

ZONING (PROTECTIVE) BY-LAWS
TOWN OF WASHINGTON
Massachusetts

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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, marijuana establishments or medical marijuana establishments, 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 Small wind energy systems as regulated under Section 10.0 of this By-law.

4.2.7 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.

4.2.8 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.

I. 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.

4.2.9 Special permits may be issued for accessory he 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 he 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 Is 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.

6.6 Outdoor Illumination

6.6.1 An application for building permit for any use, whether permitted by illumination regulations of this section.

6.6.2 Definitions. For the purposes of this Section, the following terms shall be defined as indicated below.

6.6.2.1.1 LUMEN A measure of light energy generated by a light source . One foot candle is one lumen per square foot. For purposes of this Bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

6.6.2.1.2 LUMINAIRE A complete lighting system, including a lamp or lamps and a fixture.

6.6.3 Applicability. Outdoor illumination by flood or spot luminaires rated at nine hundred (900) lumens or more (which is approximately equal to one 60-watt incandescent light bulb) or by any other luminaires rated at one thousand eight hundred (1800) lumens or more (which is approximately equal to one 120-watt incandescent light bulb) shall be subject to the provisions of this Section, with the following exceptions: emergency lighting; hazard

warning; temporary decorative or holiday lighting; public roadway illumination or other lighting required by or installed by governmental agencies. It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

6.6.3.1 The replacement of existing fixtures shall be subject to the provisions of this Section.

6.6.4 Outdoor Illumination Requirements

A. Overspill. Parking lot lighting, building lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged so that the collective result does not:

- I. cause light to overspill onto adjacent premises, or
- II. cause light to be directed at the night sky.

B. Fixtures

- I. No outdoor lighting shall be so placed or directed upon a public way or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or nuisance.

6.6.5 Any outdoor lighting fixture already installed on the effective date of this section, shall be brought into compliance with these provisions within one (1) year of the effective date.

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

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 shreek 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.** 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.
- 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.

10.0 Small Wind Energy Systems

10.1 Purpose. The purpose of this subsection is to provide a permitting process for small wind energy systems (SWES) for individual homeowners so that they may be utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation; to integrate these systems into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.

10.2 Applicability. This bylaw applies to the construction of all SWES in the Town of Washington after the effective date of this bylaw. This bylaw also applies to physical modifications to existing SWES that materially alter its number, type, location, height, or configuration.

10.3 Definitions. The following definitions shall apply:

Fall Zone: The area on the ground from the base of a tower that forms a circle with a radius equal to the system height, including other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Small Wind Energy System: All equipment and structures utilized in connection with the conversion of wind to electricity that is intended primarily to, but not limited to, reduce on-site consumption of utility power. This includes, but is not limited to a tower and associated control or conversion electronics and one or more wind turbines which have a total rated nameplate capacity of 60 KW or less.

System Height: The height from the existing grade of the fixed portion of the tower to the blade tip of the turbine at the highest point of its rotation or the highest point of the SWES.

10.4 Use Regulations. One or more SWES may be allowed on a lot, only as an accessory use, after the issuance of a special permit in accordance with this section and § 6.2 Special Permits.

10.5 Design Requirements. The following design requirements shall apply to all SWES:

10.5.1. System Height: The maximum permitted system height on any lot is 200 feet.

10.5.2. Setbacks:

- a. The minimum horizontal distance from the base of any tower structure to any property line or road right-of-way shall be 150% of the system height.
- b. The minimum horizontal distance from the base of any tower structure to any existing residence not occupied by the SWES applicant/owner shall be the greater of 300 feet or 300% of the system height.
- c. No part of the SWES, including guy wire and anchors, may extend closer to the property boundaries than the setbacks set forth in § 5.1 “Residential Usages” or § 5.2. “Non-Residential Usages”.
- d. The special permit granting authority may reduce the setback distances specified in § 10.5.2.(2)(a), 10.5.2.(2)(b), or 10.5.2.(2)(c) for any SWES if the special permit granting authority finds that such reduction is consistent with the requirements of public health, safety, and welfare and the purposes of this section. If the setback distances are reduced so that the “fall zone” of the tower includes land on abutting and adjacent property, such reduction shall only be permitted if the affected property owner(s) executes a recorded easement allowing the fall zone onto such property(s).
- e. Setbacks need not be cleared of trees or other vegetation.

10.5.3. Access: All SWES shall be designed and maintained to prevent unauthorized access.

10.5.4. Appearance: A non-reflective exterior color designed to blend with the surrounding environment shall be used on all SWES. No decorations or lights shall be allowed, unless required by the Federal Aviation Administration (FAA).

