

ZONING BYLAWS OF THE TOWN OF GRANVILLE

Index

<u>Section</u>	<u>Title</u>	<u>Page</u>
Section 1.0	Purpose and Definitions	2
1.1	Purpose.....	2
1.2	Definitions.....	2
Section 2.0	Establishment of Zoning Districts.....	8
2.1	Types of Districts	8
2.1.2	Floodplain Overlay District	8
Section 3.0	Use Regulations.....	8
3.1	Agricultural-Residential District.....	8
3.2	Permitted Uses	8
3.3	Uses Permitted on Special Authorization	8
3.4	Accessory Uses in Agricultural-Residential District	9
3.5	Nonconforming Uses	10
3.6	Alterations	10
3.7	Accessory Buildings	10
3.8	Area, Yard, and Coverage Regulations.....	10
3.9	Back Land Lots	11
3.10	Table of Dimensions	13
Section 4.0	Special Use Regulations	13
4.1	Commercial Recreation	13
4.1.1	Permitted Uses	14
4.1.2	Special Permits.....	14
4.1.3	Design and Operating Criteria	14
4.1.4	Applications	15
4.1.5	Approval by Board of Appeals	15
4.1.6	Rental of Campsites	16
4.1.7	Campsite Design Criteria.....	17
4.2	Accessory Apartments	18
4.3	Floodplain Overlay Districts	18
4.4	Large Scale Ground-Mounted Solar Photovoltaic Installations...	20
4.5	Accessory Agricultural Uses.....	26
Section 5.0	Administration.....	29
5.1	Enforcement.....	29
5.2	Permits	29
5.3	Board of Appeals	29
5.4	Validity	30
5.5	Amendments	30

**ZONING BYLAWS
OF THE
TOWN OF GRANVILLE**

SECTION 1.0: PURPOSE AND DEFINITIONS

1.1 Purpose

The purpose of this Bylaw is to provide for the Town of Granville all the protection authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A and any amendments thereof.

1.2 Definitions

For the purpose of this Bylaw, the following words shall have the meanings given hereinafter: Where appropriate, the singular shall include the plural and the plural include the singular; the words ‘used’ or ‘occupied’ include the words ‘designed’, ‘arranged’, ‘intended’, or ‘offered’, to be used or occupied; the words ‘building’, ‘structure’, ‘lot’, ‘land’, or ‘premises’ shall be construed as though followed by the words “or any portion thereof”; and the word ‘shall’ is always mandatory and not merely directory. Terms and words not defined herein but defined in the Subdivision Control Law shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster’s Unabridged Dictionary.

Accessory

An accessory use or structure is one clearly subordinate to, and customarily incidental to, and located on the same premises with the main use or structure to which it is accessory.

Accessory Apartment

A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Accessory Business

A business use which is customarily incidental and subordinate to the principal use of a structure or lot, but which is located on the same lot as a single-family dwelling.

Alteration

A change or an addition to a building or structure.

Board

A municipal organization with this title or its designated agent.

Building

A combination of any materials forming a roofed structure intended for the shelter of persons, animals, or property, including any part of a building and porches and accessory buildings attached thereto.

Building Height

The vertical distance from the average finished grade at the front of the building to the highest point of the top story excluding chimney, antennas or other accessory attachments.

Building Inspector

The municipal official responsible for administering the state building code.

Building Setback Line

A line parallel to the street at a distance equal to the required front yard.

Business

The transacting or carrying on of a trade or commercial enterprise with a view of profit or livelihood.

Camping Unit

Tent, collapsible tent trailer, motor home, pick-up camper, truck cap, and travel trailers.

Club

A bona fide membership organization established under provisions of the General Law.

Commercial Recreation Developments

Areas developed for the rental of sites for tents, camping units or traveling trailers for the use of vacationers and travelers, including sanitary, cooking, recreational and parking facilities for patrons as well as for boys' camp, girls' camp, outdoor athletic activities, some commercial golf course uses, and riding academies.

Community Facilities

Land and buildings owned, maintained and operated by a governmental or other chartered nonprofit organization such as a school, hospital, or church, but not including a membership club or public utility.

Dwelling

A building occupied as a residence by one or more persons.

Dwelling, One-Family

A detached building containing one dwelling unit, also referred to as a "single-family dwelling".

Dwelling Unit

One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.

Family

A single family housekeeping unit, occupying a single-family dwelling.

Family Day Care Home

Any private residence which, on a regular basis, receives for temporary custody and care, during all or part of the day, children under seven years of age, or children under sixteen years of age if such children have special needs. In no case should the total number of children under sixteen in a family day care home exceed six, including participating children living in the residence. This definition does not apply to a private residence used for informal cooperative arrangements among neighbors or relatives or to the occasional care of children with or without compensation.

Farm

A parcel or parcels of land under one ownership or lease, said land being common and totaling not less than five (5) acres in area on which farming operations can be carried on to produce an income.

Farm Business

Business established for the processing, display or sale of farm products, fifty percent (50%) of which must have been raised or produced on the premises or elsewhere in the Town of Granville.

Farm Related Business

The storing, sale and distribution of agricultural supplies to regional farmers.

Frontage

The linear distance of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side of the same lot, provided that the minimum frontage required by this Bylaw shall be satisfied by a continuous, uninterrupted segment of such frontage. In the case of a corner lot, one lot line facing a public way shall conform to the minimum frontage requirements.

Garage, Private

A building or part thereof used for the storage of motor vehicles and accessory to a principal building on the same lot.

Home Occupation

A use which is customary and may be carried on for compensation entirely within a dwelling or accessory building.

Livestock

Domestic animals.

