

ZONING BY-LAW TOWN OF HUNTINGTON, MA

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**ZONING BY-LAWS OF
THE TOWN OF HUNTINGTON**

SECTION I. GENERAL

A. Authority

Under authority granted by the Zoning Act, Massachusetts General Laws Chapter 40A, as amended (MGL 40A), the Town of Huntington hereby adopts this by-law, called the Zoning By-Law of the Town of Huntington.

B. Purpose

The purpose of the Zoning By-Law is to regulate the dimensions and uses of buildings, structures, and land within the Town of Huntington in a manner appropriate to the character of the Town and its various areas and activities, in order to provide for the general welfare, conserve, protect, and enhance the natural and cultural resources of the Town and the health and safety of its inhabitants, insure an adequate supply of light and air, and protect against the hazards of fire and flood.

C. Reference

For matters not covered by this By-Law, reference is made to Chapter 40A and Chapter 40, Section 32 of the Massachusetts General Laws and to such other State laws as may apply. Quotations, paraphrases, and summaries drawn from the General Laws have been placed within brackets: [...]. They are included for the convenience of those consulting this By-Law and are not officially a part thereof.

D. Application

No land shall be occupied or used, no lot dimensions, areas, or boundaries shall be altered, moved, or used, except as provided in this By-Law and other legally binding regulations, including the Mass. Building Code, Health Act, Wetlands Act, and the By-Laws and other rules and regulations of the Town of Huntington. (2/11/87)

E. Mandated Provisions

This By-Law shall be deemed to include all provisions mandated by MGL 40A and other State laws.

F. Abbreviations and Definitions

ABBREVIATIONS:

MGL:	The Massachusetts General Laws currently in force, as amended.
MGL 40A:	MGL, Chapter 40A (The Zoning Act).
PGA:	Permit Granting Authority (usually the ZBA).
SPGA:	Special permit granting authority (usually the ZBA: see Sect. VA3.)
ZBA:	The Zoning Board of Appeals, Town of Huntington.
ZEO:	The Zoning Enforcement Officer, Town of Huntington.

DEFINITIONS

In this By-Law, the singular shall include the plural and the plural shall include the singular. Terms not defined in this section shall be defined as in the State Building Code, Article 2, as amended, or, if they are not defined there, they shall be defined as in the (Merriam) Webster's Third New International Dictionary.

Accessory building or structure: Any building or structure whose use is subordinate or incidental to the use of another building or structure on the same lot.

Accessory family dwelling unit: A minimal second dwelling unit created from and contained within a single family structure, which is owner-occupied and which maintains the outward appearance of a single family dwelling. (Added May 3, 2004)

Agriculture: The raising or production of plants or plant products (including horticulture, grape raising, forestry) and/or the raising or keeping of animals primarily for food, and the keeping and use of animals for such activities.

Animal husbandry: The raising or keeping of animals other than personal pets.

Aquifer; Hazardous material; Impervious surfaces; Leachable materials; Primary aquifer recharge areas; Secondary recharge areas: See Zoning Map, Aquifer Protection District.

Building: A structure with exterior walls and a roof, designed for the shelter of persons, animals, or property.

Building lot: A legal building lot, shall have the minimum frontage and dimensional requirements shown in “Appendix A: Table of Dimensional Requirements” of the Town of Huntington Zoning Bylaw for the Zoning District in which the lot is located. In the event there is a conflict between this definition and any other definition in any local regulations, the building lot definition in the Town of Huntington Subdivision Rules and Regulations shall supersede all others. (Adopted 6/1/2015)

Common driveway: A private way which serves as a common vehicular access to two (2) residential lots. No driveway or portion of a driveway’s length may be used as frontage to satisfy the requirements of Huntington’s Zoning By-Law. (Adopted ATM 5/02/2005)

Condominium: A multi-family house or houses in which the dwelling units are individually owned.