10.5.5. Visual Impact: The applicant shall demonstrate through project site planning and proposed mitigation that the SWES minimizes impacts on the visual character of surrounding neighborhoods and the community to the extent practical. This may include, but not be limited to:

- a. Information regarding site selection, turbine design or appearance, buffering, screening, or lighting.
- b. To the extent practical, electrical conduits shall be underground.
- c. No logos, designs, or other signage shall exceed two square feet in total area.

10.5.6. Noise: Small Wind Energy System shall comply with the Massachusetts noise regulation (310 CMR 7.10) and most current related DEP Policies or Guidelines. Noise analysis may be required to be performed by a professional engineer at the applicant’s expense.

10.5.7. Compliance with FAA requirements: All SWES shall comply with applicable FAA regulations.

10.5.8. Tower Location: Any SWES shall be subject to the Wetlands Protection Act G.L. c. 131 §40 and subject to approval of the Conservation Commission, where applicable.

10.5.9. Shadow/Flicker: All SWES shall be sited in a manner that does not result in significant shadow/flicker impacts on occupied buildings. Buildings occupied by the SWES

applicant/owner are exempt from this requirement. Significant shadow/flicker impact is defined as more than thirty (30) hours of shadow/flicker per year on an occupied building. If significant shadow/flicker impacts occur, the owner of the SWES shall reduce the operation of the SWES or undertake other mitigation measures in order to decrease the time of shadow/flicker on any occupied building to less than thirty (30) hours per year.

10.6 General Requirements. The following general requirements shall apply to all SWES:

10.6.1. Compliance: The construction, operation, maintenance and removal of SWES shall be consistent with all applicable town, State, and Federal requirements, including all applicable health, safety, construction, environmental, electrical, communications, aviation, and state building codes.

10.6.2. Operation and Maintenance: The applicant shall maintain the SWES in good condition and operate the SWES in a safe manner.

10.6.3. Approved Wind Turbines: Proposed small wind turbine makes and models must appear on the approved list of the California Energy Commission Lists of Eligible Small Wind Turbines or New York State Energy Research and Development Qualified Wind Generators, or a similar list approved by the Commonwealth of Massachusetts if one becomes available.

10.6.4. Utility Notification: All grid connected installations must comply with the Uniform Standards for Interconnecting Distributed Generation. Off-grid systems shall be exempt from this requirement.

10.7 SWES Special Permit Finding. Before granting a SWES special permit, the special permit granting authority shall find that the proposed SWES complies with the Special Permit Criteria specified in § 6.2.4.

10.8 Application Process. Applications for a SWES special permit shall be filed in accordance with § 6.2 Special Permits and this section. An application for a SWES special permit must be prepared by a small energy professional or a licensed engineer and contain the following:

10.8.1. Site Plan with the following information:

- a. Property lines and physical dimensions of the applicant's property
- b. Location, dimensions, and types of existing major structures on the applicant's property and adjacent property only if the property is part of the fall zone.
- c. Any easements located within the fall zone
- d. Location of the proposed SWES, foundations, guy anchors and associated equipment
- e. Setback requirements as outlined in this ordinance
- f. The right-of-way of any public road that is contiguous with the property
- g. Any overhead utility lines
- h. Tower foundation blueprints or drawings
- i. Tower blueprints or drawings

j. SWES specifications, including manufacturer, system blueprints, model, rotor diameter, tower height, tower type, braking mechanisms, safety features, and nameplate generation capacity.

k. SWES that will be connected to the electric grid shall include a copy of the application for interconnection with the electric utility provider.

l. Sound level analysis prepared by the SWES manufacturer or qualified engineer, if required.

m. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to all applicable state building codes and electrical codes.

n. Evidence of compliance or non-applicability with FAA regulations

o. List of abutters to the applicant's property

10.8.2. Operation & Maintenance Plan: A plan which sets forth the general procedures for safe and effective operation and maintenance of the SWES including guy wires, anchors, support structures, and lubricants.

10.8.3. SWES Removal Plan: A plan for the removal of the SWES once it has reached the end of its useful life or is abandoned.

10.8.4. Additional information as requested by the special permit granting authority.

10.9 Technical Review. The special permit granting authority may hire an expert, at the applicant's expense and in accordance with M.G.L. c. 44 § 53G to assist the special permit granting authority with the technical review of application materials.

10.10 Abandonment and Removal. A SWES shall be considered to be abandoned if it is not operated for a period of one year or if it is designated a safety hazard by the Building Inspector. If the Building Inspector determines that a SWES is abandoned, the owner shall be required to physically remove the SWES within 180 days of written notice from the Building Inspector.

The owner shall have the right to respond to the written notice of abandonment within 30 days of such notice. If the owner can provide information to demonstrate that the SWES has not been abandoned, the Building Inspector may withdraw the notice of abandonment.