Lot

A single area of land in common ownership defined by metes and bounds or boundary lines on a deed recorded in the Registry of Deeds, Hampden County, or drawn on a plan approved under the Subdivision Control Law, or on a plan endorsed by the Planning Board stating "Approval not required under Subdivision Control Law", or words of similar import. In order to be used for building purposes, it must meet the criteria of a buildable lot.

Lot, Buildable

Land area available, under the Bylaw and other lawful restrictions, for location of a main building. Such lot must have frontage on a street or way as defined below, excepting only a preexisting lot exempted by the provisions of Section 6 of Chapter 40A of the Massachusetts General Laws.

Lot Line

The legal property line between lots or between a lot and a street.

Lot Line, Front

The property line dividing a lot from a street (right-of-way). On a corner or through lot, the owner shall designate one street line as the front lot line.

Lot Line, Rear

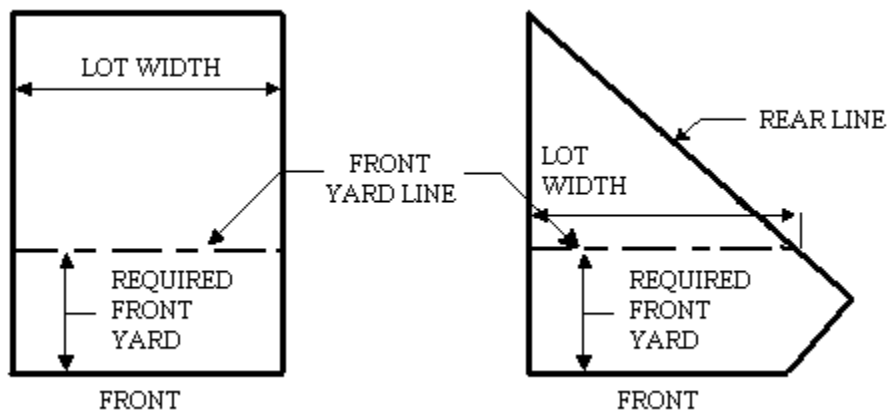
The lot line opposite the front lot line.

Lot Line, Side

The line or lines bounding a lot which extend from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from the streets shall be considered side lot lines.

Lot, Through

A lot other than a corner lot which extends all the way between and abuts two or more streets.

DIAGRAM 1**Lot, Width**

The horizontal distance between the side yard lines measured at the front yard line. If the side yard line does not extend to the front yard, the measurement will be taken at the point of interception with another line. (See Diagram 1 for example)

Nonconforming Building

A building legally existing at the effective date hereof, but which does not conform to all of the applicable requirements of this Bylaw in the appropriate zoning district in which it lies.

Person

Shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

Riding Stable

A building or part of a building in which one or more horses or ponies are kept for the private use of the owner, and in which no horses or ponies are kept for sale, rent, hire, breeding or for commercial cartage, trucking, or other business purpose.

Street

A way, either public or private, giving access to private property and to which the public has access, but excluding an alley used for service access only. Street shall be deemed to include the entire right-of-way.

Street Line

The dividing line between a street and a lot, and in the case of a public street, the street line established by public authority.

Structure

A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, gasoline pumps, recreational courts or the like.

Tourist Home/Bed and Breakfast

An owner-occupied single-family dwelling which may rent up to a maximum of four (4) rooming units for transient occupancy, not to exceed a total of eight (8) renters (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin, separate from those required for the single-family dwelling), which share a common entrance for the single-family dwelling. The use of that portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the character thereof.

Use

The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

Variance

Such departure from the terms of this Bylaw as the Board of Appeals, upon appeal in specific cases, is empowered to authorize under the terms of Section 5.0.

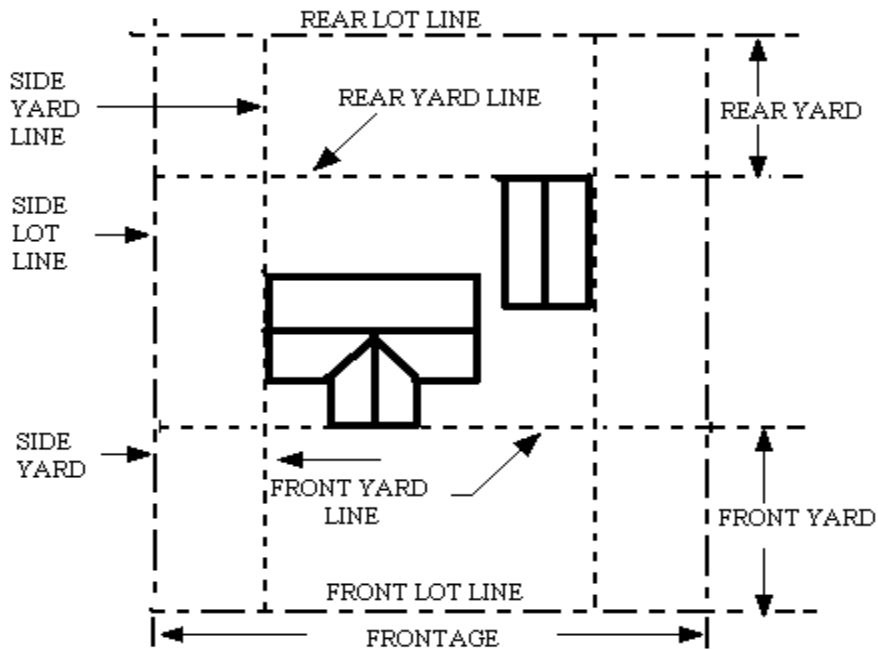
Wind Monitoring or Meteorological (“MET”) Tower

A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Yard

A required open space, unoccupied except as herein permitted, between a principal building and a street or a lot line. (See Diagram 2)

DIAGRAM 2

**Yard, Front**

A yard extending between lot side lines across the front of a lot adjacent to each street the lot adjoins.

Yard, Rear

A yard adjacent to the rear lot line and extending between side lot lines.