Driveway: A portion of a lot which is prepared for vehicular traffic and which provides access from a street to or towards a structure on a lot. (Adopted 5/02/1988)

Dwelling unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Frontage: The maximum continuous extent of a lot line along one approved, existing, constructed street. That street shall, in the opinion of the Permit Granting Authority, have sufficient width, suitable grades, and adequate construction for vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected, or to be erected thereon. The frontage shall provide practical access to the buildable portion of each lot by connecting to the required frontage by a strip of land not narrower than the required frontage at any point, measured from that point to the nearest point of the opposite sideline. Frontage requirements shall be as shown in “Appendix A: Table of Dimensional Requirements” of the Town of Huntington Zoning Bylaw. In the event that there is a conflict between this and any other frontage definition in local regulation, the frontage definition in the Town of Huntington Subdivision Rules and Regulations shall supersede all others. (Adopted 05/01/2006, 6/1/2015)

Home occupation: The pursuit of an occupation on a lot by a resident of the lot. (Adopted 5/11/96)

House: A permanent building containing one or more dwelling units.

House, multi-family: A house containing more than two dwelling units.

House, single-family: A house containing one dwelling unit with not more than three lodgers or boarders.

House, two-family: A house containing two dwelling units with not more than three lodgers or boarders per dwelling unit.

House, boarding house or tourist house: A dwelling unit arranged or used for lodging, with or without meals, by more than three lodgers or boarders.

Junkyard: Storage in the open of used items offered for sale. Also any lot with more than three unregistered and ungaraged automotive vehicles or parts thereof, except that open storage for sale of unregistered automotive vehicles by a licensed dealership is not a junkyard.

Kennel: The raising or keeping of more than three dogs on a lot.

Lot: A measured parcel of land having fixed boundaries and designated on a plot or survey, all as described in a current deed of record, including all conveyances of record thereto. (A conveyance is a deed transferring land from one lot to another.)

Lot line: A line dividing one lot from another, or from a street or public place.

Lot front line: (See also “Frontage” or “Street frontage”) the portion or portions of a lot line that lie on the line of a street. (2/11/87)

Lot side line: That portion of a lot line or lines which is not a lot front line. Includes lot rear line.

Manufacture: The production for sale of articles by standardized methods, primarily by means of stationary or self actuated power driven machinery.

Manufactured home: With the definition as per M.G.L. Chapter 140, section 32Q which reads “a structure, built in conformance to the National Manufactured Home Construction and Safety Standards Act, [HUD Standards: CFR 3280] which is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein and in conformance with MA state fire code. (Amended 5/03/1999)

Manufacture, small scale: Manufacture in which total production and assembly space is no more than 2,000 square feet.

Public way: A right-of-way that has been established by public authority as a Town or County Road, or State or Interstate Highway. (5/11/96)

Residence: A lot containing a house or manufactured home.

Riverbank: The upper bank boundary, defined as the mean annual flood level or the first observable break in the slope, whichever is lower, as specified in 310 CMR 10.5(2) (a & c).

Road: A right of way which has been prepared for vehicular traffic.

Satellite receiving system (includes dish antenna): An apparatus capable of receiving signals from a transmitter or transmitter relay located in planetary orbit.

Stable: Raising or keeping more than two horses on a lot for other than agricultural use.

Street: A road which is certified by the Town Clerk as a public way or which has been constructed as shown on an approved definitive plan of subdivision.

Street frontage: See "Frontage"

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, antenna mast, satellite receiving system, swimming pool, windmill, dam, or the like, including a part or parts thereof.

Use, accessory: A use which is subordinate or incidental to another use on the same lot.

Use, occasional: A use on a lot which is carried on no more than fourteen consecutive days and no more than thirty of days in all in any one year.

Use, principal: A use on a lot which is not accessory and is more than occasional. Where not otherwise indicated, the term 'use' in this By-Law shall mean 'principal use and uses accessory thereto'.

