless communication structure or non-residential structure to which the device will be mounted has the structural integrity to support such device.

c. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.

d. Describe the projected future needs of the carrier, and how the proposed facility fits with future projections.

4. Proof of approval of all other necessary permits needed for construction and operation.

5. If the proposed facility adds more than five feet to the height of the structure at the effective date of this by-law and will exceed zone height restrictions, the SPGA may require a balloon test as described above in VII. A., 7.

C. The above information shall be submitted along with the regular application form to the following: one copy to the Building Inspection, one copy to the Fire Chief, 1 copy to the Chief of Emergency Services or the equivalent, and three copies to the Planning board.

#### vm. Approval

A. In granting a special permit for wireless communication facilities, in addition to the findings required by the town's Zoning By-Law for Special Permits, the Planning Board shall find:

1. That the Applicant has demonstrated to the satisfaction of the Planning Board that the requirements of this by-law have been met.

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2. That the size and height of the structure is the minimum necessary.

3. That the proposed wireless communication facilities will not adversely impact historic structures or scenic views.

4. That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.

B. When considering an application for a wireless communication facility, the Planning Board shall place great emphasis on the proximity of the facility to residential dwellings, its impact on these residences, and will encourage the use of existing structures.

C. Any extension, or construction of new or replacement towers or transmitters shall be subject to an amendment to the Special Permit, following the same procedure as siting a new wireless communication device on an existing structure.

#### IX. Conditions of Use

A. The applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site and structure( s) and to cover the removal of facility in the event of non-operation. (See C. below) in an amount approved by the Planning Board. An access road may include existing town roads not designed for heavy traffic.

#### B. Regulatory Compliance

1. Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the Special

Permit Holder and shall be reviewed by a licensed professional engineer hired by the town and paid for by the Special Permit Holder.

2. If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.
3. Failure to comply with any regulation shall be grounds for removal of non-complying structures, buildings, and devices at the owner's expense.
4. If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within 120 days.

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c. Removal and Repair

1. An applicant must execute a covenant with the Planning Board agreeing to remove, within 180 days of notice from the town, the wireless communication facility not in operation for a period of twelve months, unless the reason for non-operation is the result of major damage.
2. If the facility is not removed within 180 days, the Town will remove said facility at the owner's expense.
3. In the event of major damage, repair must begin within six months of damage. Major damage shall mean damage to the facility caused by no fault of the owner or operator.

APPROVED TOWN MEETING, JULY 2, 2001

THIS DOCUMENT IS FOR REFERENCE ONLY

## TOWN OF WASHINGTON SPECIAL TOWN MEETINGS RESULTS APRIL 13, 2009

Article 1: To see if the Town will vote to authorize the Treasurer to borrow a sum not to exceed \$220,004.00 in anticipation of reimbursements of 75 percent from the Federal Emergency Management Agency in connection with the December 2008 ice storm. Article 1 passes unanimously

Article 2: To see if the Town will vote to transfer the sum of \$ 750.00 from the Principal and Interest - Town Garage Account to the Tax Collector's Expense Account. Article 2 passed unanimously

Article 3: To see if the Town will vote to transfer the sum of \$ 1200.00 from the Reserve Account to the Tax Collector's Expense Account. Article 3 passed unanimously

Article 4: To see if the Town will vote to accept the following bylaw regarding common driveways, to wit SECTION 11: COMMON DRIVEWAYS

### I Purpose

All persons constructing common driveways in the Town of Washington shall obtain a special permit issued by the Planning Board in the Town of Washington, Massachusetts. This Bylaw is adopted in accordance with the provisions of Chapter 40A of the General Laws, as amended, to regulate the use of common driveways to the full extent of the independent constitutional powers of municipalities in the Commonwealth of Massachusetts to protect the health, safety and general welfare of the present and future inhabitants of the Town of Washington.

### II Definitions

A common driveway is a driveway that provides access to up to three lots in which each lot meets the minimum requirements, specifically frontage, acreage and access of the town's zoning bylaws under section 5.1 Residential Usage, "Approval Not Required. A common driveway shall begin where it accesses a public way and end within the property line of the last lot being served.

### III. Exemptions

Common driveways shall be allowed by Special Permit from the Planning Board when deemed in the best interest of the Town of Washington.

The Planning Board may deny the special permit for the common driveway if it determines that the lots are better served by individual driveways or by subdivision approval under the town's Subdivision Control Law, Sections 81-K to 81GG inclusive, Chapter 41, G.L.

### IV Guidelines

Lots using a common driveway must meet the minimum dimensional standards of the Zoning Bylaw in effect at the time they were created.

The maximum number of lots served by a common driveway is three (3).

Access: Common driveways shall enter only onto the frontage street.

Proper drainage shall be provided to prevent erosion and to ensure there is no run-off to adjoining roads. Common driveways must be in accordance with the Massachusetts Wetland Protection Act.

Width: Common driveways shall have a minimum width of sixteen feet (16') and with all curve radii adequate for fire and other emergency vehicles and shall be constructed with bituminous asphalt, concrete, stone, compacted gravel or other similar material in accordance with accepted construction standards.

Grade: Grade specifications shall be addressed on an individual basis. An engineer will be consulted by the Planning Board at the applicant's expense.

The maximum grade of any common or individual driveway shall be ten percent (10%). Short sections may exceed ten percent (10%) with the approval of the Planning Board, but no section shall exceed fifteen percent (15%).

Grade level shall be no greater than two percent (2%) within fifty feet (50') of the state or, town road property line.

Length: Common driveways shall not exceed five hundred feet (500') in length or a length deemed appropriate by the Planning Board.

The deed to lots serviced by a common driveway shall contain a restriction that said driveway shall remain private in perpetuity; that parking shall not be allowed on the common driveway and that road maintenance, including snowplowing, shall be the land owner's responsibility. Restrictions to said recorded deeds shall include, but not be limited to, specific standards for the maintenance and repair of the common driveway and drainage system, provisions for allocating financial responsibilities, and procedures for resolution of disagreements.

#### V. Application Process and Approval

An application for a special permit for a common driveway may be obtained from the Town Clerk of the Town of Washington. The application must be accompanied by a declaration of covenants, easements and restrictions for the use and maintenance of said common driveways.

This draft document providing for restrictive covenants, easements, and restrictions binding present and future owners of all lots served by the common driveway shall be reviewed by the Planning Board and shall be approved by the town counsel and the engineer hired by the town for this review. All submitted plans and descriptive documents shall be signed and sealed by a licensed professional civil engineer.

#### VI. Conditions of use

The Planning Board shall require a performance bond for the completion of the common driveway and such bond shall be posted prior to the issuance of building permits on the lots. If the special permit is granted, the plan, agreement documents and 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. The language shall bind owners to the operational maintenance of the common driveway as well as maintenance of proper drainage and the prevention of drainage on to the intersecting state or local roadway

#### VII. Savings Clause

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

#### VIII. Additional Clause

Strict compliance with the requirements of these regulations may be waived, when in the judgment of the Planning Boards, such action is in the public interest and not inconsistent with the Town of Washington zoning bylaws. Article 4 passed by 2/3 majority vote; 30 Yes, 15 No, 6 Abstain,

Article 5: To see if the Town will, pursuant to MGL c. 82A, § 2, vote to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by MGL c. 82A, § 4 and 520 CMR 1400. Article 5 passed unanimously