Yard, Side

A yard adjacent to the side lot line and extending from the front yard to the rear yard.

SECTION 2.0: ESTABLISHMENT OF ZONING DISTRICTS

2.1 Types of Districts

For the purpose of this Bylaw the Town of Granville shall be considered an Agriculture-Residential district

2.1.2 Floodplain Overlay District includes special flood hazard areas as designated by the Federal Emergency Management Administration. Bylaws related to this district are found in section 4.3 of this Bylaw.

SECTION 3.0: USE REGULATIONS

3.1 Agricultural-Residential District

No structure or land shall hereafter be used or occupied and no structure shall hereafter be erected, maintained or altered unless in conformity with the regulations for an Agricultural-Residential District.

3.2 Permitted Uses

- 3.2.1 Farm and nursery, including the display and sale of natural products raised in the Town.
- 3.2.2 Detached one-family dwelling.
- 3.2.3 Religious, educational or municipal use.
- 3.2.4 Renting of rooms or furnishing of board for not more than four (4) persons in a dwelling regularly occupied for residential purposes.

3.3 Uses Permitted on Special Authorization

In an Agricultural-Residential District the Board of Appeals may in specific case after a public hearing with due notice given, authorize any of the following additional uses subject to appropriate conditions where such are deemed necessary to protect the neighborhood and Town. Such public hearing must be held within sixty-five (65) days after the effective date of filing of such special permit application. A time limit of one (1) year after issuance of a special permit is hereby adopted, in which, if construction or use has not begun within the time period required, or if the construction is not continuing towards completion in as continuous and expeditious manner as reasonable, after the required period, the construction or use must conform to any amendment to the Bylaw.

- 3.3.1 Aviation field, golf course, boat livery, and ski tow.
- 3.3.2 Private club not conducted for profit.
- 3.3.3 Gravel, loam, and stone removal.
- 3.3.4 Conversion of a one-family dwelling existing at the adoption of this Bylaw (that is, 1966) into a two-family dwelling, providing the lot is at least forty-four thousand (44,000) square feet in area.
- 3.3.5 Use of a trailer or a mobile home as a dwelling for a period of two years. Renewals may be granted, but only in cases of extreme unforeseen hardship after a hearing. For the purpose of this permitted use, "Trailer" or "Mobile Home"

shall be defined as any vehicle, whether or not having motive power of its own, which is so constructed or reconstructed as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, and whether or not its mobility has been completely eliminated.

- 3.3.6 The storing, sale and distribution of agricultural supplies to regional farmers, the conditions for which to be laid down by the Zoning Board of Appeals.
- 3.3.7 The Board of Appeals may issues a special permit for a Commercial Recreation area, after a public hearing.
- 3.3.8 The construction or erection of a tower(s), the necessary antennae, buildings, equipment, and access road, and the use of these facilities for reception and transmission of communication signals.
- 3.3.9 The construction, maintenance, and operation of a Meat Packing and Processing Facility; provided however that the construction, maintenance and operation of any such facility be in compliance with all state and federal laws, rules and regulations, including but not limited to the rules and regulations promulgated from time to time by the United States Department of Agriculture.
- 3.3.10 The use of one or more rooms in a dwelling or other structure as the office of a physician, surgeon, dentist, attorney or veterinarian.
- 3.3.11 The construction and operation of a Wind Monitoring or Meteorological Tower, not to exceed 200 feet in height, to be used for a period not to exceed eighteen months; provided, that a MET Tower shall be set back a distance equal to two times the height of the MET Tower from the nearest property line, and shall be fenced in order to prevent unauthorized access. The Board of Appeals may impose additional conditions to:
 - (i) protect public safety and prevent adverse effects on the neighborhood,
 - (ii) minimize impacts on scenic, natural and historic resources of the town,
 - (iii) ensure that the MET Tower will be properly maintained and repaired, and
 - (iv) provide adequate assurance that the MET Tower will be removed at the end of the permit period.

3.4 Accessory Uses in Agricultural-Residential District

In an Agricultural-Residential District the following uses are hereby specifically declared to be customary accessory uses within the meaning of this Bylaw:

- 3.4.1 Use of a room or rooms in a dwelling for customary home occupation conducted by resident occupants, such as dressmaking, millinery, or for the work of a resident member of a recognized trade or profession.
- 3.4.2 Use of premise or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment be carried on therein.
- 3.4.3 Display of not more than two signs pertaining to a permitted use with a total area of not more than twelve (12) square feet.
- 3.4.4 Accessory business uses shall be interpreted as not exceeding thirty-five percent (35%) of the area of the single-family dwelling or one accessory building, not to exceed eight hundred (800) square feet.

3.5 Nonconforming uses

Any lawful use being made of any building, structure or premises at the time of this Bylaw taking effect may be continued in the same building, structure or premises even though such use does not conform to the regulations of the Zone in which such building, structure, or premises is located. Any building, part of building, or land which at the time of adoption of this Bylaw is being put to a nonconforming use may be:

- 3.5.1 continued in that use provided such use has not been abandoned or discontinued for two years.
- 3.5.2 enlarged in that use to not more than twenty-five percent (25%) greater in volume or area than that which existed at the time of adoption of this Bylaw, unless an exception is granted by the Board of Appeals.
- 3.5.3 changed to a similar use or to a more restricted or conforming use, provided that when changed it shall not be returned to less restricted or nonconforming use.
- 3.5.4 rebuilt or restored at the same location and again used as previously, in the case of a building destroyed or damaged by fire, explosion or catastrophe, provided that such rebuilding or restoring shall be completed within two (2) years after such catastrophe and further provided that the building, as restored, shall not be greater in volume or area than the original nonconforming structure unless permitted by the Board of Appeals.