Use, variety: Two or more business uses combined in an integrated operation, e.g., grocery plus package store plus gasoline service. Possibly includes residential use by owners or proprietors.

Uses, compatible: Two or more uses on a lot such that no use interferes with, detracts from, or is inappropriate to any other use.

Uses, complimentary: Two or more uses on a lot which enhance each other or which fit together harmoniously and in such a way as to make it natural and appropriate that they be carried out on the same lot.

SECTION II. ZONING DISTRICTS

A. Types of Districts

The Town of Huntington is hereby divided into the following districts for the purposes of this By-Law: Residence 25, Residence 45, Residence 90, Residence 135, Business, Central Business, Industrial, Conservation, Aquifer Protection (5/17/86), Floodplain (5/9/88).

B. Location of Districts

The location and boundaries of the zoning districts are shown on the Zoning Map of Huntington, dated May 1985 (as amended 5/17/86 and 5/22/88), which shall be on file in the Office of the Town Clerk. The Zoning Map, with explanatory matter thereon, is hereby made part of this By-Law.

C. Interpretation of District Boundaries

1. For the purposes of determining district boundaries, the line of a right of way, street, railroad, or watercourse shall be the centerline.
2. District boundaries shown approximately parallel to the line of a right of way, street, railroad, waterway, or Town line shall be deemed parallel to said line at the distance indicated on the Zoning Map.
3. District boundaries which are defined by existing property or lot lines shall be fixed as of the date of their adoption, and unaffected by subsequent changes in such lines.

SECTION III. DIMENSIONAL REQUIREMENTS

A. General

1. Obstructions: No trees, fences, or other obstructions are allowed within street lines except mail and newspaper boxes.
2. Corner Clearance: Where street lines meet at an angle of less than 135° the intersection shall be kept clear to a distance of at least ten feet of anything which might impede the visibility of approaching vehicles.

3. Coverage Limit: Except for the central business district, no more than 25% of the area of a lot may be occupied by structures.
4. Setbacks: Setback requirements apply to swimming pools and all structures more than three feet high which are installed for more than thirty days in any one year, except for mail and newspaper boxes, flagpoles, lawn ornaments, lampposts, permitted signs, fences, and walls. In residential districts, fences and walls more than four feet high must have a front setback of at least ten feet.
5. Application: Except as provided in III A 4 above and in Section IV U below, dimensional requirements apply to all buildings and structures.

B. District Requirements (see Appendix A) (Numbering changed 5/13/1995)

1. The dimensional requirements for uses and structures in each district shall be as shown on Appendix A, except as otherwise provided in this Section.
2. Special permit for conversion of a single-family house to a two-family house on lots which do not meet dimensional requirements for two-family houses may be granted, provided that:
 - a. The house has been in existence, and has contained at least eight rooms ever since January 1, 1930,
 - b. The lot, in its present dimensions, has been in existence ever since June 30, 1974, and
 - c. The general requirements set forth in Section V B are met.

SECTION IV: USE REGULATIONS

See also Aquifer Protection District (Sec. IV L) Floodplain District (Sec. IVM), and River Protection District (Sec. IV P).

SECTION IV A: GENERAL

The following four categories are permitted in all districts.

IV A 1a Uses exempted from zoning regulations by MGL 40A, Sec. 3 and other State laws, to the extent of such exemption. Includes many agricultural, educational, public and religious uses.

IV A 1b Public uses under the authority of the Town of Huntington.

IV A 1c Non-commercial outdoor recreational uses.

IV A 1d Agricultural uses other than animal husbandry. (For which see S. IV G) Includes sale of agricultural goods the majority of which have been produced on premises by such uses.

The following three categories require special permit in all districts.

IV A 2a Any structure not a building (see definitions) and more than 25 feet high. For example: flagpole, antenna, wind mill.

IV A 2b Accessory scientific uses, as provided in MGL 40A, Sec.9.