If the property owner fails to remove the SWES in accordance with the requirements of this section after 180 days of such notice and the Building Inspector has not withdrawn said notice, the Town shall have the authority to enter the property and physically remove the SWES at the owner's expense. The term physically remove shall include, but not be limited to: 1) removal of the SWES, any equipment shelters, and security barriers from the subject property; and 2) proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

11.0 Solar Photovoltaic Installations

11.1 Purpose

The purpose of this subsection is to provide a permitting process for solar photovoltaic installations so that they may be utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation; to integrate these installations into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing solar photovoltaic technologies to be utilized.

11.2 Applicability

This section applies to solar photovoltaic installations proposed to be constructed after the effective date of this bylaw. This section also applies to material modifications that alter the type, number, configuration or size of the solar photovoltaic installation.

11.3 Definitions

Large Scale Solar Photovoltaic Installation – A ground mounted solar photovoltaic installation that has a minimum nameplate capacity of 250 kW DC.

Small Scale Solar Photovoltaic Installation – Any size roof mounted or building mounted solar photovoltaic installation or a ground mounted solar photovoltaic installation that has a capacity of less than 25 kW DC.

Solar Photovoltaic Installation – A device, structure, or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

As-of-Right Siting – As-of-Right Siting shall mean that the owner of the property may proceed with development without the need for a special permit, variance, amendment, waiver, or other discretionary approval. Such As-of-Right development will be subject to site plan review to determine conformance with Washington zoning bylaws as well as state and federal laws and building codes. Projects cannot be prohibited, but can be reasonably regulated by the site plan review process and the Washington Building Inspector through the issuance of the required building permit.

Designated Location – The location designated by the Washington Select Board, in accordance with Massachusetts General Law Chapter 40A, section 5, where ground mounted large scale solar photovoltaic installation may be sited as-of-right is Lot # 1 on map # 202.0 pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is included with this document, see 11.5.13.

11.4 Small Scale Solar Photovoltaic Installations

11.4.1 A small scale solar photovoltaic installation may only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

11.4.2 A small scale solar photovoltaic installation proposed to be mounted on a building or rooftop may protrude no greater than five feet (5') above the highest point of the roof.

11.4.3 A small scale solar photovoltaic installation proposed to be ground mounted may not exceed a height of fifteen feet (15').

11.4.4 A small scale solar photovoltaic installation shall comply with all the setback requirements set forth in § 5.0 "Intensity Regulations."

11.4.5 A small scale photovoltaic installation shall comply with all the setback requirements set forth in § 5.0 "Intensity Regulations."

11.5 Large Scale Solar Photovoltaic Installations

11.5.1 Use Regulations

Large scale solar photovoltaic installations that may only be constructed or materially modified after the issuance of a special permit from the Planning Board in accordance with this section and § 6.2 "Special Permits" unless the installation is on a designated location for as-of-right siting.

11.5.2 Compliance

The construction, maintenance, operation, modification and removal of the large scale solar photovoltaic installation shall comply with all applicable local, state, and federal requirements.

11.5.3 Site Control

The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the large scale solar photovoltaic installation.

11.5.4 Utility Notification

The applicant shall demonstrate that it has notified the operator of the electric grid that it intends to connect the large scale solar photovoltaic installation to the electric grid. Off-grid installations are exempt from this requirement.

11.5.5 Operation & Maintenance

The owner/operator of the large scale solar photovoltaic installation shall maintain the large scale solar photovoltaic installation and the site in good condition. This includes, but is not limited to the maintenance of access roads, stormwater control measures, security measures and vegetation screening.

11.5.6 Financial Surety Applicants seeking to construct a large scale solar photovoltaic installation shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be

determined by the Planning Board, but in no event shall the amount exceed one-hundred twenty-five (125%) percent of the cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the large scale solar photovoltaic installation prepared by a qualified engineer. All subsequent owners/operators shall continue to provide a form of surety to the Town until the large scale solar photovoltaic installation has been removed.

11.5.7 Design Requirements

- a. Height** – Large scale solar photovoltaic installations shall not exceed fifteen feet (15') in height.
- b. Setbacks** – Large scale solar photovoltaic installations shall not be placed closer than one hundred feet (100') to the street line or fifty feet (50') from side or rear lines.
- c. Lighting** – No lighting of the solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- d. Screening** – The large scale solar photovoltaic installations shall be screened year-round with dense native vegetation from all adjoining properties and public and private ways.
- e. Vegetation Clearing** – The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of the large scale solar photovoltaic installation.
- f. Habitat Fragmentation** – All large scale solar photovoltaic installations shall to the fullest extent practicable be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation.
- g. Security Measures** – Large scale solar photovoltaic installations shall be constructed to prevent unauthorized persons from accessing the large scale solar photovoltaic installation.
- h. Emergency Access** – Large scale solar photovoltaic installations and access roads shall be constructed and maintained to allow for safe access by local emergency vehicles.
- i. Emergency Response Plan** – Upon the request of the fire chief, the owner/operator of the large scale solar photovoltaic installation shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan.