3.6 Alterations

No enlargement, rebuilding or restoration permitted in paragraphs 3.5.2 and 3.5.4 above shall be initiated until authorized by the Board of Appeals after a public hearing with due notice given. The Board of Appeals may set whatever appropriate conditions, restrictions, criteria and requirements they deem necessary or desirable to assure that such buildings, structures and premises conform in appearance as closely as possible to the Town's historical designation as an Agricultural-Residential District.

3.7 Accessory Buildings

No accessory building shall be located in any front yard. No accessory building shall be located in any side yard nearer to the side lot than twenty-five (25) feet, nor in the rear yard nearer to the rear lot line than twenty-five (25) feet.

3.8 Area, Yard, and Coverage Regulations

- 3.8.1 A building hereafter erected in Agricultural-Residential district shall be located on a plot having not less than forty-four thousand (44,000) square feet of area and not less than two hundred (200) feet of frontage on a way. A lot or parcel of land having an area or frontage of lesser amounts than required above may be considered as coming within the area and frontage requirements of this section provided such lot or parcel of land was listed in the tax records, or shown on a plan, or described in a deed duly recorded or registered at the time of adoption of

this Bylaw, and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.

3.8.2 A building hereafter erected and any addition to an existing building shall be located not less than forty (40) feet from the property line.

3.8.3 A building hereafter erected and any addition to an existing building shall be so located on the lot as to provide a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) feet.

3.9 Back Land Lots

3.9.1 Purpose

The purpose of this regulation is to allow for the creation of lots for single-family dwelling units, with less than the required frontage, in exchange for increased lot area, for the purposes of preserving open space and decreasing developmental density in given areas.

3.9.2 Permitted Uses

The Planning Board may approve the creation of a back land lot for single-family dwelling units, with reduced frontage within any zoning district which authorizes single-family dwelling units, provided that the following requirements are not complied with:

- a. No more than one (1) back land lot may be created from an existing lot or parcel of property at the time this Bylaw is enacted.
- b. No lot eligible for back land lot development shall be subsequently subdivided except as provided in the subdivision rules and regulations of the Planning Board of the Town of Granville.
- c. A back land lot shall be used for single-family purposes.
- d. A back land lot may be created from an existing lot or parcel that has frontage less than two hundred (200) feet providing:
 - (1) There are three (3) acres minimum, excluding access strip;
 - (2) All other conditions governing back land lots (ie, building set backs, access strips, etc.) can be met
- e. A back land lot may be created from an existing lot or parcel that has frontage greater than two hundred and forty (240) feet providing:
 - (1) The back land lot is five (5) acres minimum, excluding access strip;
 - (2) The front lot shall meet all of the zoning dimensional requirements required in the zoning district in which the lot is located.
 - (3) All other conditions governing back land lots (ie, building set backs, access strips, etc.) can be met.
- f. A back land lot shall have a minimum frontage of not less than forty (40) feet and an access width of not less than forty (40) feet from the front lot line to the principal structure.
- g. No subdivision of land will be allowed for the creation of back land lots which will create or constitute only back land lots in the subdivision.
- h. The width of the back land lot where the single family dwelling is to be constructed and erected shall equal or exceed the distance normally required for frontage in that zoning district.
- i. All building front, back, and side set-back lines shall be at least fifty (50) feet from any lot line.

- j. At no time will a back land lot be allowed to be created, or will a building permit be issued hereunder, which creates an adjacent sub-standard lot which does not meet all the zoning dimensional requirements of the zoning district in which such lot is located.
- k. The grade, length, and location of access driveways shall be constructed and maintained to provide:
 - (1) Adequate access with provision for adequate drainage and culverts where necessary.
 - (2) A distance of no closer than ten (10) feet to any abutting property line;
 - (3) No parking areas or structures shall be allowed in the access strip;
 - (4) Accessibility of emergency equipment to all buildings located on the back land lot.
- l. There shall be maintained or kept a naturally occurring or a planted vegetated buffer zone between any back land lot and any front lot sufficient to provide privacy between the two lots.
- m. The plan for any such back land lot shall include a statement thereon that "Lot is a back land lot; building thereon is permitted only in accordance with the back land lot provisions of the Zoning Bylaws of the Town of Granville."
- n. The Planning Board shall not endorse any plan under the subdivision control law for the purpose of creating a back land lot unless the plan depicts the entire parcel from which the back land lot is to be created.
- o. A copy of the plan for a back land lot shall be included as part of any application for a building permit. A building permit for a back land lot shall be issued only after a survey plan has been endorsed by the Planning Board and other boards as deemed appropriate by the Planning Board or to take any other action thereto.

3.10 Table of Dimensions

	Single Family Basic Lots	Commercial Recreation	Back Land Lots (1)	Back Land Lots (2)	Accessory Apartment
Minimum lot size (sq ft)	44,000	50 acres	132,000 ⁽³⁾	220,000 ⁽³⁾	44,000
Minimum frontage (ft)	200	500	40	40	200
Minimum front yard (ft)	40	200	50	50	60
Minimum side yard (ft)	25	75	50	50	30
Minimum rear yard (ft)	25	75	50	50	30
Driveway setback-side yard (ft)	15	150	10	10	15
Minimum access width (ft)			40	40	
Maximum lot coverage					
Required open space					
1. Created from parcels currently with nonconforming frontage		30%			
2. Created from existing parcels with 240 feet minimum frontage					
3. Excluding access strips					

SECTION 4.0: SPECIAL USE REGULATIONS

4.1 Commercial Recreation

4.1.1 Permitted Uses

Commercial Recreation shall include only the following permitted uses and any approved combination thereof:

- a. Boys' Camp: Girls' Camp
- b. Outdoor athletic activities, including facilities for skating, skiing, sledding, swimming, squash and tennis and related activities.