IV A 2c Marijuana Establishments and Registered Marijuana Dispensaries (Medical Marijuana Treatment Centers [RMDs]). (Added 6/3/19)

The following two categories are prohibited in all districts.

IV A 3a Junkyard, commercial racetrack, radioactive waste disposal site, manufactured home park.

IV A 3b Any use which results in the production of noises, odors, or emissions which are unsuitable or inappropriate to the neighborhood.

SECTION IV B: RESIDENTIAL USES

All residential uses require two off-street parking spaces per dwelling unit except in the Central Business District, for which see Sec. IV F.

IV B 1a One single-family house. Permitted in all districts.

IV B 1b One two-family house. Requires special permit in all districts.

IV B 1c Multi-family house(s): for example, apartment building(s), condominium. Requires special permit in all districts.

IV B 1d Manufactured home. Requires special permit in residential districts. Prohibited elsewhere. Manufactured home installations must meet State health and building code standards as to sanitary facilities and permanent foundation (Includes so-called “tiny homes”). (Amended May 3, 1999; June 3, 2019) [MGL 40A Sec. 3 provides that the building inspector shall on request issue a temporary permit of no more than one year for a manufactured home to the owner of a residence which has been destroyed by fire or other disaster.]

IV B 1e Accessory Family Dwelling Unit: requires special permit in all districts. (See Sec. IV S) (Added May 3, 2004)

SECTION IV C: NON-RESIDENTIAL USES ON RESIDENTIAL LOTS

Category 1: No effect on the residential character of the neighborhood. The following two uses are permitted in all residences, provided conditions are met.

IV C 1a Any customary home occupation.

IV C 1b Pursuit of an occupation which is mainly carried on elsewhere.

Conditions for the above two uses:

- 1) No exterior indication of use, customers or clients may be received no more than occasionally. (See definition of occasional use.) (5/11/96)
- 2) No more than three non-residential vehicles may be parked regularly on the lot.
- 3) Employment of non-residents (2 maximum) shall not exceed a total of 35 hours a week.
- 4) All work and storage, including regular parking of non-residential vehicles, must be conducted within a building.

Category 2: Slight effect on the residential character of the neighborhood.

IV C 2a Renting space to lodgers, boarders, or tourists. Permitted in single and two-family houses only.

Conditions: No separate cooking facilities. No more than three persons accommodated per dwelling unit. One extra parking space for each room offered for rent. No non-resident employees. Sign permitted (see IV I).

IV C 2b Sale of foodstuffs cooked, baked, or otherwise prepared on premises for off-premises consumption.

Permitted on single- family residential lots only. See conditions below.

IV C 2c Professional services, except barbershop, beauty shop, medical or health services, veterinarian. Includes attorney broker, architect, consultant, computer services, and the like. Permitted on single-family residential lots only. See conditions below.

IV C 2d Dressmaker; alteration, maintenance, or renovation of consumer goods, for example upholstery, furniture refinishing; repair of appliances, including lawnmowers, chainsaws, and snowblowers. Permitted on single family residential lots only. See conditions below.

Conditions for the above three uses (IV C 2b, 2c, & 2d).

- 1) No more than three non-residential vehicles may be parked regularly on the lot.
- 2) Employment of non-residents (2 maximum) shall not exceed a total of 35 hrs/wk.
- 3) No exterior indication of use except for permitted sign. (see IV I).
- 4) No exterior display of merchandise.
- 5) Two extra parking spaces shall be provided, plus a third extra space if there is employment of non-resident(s).
- 6) All work and storage, including regular parking of non-residential vehicles, must be conducted within a building.

Category 3: Moderate effect on the residential character of the neighborhood. The following four uses require special permit in all districts and are restricted to single family residential lots only. See below for conditions.

IV C 3a Gift shop, antique shop, bookstore, art gallery.

IV C 3b Medical or health services, barber shop, beauty shop, veterinarian, day care center.