11.5.8 Filing Requirements

Applicants seeking to construct or modify a large scale solar photovoltaic installation shall submit the following information to the Planning Board for site plan approval or a special permit. All maps to be submitted must be drawn at appropriate scales and be signed by a registered professional engineer or licensed surveyor. The Planning Board may, in its discretion, waive any of the filing requirements

- a. Contact Information** – Provide the applicant's and property owner's name, address, phone number, email address, and signature.

b. Site Identification – Provide the address and the map, lot and block number of the proposed site.

c. Site Plans – Provide site plans showing the following:

- (1) Property lines of the proposed site.
- (2) Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed large scale solar photovoltaic installation.
- (3) Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
- (4) Detailed layout of the proposed large scale solar photovoltaic installation, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
- (5) Detailed layout of the electric infrastructure to connect the large scale solar photovoltaic installation to the electric grid or net metering equipment.
- (6) Delineation of all wetland resources and associated buffer areas.
- (7) Locations of rare, threatened or endangered species existing on the site.
- (8) Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
- (9) Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection’s Stormwater Policy.

d. Technical Information – Provide the following information:

- (1) Blueprints or drawings of the large scale solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.
- (2) One-or three-line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all Massachusetts Electrical Code compliant devices.
- (3) Documentation of the major large scale solar photovoltaic installation components to be used, including but not limited to PV panels, panel mounts and inverter.

11.5.9 Technical Review

Upon receipt of an application for a large scale solar photovoltaic installation, the Planning Board may engage professional and technical consultants, at the applicant’s expense, pursuant to M.G.L. Chapter 44 § 53G and its Home Rule Authority to assist the Planning

Board with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying site plan approval or the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

11.5.10 Procedures and Approval Criteria

a. For large scale solar photovoltaic installations requiring site plan approval, the Planning Board shall review and approve a proposed site plan application to construct or materially modify a large scale solar photovoltaic installation within 90 days of the receipt of a complete application. The Planning Board may extend the 90 day review period if poor weather conditions, such as snow or ice, make visiting the site difficult. If the site visit is delayed, then the Planning Board shall schedule the site visit as soon as reasonably possible after the weather conditions have subsided. The Planning Board shall approve the site plan application only after making a determination that the proposed large scale solar photovoltaic installation complies with all sections of this zoning bylaw. The Planning Board may impose reasonable conditions on its approval of the site plan to mitigate potential adverse impacts.

b. For large scale solar photovoltaic installations requiring a special permit, the Planning Board shall review and act upon a proposed special permit application to construct or materially modify a large scale solar photovoltaic installation in accordance with § 6.2 “Special Permits.”

11.5.11 Abandonment & Removal

a. A large scale solar photovoltaic installation shall be deemed abandoned when the large scale solar photovoltaic installation has not been in operation for a period of twelve (12) months.

b. After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such large scale solar photovoltaic installation is presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence that the large scale solar photovoltaic installation has been in operation during the relevant twelve (12) month period.