- c. A Golf Course of not less than nine (9) holes as a principal recreational use, and a par three golf course, or putting greens, and driving ranges accessory to a major recreational activity, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.
- d. The rental of campsites as a part of commercial recreation operation.

4.1.2 Special Permits

Such special permit for Commercial Recreation may be issued or approved, if the Board of Appeals shall find that the proposed Commercial Recreation Area:

- a. is consistent with any master plan now in existence or hereafter adopted or amended;
- b. will cause no hazard to health, safety, and property from fire, accident, sanitary and drainage conditions, excessive traffic, noise, vibrations, odors or other nuisance;
- c. will not add undue traffic to local streets or load storm drainage pipes beyond their reasonable capacity;
- d. conforms to proper standards of traffic access and agrees with proper fire protection;
- e. will keep campsites a minimum of one hundred (100) feet from any other commercial activity or building;
- f. shall not interfere with any public water supply;
- g. when involving campsites, the use is to be temporary in nature for short-term occupancy. For the purpose of this code “short-term” shall mean occupancy in any site in the same recreation area for no longer than 180 days in any calendar year;
- h. is contained in an area of not less than fifty (50) acres;
- i. shall comply with all other applicable laws, regulations, and codes set forth by the State of Massachusetts;
- j. impose no unreasonable expense or burden to the Town for the disposal of solid wastes;
- k. shall place the burden of responsibility for adequate posting and protection of the abutting landowners on the operator of the said proposed area.

4.1.3 Design and Operating Criteria

Design and operating criteria governing the location and construction of improvements, buildings, and facilities, shall include the following:

- a. An exception for Commercial Recreation may be granted only on a tract of land containing not less than fifty (50) acres located in any district in Granville, except as herein provided.
- b. No structure except a single-family dwelling and no recreational activities except a golf course, shall be less than two hundred (200) feet from the nearest public highway, nor less than two hundred fifty (250) feet from the nearest dwelling located under other ownership on the same side of highway.
- c. Off-street parking shall be provided for cars of all patrons, employees and person using the facilities, together with the necessary access driveways to public roads. Surfacing shall be of a type appropriate for the proposed land

uses, and shall be treated to inhibit dust. No parking shall be located less than one hundred (100) feet from any other property line which shall be protected by a landscaped buffer strip not less than fifty (50) feet wide. Adequate access roads depending on the number of campsites and terrain factors, at least twenty-four (24) feet in width shall be provided.

- d. No entrance or exit from a campsite shall be allowed to move through a residential development.
- e. Development of water areas and drinking water supplies and overall distribution of the water system within the area shall come under the Board of Health and the Massachusetts Department of Public Health. Electrical facilities shall conform to the Town of Granville electrical standards and the Massachusetts electrical code.
- f. No person shall conduct, control, manage or operate directly or indirectly any recreational camp, overnight camp or commercial camp unless he is a holder of a license as specified by the Massachusetts State Sanitation Code and the General Laws of Massachusetts.
- g. There shall be a minimum of thirty percent (30%) of the total land area in a campground left in its natural state.
- h. Open space areas shall be required in all commercial recreation areas.

4.1.4 Applications

Each preliminary application for Commercial Recreation shall be accompanied by a site plan, prepared by licensed engineer, if the Board of Appeals so requests. Two copies shall be submitted to the Planning Board for its review and recommendations. Such comments and recommendations by the Planning Board shall be transmitted to the Board of Appeals and be made a part of the public hearing. The site plan shall show:

- a. the boundaries of the property and all roads and buildings within 500 feet of the property;
- b. proposed and existing roads, parking areas, required drainage and sanitary facilities, proposed grading, existing and proposed topography, proposed location of proposed buildings and the limits of proposed activities, proposed lighting and other utility installations, access and egress ways, together with a specific list of the proposed use or uses, including daytime and nighttime activities;
- c. applicable information required to assure conformance to the design criteria of streets and utilities;
- d. the site plan shall be accompanied by an application fee of 100 dollars;
- e. where campsites are provided in a commercial recreation use, they shall conform to the camp site criteria as set forth in this Bylaw;
- f. names of all abutters as they appear on the most recent tax list; listed with name and address

4.1.5 Approval by Board of Appeals

Approval by the Board of Appeals of an exception for Commercial Recreation shall be based on an approved site plan, filed with the Board of Health, Planning

Board and the Appeals Board, and where applicable, the State Board of Health and such watershed authorities as deemed by the Planning Board as interested parties, which shall show clearly the locations of buildings, construction, improvements, outdoor lighting and the limits of the open spaces for outdoor activities, together with a list of the uses and accessory uses included as a part of the Commercial Recreation use.

- a. Two copies of the site plan are required by each board.
- b. The applicant may submit, and the Appeals Board may approve, amendments to the approved site plan, provided that any amendments that extend the limits or numbers of kinds of activities or buildings, or the scope of the lighting, or major modifications shall not be approved until after a public hearing.
- c. Unless otherwise extended by the Board of Appeals, approval of an exception for Commercial Recreation shall become null and void after two years, unless a substantial part of the facility is in operation.
- d. A license from the selectmen is required and shall be renewed each year.
- e. Procedure for hearing and rules shall be in accordance with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and the Zoning Bylaws of Granville, Massachusetts.