IV C 3c Sale of handicraft items or fine art produced or restored on the premises by residents. For example, woodwork, metal work, leatherwork, clothwork, jewelry, pottery, ceramics, and furniture, but not manufactured items.

IV C 3d Professional services which employ non-residents.

Conditions for the above four uses:

- 1) No exterior indication of use except for permitted sign. (see IV I).
- 2) No more than two full time (or equivalent part time) non-resident employees. Three extra parking spaces, plus one for each full-time (or equivalent part time) employee, unless otherwise provided by the SPGA.
- 3) All work and storage, including regular parking of non-residential vehicles, must be conducted within a building.
- 4) Required findings for special permit (in addition to those set forth elsewhere): The non-residential use must be complementary to the residential use and not inappropriate to the neighborhood. In making its findings, the SPGA shall take into account the size, character, and number of buildings to be employed in the proposed use, or if within a residence the amount of space to be used; the nature of the goods or services sold or offered; the suitability of the use for the neighborhood; the intensity of the use in relation to that generally prevailing in the neighborhood; and the availability of adequate off-street parking (may be waived in the Central Business District.)

SECTION IV D: NON-RESIDENTIAL USES ON LOTS NOT ALSO USED FOR RESIDENCE

For the four following categories, if there are three (3) or less full-time (or equivalent part time) employees, special permit is required in residential districts and the use is permitted without special permit in all other districts. A special permit is required in all districts if there are four (4) or more full-time (or equivalent part-time) employees. See Sect. IV H for off-street parking requirements and IV I for permitted signs. (ATM 05/01/2006)

IV D 1a Any office, retail business, trade, bank, or non-professional service establishment except those covered under IV D 3d, 3e, 3f, & 3g.

IV D 1b Any professional service, including but not limited to medical and health offices, barber or beauty shop, veterinarian, attorney, broker, architect, consultant, computer services.

IV D 1c Dressmaker, repair, alteration, maintenance or renovation of consumer goods, including but not limited to furniture refinishing, upholstery, repair of appliances including lawnmowers, chainsaws, and snow blowers.

IV D 1d Production or restoration, for on or off premises, sale, of handicraft or art items, including but not limited to wood work, metalwork, clothwork, jewelry-work, pottery, ceramics, handcrafted furniture. Does not include manufactured items.

IV D 1e Commercial telephone facility.

For the five following categories, special permit is required in all districts. See Sec. IV H for off-street parking requirements and IV I for permitted signs.

IV D 2a Restaurant, motel, inn, resort, hotel, cafe, bar, boarding house. These uses may be combined with single-family residential use by owners or employees, via special permit. A required finding for such permit (in addition to those under V B) is that the uses would be complementary. Special permit under this category shall contain provisions for adequate off- street parking (may be waived for central business district.)

IV D 2b Utility use except telephone; power facility except hydroelectric; railroad or bus station.

IV D 2c Schools (including nursery) not exempted under IV A 1a; day care center retirement home, medical or health care facility such as hospital, sanitarium, clinic, nursing home.

IV D 2d Camp for children or adults, camping area, cemetery, marina, zoo, any outdoor recreational or amusement facility which charges a fee for admission or use.

IV D 2e Private club or association, place of assembly, any indoor amusement, recreational, or educational facility not exempt under IV A 1a.

For the following category, the use is prohibited in residential districts, permitted in business and industrial districts, and requires special permit in the central business district.

IV D 3a Production for on or off premises sale of items other than handicraft, fine arts, or manufacturing, with no more than four full-time (or equivalent part time) employees.

The following categories are prohibited in residential districts and require special permit elsewhere.

IV D 3b Same as IV D 3a, but with more than four full-time (or equivalent part time) employees.

IV D 3c Small scale manufacturing (see definitions).

IV D 3d Any automotive sales, service, or repair. Includes body shop, sales, service or repair of trucks, tractors, motorcycles, trail bikes, snowmobiles, powerboats, and outboard motors.