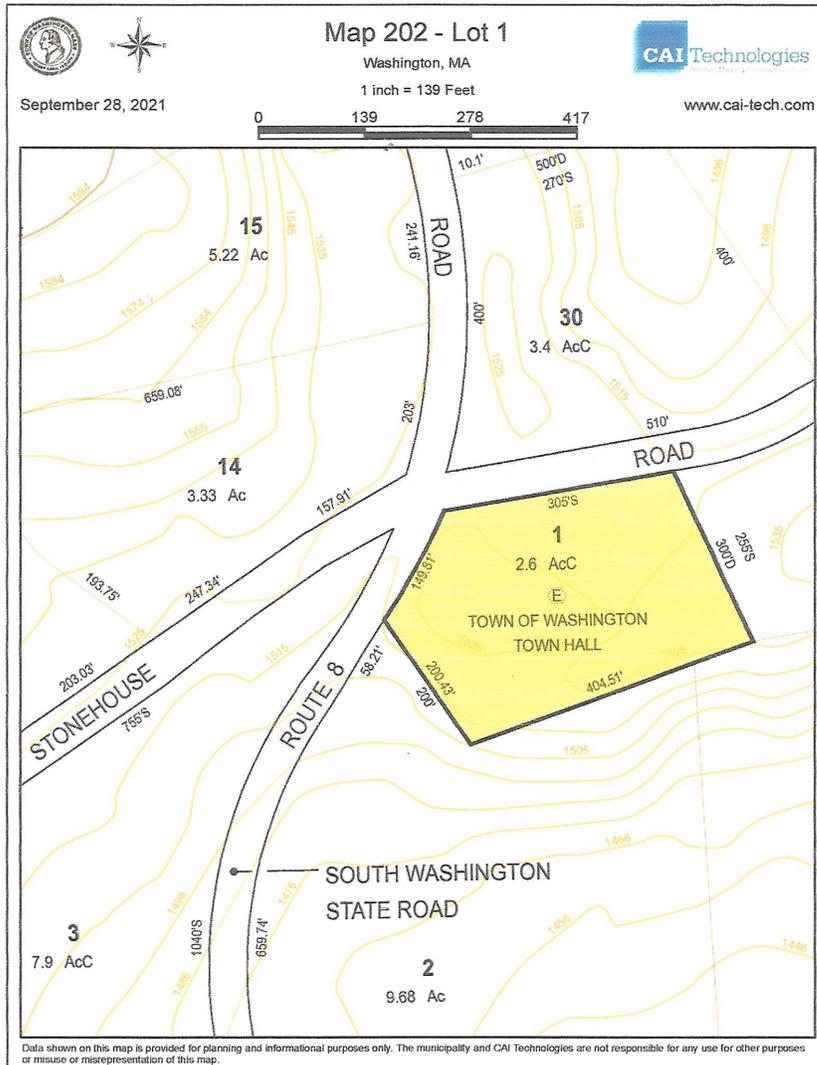
c. If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the large scale solar photovoltaic installation has been in operation for the relevant twelve (12) month period, then the large scale solar photovoltaic installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.

d. The owner/operator of the large scale solar photovoltaic installation shall remove the large scale solar photovoltaic installation and restore the site within one-hundred eighty (180) days of the date of the written notification of abandonment. If the owner/operator fails to remove the large scale solar photovoltaic installation within one-hundred eighty (180) days, the town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the large scale solar photovoltaic installation and restore the site at the sole expense of the owner/operator.

11.5.12 Lapse of Approval

Any special permit or site plan approval shall automatically lapse if the large scale solar photovoltaic installation is not installed and functioning within two (2) years or the large scale solar photovoltaic installation is abandoned.

11.5.13 Lot 1 from Map 202.0



Section 12: Marijuana Establishments

12.1 Purpose. The purpose of this section is to provide for the placement of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in suitable locations in the Town of Washington (the “Town”) in recognition of and in accordance with “The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed,” M.G.L. c. 94G and “Medical Use of Marijuana”, M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 and 105CMR 725.000 et seq.

12.2 Definitions.

CRAFT MARIJUANA COOPERATIVE – a Marijuana Cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver marijuana to MEs but not to consumers.

INDEPENDENT TESTING LABORATORY – a laboratory that is licensed by the CCC and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c.94C, § 34.

LICENSE – The certificate issued by the CCC that confirms that a ME has met all applicable requirements pursuant to St. 2012, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000. A ME may be eligible for a provisional or final license.

MARIJUANA ESTABLISHMENT (ME) – a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

MARIJUANA CULTIVATOR – an entity licensed to cultivate, process, and package marijuana; to deliver marijuana to MEs; and to transfer marijuana to other MEs but not consumers.

MARIJUANA CULTIVATION FACILITIES – facilities that a Marijuana Cultivator may be licensed to operate.

MARIJUANA PRODUCT MANUFACTURER – an entity licensed to obtain, manufacture, process, and package marijuana and Marijuana Products; to deliver marijuana and Marijuana Products to other MEs, and to transfer marijuana and Marijuana Products to other MEs but not consumers.

MARIJUANA PRODUCTS – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER – an entity licensed to purchase and deliver marijuana and Marijuana Products from MEs and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to other MEs and to consumers.

MARIJUANA TRANSPORTER – an entity, not otherwise licensed by the CCC, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to MEs, but not to consumers.

MEDICAL MARIJUANA TREATMENT CENTER – a not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

MICRO-BUSINESS – a ME that is licensed to act as a: licensed Marijuana Cultivator in an area less than 5,000 square feet; licensed Marijuana Product Manufacturer, and licensed marijuana delivery service in compliance with the operating procedures for each such license.

RESEARCH FACILITY – an entity licensed to engage in research projects by the CCC.