4.1.6 Rental of Campsites

Rental of campsites is permitted subject to the following conditions:

- a. Campsites may be occupied by a travel trailer, camp trailer, or tent but not any type of permanent building or mobile home.
- b. Spaces in campsites may be used only by recreational campers or equivalent facilities constructed in, on or behind a motor vehicle classified as short-term vocational housing.
- c. The definition of a travel trailer or camper shall be: a vehicular prefabricated, portable structure designed as a temporary dwelling for travel, overnight camping recreational and vocational uses. Designed for temporary use, such travel trailers or campers are usually in, on or behind a motor vehicle.
- d. Sale of campsites shall not be permitted.
- e. Activities similar to those listed above, that are commonly provided by such organization as the day camps, swimming and tennis clubs and other recreational enterprises and that are listed in the application and shown on the site plan, may be approved by the Board of Appeals subject to such additional safeguards as the Board of Appeals may require.
- f. Except as above, residential use shall be limited to existing dwellings.
- g. Accessory uses and structures customarily incidental to a permitted use are allowed.
- h. External lighting at the main entrance shall be shaded to prevent glare on any adjoining property. Animated, flashing, internally illuminated, and oscillating signs are not permitted. Signs will conform to the rules on signs in effect in the Town of Granville.
- i. Campsite rental is to be temporary and does not imply residency or any rights or privileges granted to residents.

4.1.7 Campsite Design Criteria

The following requirements shall apply to the layout, construction and operation of the facilities in a Commercial Recreation area:

- a. Provision shall be made for furnishing adequate potable water, sanitary sewage disposal and collection and disposal of garbage and waste materials in conformance with the state and local laws. Electrical outlets may be provided at each site in the campground.
- b. Approval of the plans by the Granville Board of Health and State Board of Health is required before approval of a special permit, and certification of sanitary facilities in accordance with the approved plans is required before issuance of a certificate of occupancy.
- c. Potable water shall be furnished by a piped pressure system with one outlet on each independent campsite, and one outlet for not more than ten (10) dependent campsites.
- d. Sanitary sewage disposal shall be under the supervision of the local Board of Health, and conform to the State Sanitation Code. Plans to be approved by the Massachusetts Dept. of Public Health.
- e. Where required, a community toilet facility, to serve not more than thirty (30) campsites, shall consist of a shower stall, a lavatory, and a water closet, separate for each sex, suitably screened from campsites, and such facility shall not be located more than five hundred (500) feet from the farthest individual campsite served.
- f. Garbage and waste collection stations shall be located so as to serve not more than ten campsites, and shall be substantially screened. All provisions for solid waste disposal will be made by the operator at no expense or other burden to the Town.
- g. The locations, materials of construction and storage of fuels for outdoor cooking facilities of any kind, shall be subject to the approval of the fire marshall, and no outdoor cooking shall be allowed except at approved locations.
- h. Roads and driveways adequate for the purpose intended, and adequate provisions for storm drainage, shall be subject to the approval of the Board. All roads shall provide free movement for the fire equipment.
- i. Each campsite shall not have less than twelve hundred (1200) square feet of area for the exclusive use of each site occupant, provided that there shall be no more than ten (10) campsites per gross acre devoted to such sites, and exclusive of all public open spaces.
- j. Each campsite shall not have less than twenty-five (25) feet frontage on an access driveway or way connected ultimately to a public street.
- k. Each campsite shall have an open unoccupied yard, five feet along each campsite boundary line.
- l. Campsites shall be arranged so that there shall be no more than ten continuous campsites on each side of the same street without separation by a street or a landscaped buffer strip not less than five feet wide. The landscaped buffer strips shall continue five feet wide along side or near campsite lot lines, so as to separate the campsites into groups of not more than twenty (20), surrounded by either landscaped or public spaces.

4.2 Accessory Apartments

- 4.2.1 A Special Permit may be granted for a use known as Accessory Apartment in an owner-occupied, single-family dwelling provided the following standards and criteria are met:
- a. The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
 - b. Only one apartment will be created within a single-family house.
 - c. The lot on which the single-family house is located must meet the frontage and lot size requirements of the applicable zoning district.
 - d. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances shall be located on the side or rear of the building.
 - e. Before a special permit can be obtained for an accessory apartment, the owner must obtain a Disposal Works Construction Permit from the Board of Health to ensure that the existing sewage disposal system is adequate for the proposed alteration to the existing dwelling.

4.3 Floodplain Overlay Districts

- 4.3.1 The purposes of the Floodplain District are to:
- a. ensure public safety through reducing the threats to life and personal injury;
 - b. eliminate new hazards to emergency response officials;
 - c. prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
 - d. avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 - e. eliminate costs associated with the response and cleanup of flooding conditions;
 - f. reduce damage to public and private property resulting from flooding waters.
- 4.3.2 Floodplain district boundaries and base flood elevation and floodway data:
- (a). The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Granville designated as Zone A on Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of Granville are panel numbers 25013C0140E, 25013C0144E, 25013C0145E, 013C0326E, 25013C0328E, 25013C0330E, 25013C0335E, 25013C0336E, 25013C0337E, 5013C0345E, 25013C0352E, 25013C0354E, 25013C0355E, 25013C0361E, and 25013C0362E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Officials, and Conservation Commission.

- (b). Base Flood Elevation and Floodway Data:
 - (i) Floodway Data: In Zone A, the best available Federal, State, or Local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (ii) Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

- 4.3.3 Notification of Watercourse Alteration in a Riverine Situation, the Granville Conservation Commission shall notify the following of any alteration or relocation of a watercourse:
 - a. adjacent communities
 - b. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700 Boston, MA 02114-2104
 - c. NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor Boston, MA 02110

4.3.4 Use Regulations

a. Reference to existing regulations: The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- 1. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
- 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- 3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- 4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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

b. Other use regulations:

- 1. All subdivision proposals must be designed to assure that:
 - (i) such proposals minimize flood damage;
 - (ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage

4.4 Large Scale Ground-Mounted Solar Photovoltaic Installations

4.4.1 Purpose

The purpose of this bylaw is to control the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) 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. 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.

4.4.2. Definition

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of right siting is subject to site plan review to determine conformance with local zoning ordinances or bylaws. Development of a large scale ground mounted solar photovoltaic installation in any area other than a designated location shall require a special permit from the Planning Board in accordance with the Granville Zoning Bylaws in addition to site plan review.