IV D 3e Sales, service, or repair of firearms, ammunition, or explosives.

IV D 3f Variety use (see definitions). The special permit shall state explicitly which uses are allowed without further special permit. The provisions of IV E and V B shall apply.

IV D 3g Multiple non-residential use with more than one proprietor or tenant on a lot, e.g. office building, shopping center. The special permit shall state explicitly the uses and categories of uses and the maximum number of uses allowed without further special permit. The special permit may provide for a combination of residential and non-residential uses: for example an apartment building with a storefront on the ground floor. Uses under this category which are exempted under MGL 40A, Sec. 6 (preexisting non-conforming uses) nevertheless require special permit for substantial extension or alteration of use, for example an increased number or units or uses, or initiating a use, which ordinarily require special permit.

IV D 3h Lumber yard. Sale of feed or fuel. (amended 5/13/1995)

The following four categories require special permit in industrial districts and are prohibited in all other districts. A required condition is that there shall be no adverse effect on existing or expectable uses on adjacent lots.

IV D 4a Any manufacturing, warehouse, or service use not covered under IV D 3a-3h or prohibited elsewhere in this By-Law. Includes processing, fabrication, assembly and storage. A required condition is that there shall be no adverse effect on existing or expectable uses on adjacent lots.

IV D 4b Permanent sawmill. A required condition is that there shall be no adverse effect on existing or expected uses on adjacent lots.

IV D 4c Self-Service Storage Facility. Requires special permit in Industrial District. Self-Service Storage Facilities are prohibited in all other districts. See Section IV U for further requirements.

IV D 4d Independent Marijuana Testing Laboratories and Marijuana Research Facilities. Requires special permit in Industrial District. Independent Marijuana Testing Laboratories and Marijuana Research Facilities are prohibited in all other districts. See Section IV.V: Adult Use Marijuana, Section V: Special Permits and Section VII: Site Plan Review for further requirements. (Added 6/3/19)

IV D 5a Portable sawmill. Requires special permit in residential districts, prohibited in all other districts. Special permit may be issued for no more than one year and no more than once in any ten-year period. Only lumber cut from the lot or abutting lots may be processed. Sawmill must be operated at least 500 feet from any dwelling unit of an abutter, or more if the SPGA so provides.

IV D 5b Hydroelectric power facility. Requires special permit in all districts.

SECTION IV E: MULTIPLE USES ON A LOT

1. More than one use on a lot in a business, central business, or industrial district is permitted via special permit if requirements are met, and provided that the uses are separately permitted or permitted under special permit in the district. The required findings, in addition to those set forth in V B and elsewhere in this By-Law, are that the uses are compatible with each other and do not involve an intensity of use inappropriate to the neighborhood or the lot. Where dimensional requirements for the proposed uses differ, the more restrictive dimension(s) shall apply.
2. Any substantial change in an existing conforming multiple use for which special permit has been granted requires another special permit. Required findings shall be as in IV E 1 above.
3. Multiple uses in residential districts are permitted only as specifically provided elsewhere in this By-Law.

SECTION IV F: CENTRAL BUSINESS DISTRICT.

1. In the central business district all construction, reconstruction, or exterior alteration of buildings requires a special permit, except for alterations to single-family houses, which require only a building permit. Interior alterations do not require special permit.(Last sentence added May 13, 1995)
2. In considering applications for special permit in the central business district, the SPGA shall take into account the following factors in addition to those set forth in V B and elsewhere:
 - a. The effect of the proposed structure or use on the development of the district.
 - b. The compatibility of the proposed structure or use with adjacent structures and uses.
 - c. The availability of adequate on or off street parking space for the proposed use. (See V H for the authority of the SPGA to waive off-street parking requirements.)