12.3 Designated Locations for MEs and Medical Marijuana Treatment Centers.

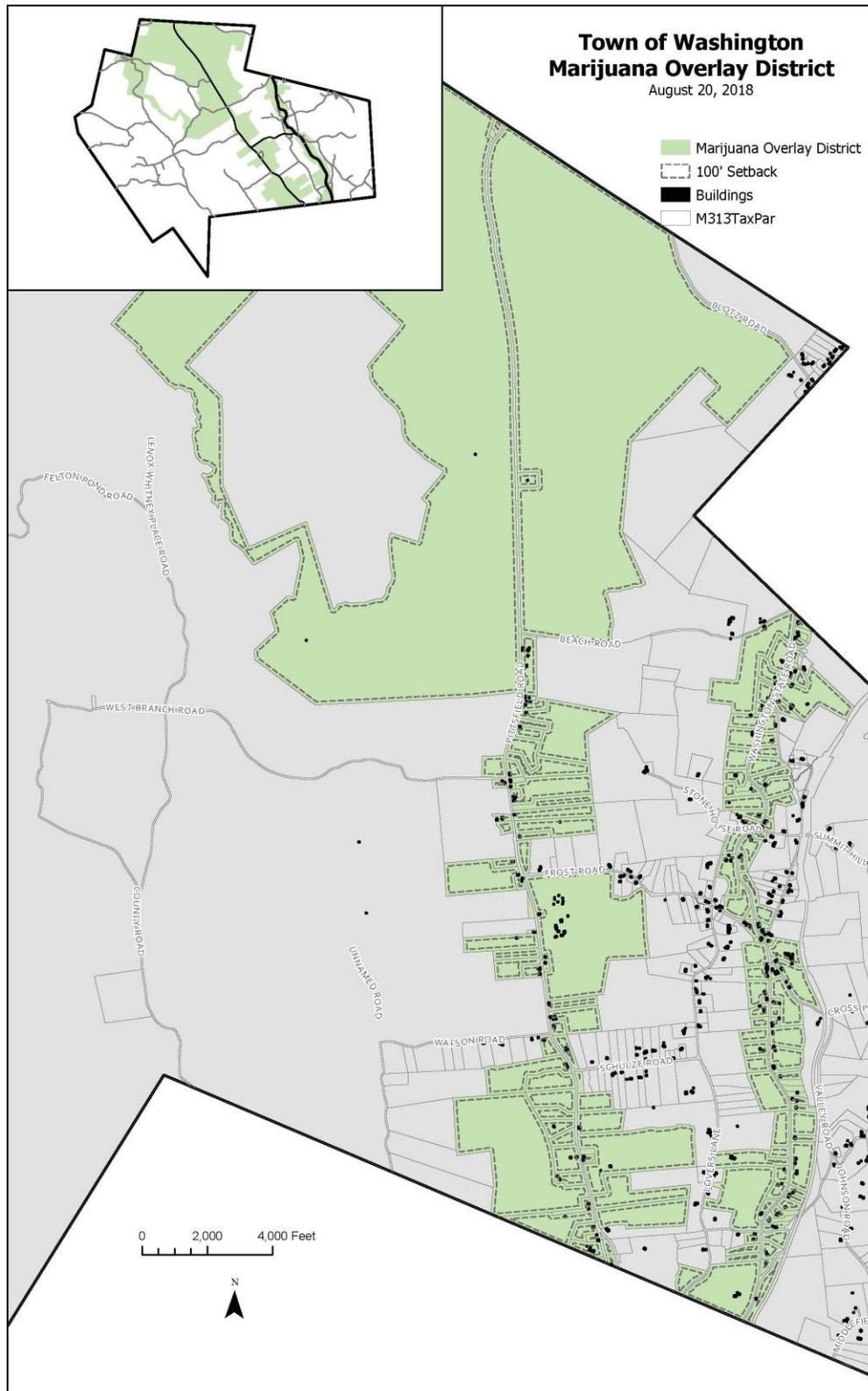
12.3.1 Any ME that engages only in open-air, outdoor cultivation uses, or enclosed cultivation buildings under 5,000 square feet of canopy area, may operate on any property within the Town.

12.3.2 All types of MEs, Medical Marijuana Treatment Centers, and all other marijuana-related uses may be sited in the Marijuana Overlay District, as per Figure 1, below.

12.3.3 No ME or Medical Marijuana Treatment Center shall be located within 500' of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. This distance shall be measured from the nearest school building to the nearest building used for marijuana purposes. The Special Permit Granting Authority may modify or waive this requirement.

12.3.4 MEs and Medical Marijuana Treatment Centers shall be set back at least 100' from any property line.

Figure 1



12.4 Designated Number of MEs and Medical Marijuana Treatment Centers.

12.4.1 The total number of MEs operated by a Marijuana Retailer shall not be greater than one (1), except that in no instance shall the number of retailers be fewer than twenty percent (20%), of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises, as set forth in G.L. c. 94G Section 3(a)(ii). Fractions shall be rounded up to the nearest whole number.