Building Inspector: The local inspector of buildings designated by local bylaw charged with the enforcement of the Zoning Bylaws.

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

Designated Location: The location designated by the Granville Town Meeting, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where ground - mounted large scale solar photovoltaic installations may be sited as-of-right. Said location is McCarthy Rd., Granville, MA shown on Assessor's Map 21, Parcel 47 pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Assessor.

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

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

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

Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Town of Granville Planning Board.

Special Permit Granting Authority: For purposes of this bylaw, the Town of Granville Planning Board shall be the Special Permit Granting Authority.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

4.4.3 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all large scale solar power generation installations whether or not to be sited in designated locations.

a. 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.

b. 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 from the Town of Granville.

1. 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. The site plan review authority may additionally require a review fee in accordance with its regulations.

c. Site Plan Review

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

1. General

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

2. Required Information

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

(a) A site plan showing:

- i.** Property lines and physical features, including roads, for the project site;

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. 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, lighting, signage, utility connections, transformers, and any potential shading from nearby structures, natural features or vegetation;
- iv. 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;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, license verification, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 4.4.3d);
- (c) An operation and maintenance plan (see also Section 4.4.3e);
- (d) 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) including delineation of any wetlands on or near the specific parcel(s) proposed for the installation;
- (e) Proof of liability insurance; and
- (f) Description of financial surety that satisfies Section 4.4.10.2.
- (g) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

d. 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.

e. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

4.4.4 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority 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.

4.4.5 Dimension and Density Requirements

4.4.5.1 Setbacks

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

For the as-of-right siting at the designated location (McCarthy Rd.):

- (a) Front yard: The front yard depth shall be at least 150 feet.
- (b) Side yard. Each side yard shall have a depth at least 30 feet.
- (c) Rear yard. The rear yard depth shall be at least 30 feet.
- (d) Access roads or driveways shall be set back at least 20 feet from side and rear lot lines.

For siting by special permit NOT at the designated location:

- (a) Front yard: The front yard depth shall be at least 40 feet.
- (b) Side yard. Each side yard shall have a depth at least 30 feet.
- (c) Rear yard. The rear yard depth shall be at least 30 feet.
- (d) Access roads or driveways shall be set back at least 20 feet from side and rear lot lines.
- (e) The special permit may impose conditions that increase setbacks for appropriate reasons.

4.4.5.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

4.4.6 Size

The area covered by the LSGMSPI shall not exceed twenty-five (25) acres, in aggregate, of all arrays, structures and buildings and shall not include wetlands.

4.4.7 Design Standards

4.4.7.1 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 shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4.4.7.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with the Granville 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.

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.

4.4.7.3 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, 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.

4.4.7.4 Height

Other than accessory buildings and appurtenant structures, no components of a LSGMSPI shall exceed 12 feet in height.

4.4.8 Safety and Environmental Standards

4.4.8.1 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.

4.4.8.2 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.

4.4.8.3 Landscape Maintenance

When possible, a diversity of plant species shall be used, with a preference for species native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited. Herbicides shall only be applied by properly licensed personnel, as enforced by the Massachusetts Department of Agricultural Resources.

4.4.8.4 Sound Levels

The sound levels under normal operating conditions, measured at the boundary of the lot on which the installation is sited, shall not be more than 10 decibels greater than would otherwise exist in the absence of such a facility.

4.4.9 Monitoring and Maintenance

4.4.9.1 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 Town 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.

4.4.9.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

4.4.10 Abandonment or Decommissioning

4.4.10.1 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 4.4.10.2 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 Granville Selectboard and the Site Plan Review Authority (Granville Planning Board) by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4.4.10.2 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 without the written consent of the Site Plan Review Authority. 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.

4.4.10.3 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 Site Plan 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.

4.4.11 Independent Engineer

Upon request from the Planning Board, the proponent shall pay for a third-party Professional Engineer licensed to practice in the Commonwealth of Massachusetts with experience in the construction of ground mounted solar installations to review the site plan.

4.5 Accessory Agricultural Uses

4.5.1 Purpose

The purpose of this section is to allow and provide for additional economic development opportunities for Granville farmers that is consistent with Granville's Right To Farm Bylaw, the Granville Open Space and Recreation Plan and Mass. General Laws Chapter 40A, Section 3 of the Zoning Act. This section is intended to promote opportunities for Granville farmers to supplement their incomes from farm operations by diversifying their operations to include businesses that may combine agriculture, tourism, outdoor recreation and other farm-related activities. The intent is to benefit Town residents by encouraging economic development and open space preservation that fits the current rural character of Granville. Nothing herein is intended to limit any use protected by M.G.L. c. 40A, § 3 as an agricultural use.

4.5.2 Applicability

This section applies to agriculturally-related accessory uses where the principal use of the land is commercial agricultural as the term used in G.L. Chapter 128, section 1A and referred to in G.L. Chapter 40A, section 3. To determine the applicability, the applicant may be required to provide evidence to the Planning Board and the Building Inspector that the principal use of the land qualifies as commercial agriculture pursuant to G.L. c. 40A, s. 3 and that the proposed accessory use is customarily incidental and subordinate to the primary commercial agricultural use.

4.5.2 Definitions

Accessory Farm Store – an on-site retail outlet for farm products that is subordinate to the primary commercial agricultural use of growing or harvesting crops or the raising of livestock, designed to bring the public to the farm for purchase of agriculturally-related and/or value-added agricultural products. The Farm Store should comply with the Accessory Building section of the Granville Zoning Bylaw.

Agri-commercial – Commercial activities designed to increase marketing opportunities and to bring the public to a Farm Enterprise for a farm-related experience and/or to increase the sale of agricultural products for the purpose of enhancing the viability of a Farm Enterprise.