SECTION IV G: ANIMAL HUSBANDRY

1. Special permit is required for all non-agricultural animal husbandry (e.g., kennel, stable, mink farm), and one or two horses kept on lots of less than one acre.
2. On lots of five acres or more, agricultural animal husbandry is allowed without special permit.
3. On lots of less than five acres:
 - a. Agricultural animal husbandry where the majority of the animals are raised or kept for commercial purposes requires a Special Permit, with a finding by the SPGA that the proposed use would not endanger public health, be detrimental to the neighborhood, or create a nuisance.
 - b. Agricultural animal husbandry where the majority of the animals are not raised or kept for commercial purposes is allowed without special permit in all districts except business, central business, and industrial, where special permit is required.

SECTION IV H: OFF-STREET PARKING

1. The following regulations apply to uses for which off-street parking regulations are not provided in the Table of Use Requirements (IV A-D).
 - a. Uses which sell, dispense, or provide goods or services on the premises shall provide a parking area not less than twice the total floor area devoted to the service of customers or clients, except that at least three parking spaces plus one for each full-time (or equivalent part-time) employee shall be provided.
 - b. Non-residential uses which do not sell, dispense, or provide goods or services on the premises shall provide parking spaces not less in number than one and a half times the maximum number of persons employed or otherwise regularly occupied on the premises simultaneously.
2. Where more than three parking spaces are required on a lot, an access lane shall be provided to the parking area, which shall otherwise bounded by a curb or other barrier.
3. The minimum size for a parking space shall be 9 x 12 feet.
4. In granting special permit for any use, the SPGA may require off-street parking spaces, standards, or conditions in addition to those set forth in this By-Law, if it deems these needed for the use.
5. In granting special permit for uses in the central business district, the SPGA may waive off-street parking requirements in those cases where it seems their application to be unfeasible and not in the public interest.

SECTION IV I: SIGNS. (5/11/96; Amended 6/4/2018)

1. This section pertains to sign uses on a lot which may be allowed by Special Permit. It does not pertain to signs protected by Federal or State law. Signs shall be flat, not flashing and non-rotating. On premises signs may be illuminated from the top or bottom, but lighting shall not spill over to abutting lots.
2. A reasonable number of direction signs of no more than four square feet on each face may be placed off-premises with the permission of the owner of the parcel the sign is on. All other signs shall pertain to uses on the lot on which the sign is placed.
3. No signs or illumination of signs that are a hazard or impediment to pedestrians or vehicular traffic shall be installed or maintained.
4. Special Permit shall contain provisions for signs appropriate to the neighborhood and the use. Including, but not limited to the following standards, or where a special permit has not set standards, they are as follows:

- a. Signs for residential use shall consist of a nameplate of no more than two square feet per face affixed to a mailbox or a building. Home occupations under IV C 1a and 1b above may also be indicated on this sign, which in that case may be no more than four square feet per face.
 - b. Non-residential uses other than home occupations under IV 1a and 1b are permitted one sign, which may be free standing or affixed to a building. The sign shall not exceed six square feet per face in residential, aquifer protection and river protection districts, and sixteen square feet per face elsewhere.
 - c. Signs unattached to buildings shall be no more than four feet high. Signs affixed to buildings shall be no higher than the building at any point. Neon signs are prohibited with the exception of one "Open" sign inside of a window or door. No sign, neon or otherwise, shall have flashing, blinking, or any otherwise moving elements.
 - d. Signs that do not conform to the provisions of a., b., or c. above, require a Special Permit from the ZBA or Huntington Site Plan Review Authority (HSPRA) as provided in these Bylaws, issued by the affirmative vote of all three members (or alternates) after a Public Hearing of which notice has been given by regular mail at least ten days in advance to all those owning property within 300 feet of the sign, notwithstanding roads, streets or ways. Such permit shall be granted only if in the judgement of the ZBA or HSPRA, the proposed sign or signs are appropriate to the use and the character of the neighborhood.
5. In granting permits or Special Permits for signs on or within 300 feet of the Jacob's Ladder Trail Scenic Byway (Route #20), or any other designated scenic byway or historic district, the ZBA or HSPRA shall set such reasonable conditions as it deems needed to preserve and enhance the traditional, scenic and aesthetic values associated with any designated scenic byways or historic districts.
 6. Commercial or use signs not provided for above are prohibited.