12.4.2 The total number of Medical Marijuana Treatment Centers shall not exceed one (1).

12.4.3 There shall be no limit on the number of MEs permitted in the Town, except as per subsection 12.4.1.

12.5 Special Permit Required. No ME or Medical Marijuana Treatment Center shall be operated or expanded without first obtaining a Special Permit from the Town Special Permit Granting Authority in accordance with Section 6.2 of the Zoning Bylaw.

12.5.1 The Special Permit Granting Authority for any ME or Medical Marijuana Treatment Center shall be the Planning Board.

12.5.2 A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the license of an ME or Medical Marijuana Treatment Center or change in the location of the business.

12.5.3 In the event that the Commonwealth's licensing authority suspends the license or registration of a ME or Medical Marijuana Treatment Center, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

12.6 Site Plan Review. Applications to operate or expand a ME or Medical Marijuana Treatment Center shall be subject to a site plan review during the Special Permit review process. The site plan shall be submitted in conjunction with the Special Permit application and joined to the final approval for the Special Permit.

12.7 General Requirements for MEs and Medical Marijuana Treatment Centers.

12.7.1 Outside storage. No outside storage of marijuana, Marijuana Products, related supplies, or educational materials is permitted, except at open-air, outdoor cultivation facilities.

12.7.2 Visibility of activities. All activities shall be conducted indoors, except for open-air, outdoor cultivation facilities or Marijuana Transporters.

12.7.3 Paraphernalia. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may be lawfully sold at a Marijuana Retailer. No retail marijuana, Marijuana Products, or paraphernalia shall be displayed or kept by a Marijuana Retailer so as to be visible from outside of the licensed premises.

12.7.4 Hours of operation. A Marijuana Retailer may not open earlier than 8:00 AM and shall close no later than 8:00 PM the same day. There shall be no hourly restrictions on any other type of ME or Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority as part of site plan approval.

12.7.5 On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except for Research Facilities.

12.7.6 Sale of alcohol. MEs are prohibited from selling alcoholic beverages.

12.8 Design Requirements for MEs and Medical Marijuana Treatment Centers.

12.8.1 Permanent location. All marijuana uses, except for Marijuana Transporters and open-air Cultivation Facilities, shall be operated from a fixed location within a fully enclosed building.

12.8.2 Signage. All signage must comply with the regulations set forth in Section 6.4.

12.8.3 Lighting. Outdoor light levels shall not exceed one (1) foot-candle along property lines, nor ten (10) foot-candles for any location on the property. Any light poles, new or existing, may not exceed eighteen (18) feet in overall height. All outdoor light fixtures must be shielded and aimed down in order to prevent light trespass onto adjacent properties. Cultivation Facilities or Marijuana Treatment Centers may not illuminate growing operations between dusk and dawn, unless within a fully-enclosed, opaque building. The Special Permit Granting Authority may modify this requirement for adequate security or other reasons specified.

12.8.4 Parking. Off-street parking must be provided for as follows. For buildings or sites that contain more than one type of marijuana use, each use shall be calculated separately and parking provided for each on-site, based on gross floor area of the individual uses. These requirements may be modified or waived by the Special Permit Granting Authority.

12.8.4.1 Retail uses: 1 parking space for every 250 square feet of gross floor area of the building(s).

12.8.4.2 Cultivation, processing, packaging, manufacturing or storage uses: 1 parking space for every 1,000 square feet of gross floor area of the building(s).

12.8.4.3 Testing or research uses: 1 parking space for every 350 square feet of gross floor area of the building(s).

12.8.5 Drive through facilities. On-site drive through facilities shall be prohibited for any marijuana use.

12.8.6 Fencing. Fencing may be required if determined necessary by the Special Permit Granting Authority. In no instance shall barbed-wire fencing be permitted.

12.9 Site Plan Requirements. Applications to permit a ME or Medical Marijuana Treatment Center shall include site plans, submitted to the Special Permit Granting Authority. The site plans shall include the following, unless waived by the Special Permit Granting Authority:

12.9.1 The names, mailing addresses, phone numbers, email addresses, and signatures for the applicant, owner and operator.

12.9.2 Physical address (if one exists) and the map, lot and block number of the proposed site.

12.9.3 Property lines of the proposed site and all those within two hundred feet (200') of the property.

12.9.4 Elevation contour lines at two-foot vertical intervals.

12.9.5 Outlines of all existing and proposed buildings and structures on the proposed site and those within two hundred feet (200') of the proposed site.

12.9.6 Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.

12.9.7 Fencing type and height.

12.9.8 Delineation of all wetland resources and associated buffer areas, in accordance with the Massachusetts Environmental Policy Act (MEPA) guidelines and regulations.

12.9.9 Locations of rare, threatened or endangered species existing on the site, in accordance with the Natural Heritage Endangered Species Program (NHESP) guidelines and regulations.

12.9.10 Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.

12.9.11 Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.