Agriculturally-Related Products – Items sold at Accessory Farm Stores to attract customers and promote the sale of agricultural products. Such items include agricultural and horticultural products, animal feed, baked goods, desserts, beverages, jams, honey and gift items promoting farming and agriculture as well as value-added agricultural products, especially those items produced on site.

Agriculture & Agricultural – as defined in G.L. Chapter 40A, section 3.

Agri-tourism – Tourism defined specifically to bring the public to a Farm Enterprise for a farm-related educational experience in the actual farm setting and the display of agricultural products with the ultimate goal of encouraging the purchase of locally produced agricultural products. Agri-tourism shall include Farm-Stay programs, entertainment events, fundraising activities and community events and other activities designed to enhance the viability of the farm operations.

Farm Enterprise – A farm operation entitled to the protection under G.L. c. 40A, s. 3.

4.5.4 Permit Authority and Procedures

The Planning Board shall act as the administrative authority for Site Plan Review for Accessory Agricultural Uses. Regulations of Site Plan Review shall be set by the Planning Board. For uses believed to be allowed “as-of-right”, the applicant farmer will submit a written request to review the proposed accessory use to the Planning Board and the Building Inspector. This written request should be submitted at least 30 days prior to the commencement of the proposed use. The applicant shall be responsible for obtaining all necessary and applicable federal, state and local permits and/or licenses prior to the request for Site Plan Review and prior to the issuance of any required building permit and/or the commencement of any accessory use.

4.5.5 Use Provisions

A. Allowable Accessory Uses

Unless otherwise specified below, agri-commercial and agri-tourism shall be permitted as accessory uses provided that the primary use of the land is Commercial Agriculture and the sales meet the requirements of G.L. 40A, s. 3. Examples of allowable uses include but are not limited to the following:

1. Fruit, pumpkin or related U-pick operations;
2. Corn mazes, crop art or related activities;
3. Educational and demonstrative tours;
4. Walking and bicycling tours and trails;
5. Petting and feeding zoos;
6. Hay rides;
7. Cut your own Christmas tree farms;
8. Agricultural museums;
9. Living history farms;
10. Processing demonstrations;
11. On-farm farmers’ markets and roadside stands;
12. On-farm restaurants where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
13. Winery tours and wine tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
14. Brewery tours and beer tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
15. Liquor tours and liquor tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
16. Ice cream and baking facilities where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
17. Outdoor recreation (fishing, hunting, bird watching, natural features);
18. Rural bed and breakfast;

19. Consuming: agricultural or food products; and
20. Garden tours.

B. Allowable Accessory Uses Requiring Site Plan Review:

1. Any use of a building larger than 800 sq. ft. allowed by Section 3.4, Home based Business, of the Granville Zoning Bylaw.
2. Any event or gathering that may exceed the established legal occupancy of buildings associated with accessory agricultural use.
3. Private parties, concerts, festivals or other special events.
4. Lodging, other than permitted bed and breakfast activities.
5. Art galleries and sculpture parks.
6. Non-motorized active recreational uses, including but not limited to: cross-country skiing, snowshoeing, disc golf, zip-lining and archery.

C. Prohibited Accessory Uses

The following accessory agricultural uses are prohibited:

Uses not specifically listed as accessory above, uses not customarily incidental to primary commercial farming uses, or uses otherwise prohibited in the zoning district.

D. Requirements

Where site plan review is required for an accessory agricultural use, the Planning Board shall be the Site Plan Review authority and the otherwise applicable site plan requirements for the zoning district shall apply. Further, the Planning Board, in its discretion, shall make a finding whether each site plan element listed below has been adequately addressed by the applicant:

1. Noise control;
2. Off street parking
3. Loading areas;
4. Traffic control measures for roads leading to the facilities;
5. Refuse disposal;
6. Sanitation;
7. Crowd control and security;
8. Fire protection; and
9. Lighting.

The Planning Board may impose reasonable conditions upon any site plan approval, issued under this Section.

4.5.6 Severability

If any provision of this Section is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this section shall not affect the validity of the remainder of the Town of Granville Zoning Bylaw.

SECTION 5.0: ADMINISTRATION

5.1 Enforcement

This Bylaw shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them, and upon any well founded information as to violation, the said Board shall take immediate steps to enforce this Bylaw in any manner provided by law. Any person violating any provisions of this Bylaw, any of the conditions under which a permit is issued or any decision rendered by the Board of Appeals, may be fined not more than twenty-five dollars (\$25) for each offense. Each day that such violation continues shall constitute a separate offense.

5.2 Permits

Permits will be required for any construction and may only be issued by the Board of Selectmen or their designee. A time limit of one (1) year after issuance of a building permit is hereby adopted, in which construction or use under such permits must commence. If construction or use has not begun within the time period required, or if construction is not continuing towards completion in as continuous and expeditious a manner as reasonable, after the required period, the construction or use must conform to any amendment to the Bylaw. Any further use or construction shall not commence until a new permit is granted and such use or construction must conform to any amendments to the Bylaw.

5.3 Board of Appeals

There shall be a Board of Appeals of five (5) members and two (2) associate members 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.

5.3.1 Board of Appeals shall have the following powers:

- a. To hear and decide appeals taken as provided in Section 13, Chapter 40A of the General Laws.
- b. To hear and decide applications for special permits as provided in Section 4.0 upon which such Board is required to pass.
- c. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of the applicable zoning ordinance or Bylaw where, owing to conditions especially affecting such parcel or such building but not generally affecting the zoning district in which it is located, literal enforcement of the provisions of the ordinance or Bylaw would involve substantial hardship, financial or otherwise to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or Bylaw, but not otherwise. In exercising the powers under this paragraph, the Board may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

5.4 Validity

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

5.5 Amendments

This Bylaw or any part thereof may be amended by a 2/3rd vote at any regular town meeting, as provided for and in pursuance of the provisions of Chapter 40A of the General Law.