12.10 Other Filing Requirements. Applications to permit a ME or Medical Marijuana Treatment Center shall be submitted to the Special Permit Granting Authority and shall include the following:

12.10.1 Security Plan. A security plan shall be submitted, to ensure the safety of employees, patrons, and the public to protect the premises from theft or other criminal activity. The security plan shall be reviewed and approved by the local Police Chief, or their designee. The Security Plan shall include the following:

12.10.2 An interior floor plan (including secured areas, windows, doors, etc.)

12.10.3 Exterior lighting

12.10.4 Fencing (if any)

12.10.5 Gates (if any)

12.10.6 Alarms

12.10.7 Any other security measures as requested by the Police Chief.

12.10.8 Traffic Study. The Special Permit Granting Authority may require a traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress.

12.10.9 Photometric Plan. A photometric plan may be required by the Special Permit Granting Authority, or their designee, before or after the marijuana use is in operation, to determine compliance with subsection 12.8.3.

12.10.10 State License. A copy of the license or registration as a ME from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the requirements of an ME in accordance with the regulations adopted by the CCC, as amended. Proof of license may also be accepted from the State Department of Health under certain circumstances for Medical Marijuana Treatment Centers.

12.10.11 Proof of Site Control. Evidence that the Applicant has site control and the right to use the site for a marijuana use in the form of a deed, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the Applicant has firm site control.

12.11 Discontinuance of Use. Any marijuana use under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

12.12 No Town liability; indemnification.

12.12.1 The Applicant and all licensees waive and release the Town, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the ME or Medical Marijuana Treatment Center owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

12.12.2 The Applicant, in receiving approvals issued pursuant to this chapter, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of any ME or Medical Marijuana Treatment Center that is subject of the approval/license.

12.13 Annual Inspections for MEs and Medical Marijuana Treatment Centers.

12.13.1 Any operating ME or Medical Marijuana Treatment Center within the Town shall be inspected annually by the Building Inspector, or their designee(s), to ensure compliance with this section and with any conditions imposed by the Special Permit Granting Authority as a condition of the Special Permit approval.

12.13.2 The first annual inspection shall be more than one (1) year after beginning operation, but not more two (2) years after beginning operation.

12.14 Other laws remain applicable.

12.14.1 License Required. At all times while a permit is in effect the licensee shall possess a valid License.

12.14.2 To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail of marijuana or Marijuana Products, the additional or stricter regulation shall control the ME or Medical Marijuana Treatment Center in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

12.14.3 Any ME may be required to demonstrate, upon demand bylaw enforcement officers of the Town of Washington, the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

12.14.4 The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of marijuana.

12.14.5 Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. If, upon review by the Special Permit Granting Authority, the ME or Medical Marijuana Treatment Center is found to not be fully in compliance with the HCA, the Special Permit and/or the local license may be suspended or rescinded. The HCA shall, at a minimum, include or reference the following:

12.14.5.1 A Community Impact Fee, not to exceed 3% of gross sales, may be applied to any Marijuana Retailer, in compliance with G.L. c. 94G, § 3(d).

12.14.5.2 A description of the activities that will occur on site.

12.14.5.3 Hours of operation.

12.15 Independent Consultants.

12.15.1 Due to the complex technical character of the information to be provided by an applicant pursuant to these regulations and the monitoring, testing and inspection of facilities and operations, the Special Permit Granting Authority may hire such consultants as

it deems reasonably necessary to assist said authority in making determinations under this Bylaw.

12.15.2 In connection with any application for a Special Permit under this Bylaw, the applicant shall be required to pay fees to the Town to cover the reasonable costs of outside consultant review of such application as provided in the rules promulgated by the Board pursuant to Massachusetts General Law (M.G.L.) Chapter 44, Section 53G. Such costs may include consultant fees at reasonable market rates, covering professional and technical services required beyond the Special Permit Granting Authority's capabilities for a proper and thorough review of the application. No Special Permit or building permit shall be issued until all such costs have been paid. Such fees shall be deposited into a segregated account, and unexpended funds shall be returned to the applicant as provided in M.G.L. Chapter 44, Section 53G and any regulations adopted pursuant thereto by the Board.

12.15.3 The Special Permit Granting Authority's regulations regarding consultants shall provide for an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Special Permit Granting Authority shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Special Permit Granting Authority shall stand. Such an administrative appeal shall not preclude further judicial review if otherwise permitted by law, on the grounds provided for in this section.

12.15.4 The consultants shall work under the direction of the Special Permit Granting Authority. Copies of the consultant's findings and reports shall be made available to the applicant not less than seven (7) days prior to any meeting of said authority where the consultant's report will be considered. The applicant shall be given opportunity to respond to the report in writing and at the next meeting.