SECTION IV J: EARTH REMOVAL (includes gravel extraction and/or gravel pits) (amended May 14, 2001; June 3, 2019)

I. Purpose - To protect the safety, health and well being of the citizens of the Town of Huntington by regulating earth disturbance, either commercial, public or private.

II. Intent - To eliminate or minimize harmful soil erosion and sedimentation caused by activities and operations which result in land disturbance in the Town of Huntington. Cultivation of land for agricultural use is exempt from the provisions of this bylaw. Silviculture performed according to a plan approved under the Forest Cutting Practices Act (M.G.L. Ch.132, sec.40-46) is also exempt from these provisions.

III. Definitions

Earth Removal Operations: The processing and/or removal of sand, gravel, clay, mineral deposits, quarried stone or sod, or any action that causes the alteration of earth, sand, rock, gravel, vegetation, or similar material, on land not covered under another permit, within the legal limits of the Town of Huntington. Earth Removal Operations shall include all land impacted by the operation (e.g.: pits, fill or storage piles, access ways and/or structures). Topsoil and/or loam are not to be included as acceptable commercial products for earth removal operations and must remain on site.

Erosion: The process by which the ground surface is worn by natural forces such as wind, water, ice, gravity, or by artificial means.

Fill: 1. Soil, earth, sand, gravel, rock, or other similar material which is deposited, placed, pushed, pulled, or transported, and includes the conditions that result from that act. *Note:* Construction waste such as asphalt or rubble is not permitted as fill for the purpose of this bylaw.

2. Any act by which soil, earth, sand, gravel, rock, or other similar material is deposited, placed, pushed, pulled, or transported.

Overburden: Compostable vegetation, leaf mold, humus, subsoil and any other organic material to a depth of eleven inches.

Reclamation: The process of grading and restoring soil and vegetation to a disturbed area.

Sediment: Organic material or minerals transported or deposited into any body of water, by the movement of wind, water, ice, gravity, or by artificial means.

Slope: An area that is more or less steep, as measured by vertical rise over a horizontal distance, expressed as a percentage or ratio. For example, a rise of ten feet over thirty horizontal feet is a slope of 33% or a ratio of one to three.

Test Dig: Any removal of earth with the intention of determining its composition and/or market value.

IV. Exceptions - Exceptions to this bylaw are as follows:

- A. Agriculture or forestry (sec. II).
- B. Excavation for Title V (septic system) compliance, building sites, sidewalks, driveways or roads if approved under Town of Huntington Subdivision Control Regulations.
- C. Removal of less than 12 cubic yards of earth in a calendar year in the course of normal gardening or landscaping, not including test digs.

V. Test Digs - Dimensions of test digs shall be such that a fifty pound sample can be obtained at depths specified by an engineer. In no case shall the depth of the pit be more than twelve feet (Mass Highway Dept. Standard Specifications 190.73). No test pit shall exceed 12 cubic yards of total earth disturbance.

Anyone proposing to do test dig(s) shall file a Test Dig Notification Form with the Planning Board, at least 14 days prior to the proposed dig. Notification Forms will be made available from the town's Administrative Assistant. The Notification Form shall contain the signature(s), name(s) and address(es) of the applicant(s), the legal owner(s) of the property, and corporate officers, if different. Any Notification Form shall be submitted to the Planning Board by certified mail or hand delivery. The Notification Form shall include a non-refundable filing fee of \$50.00, payable to the Town of Huntington. A Notification Form shall not be considered complete unless the filing fee is included. Upon receipt of the Notification Form, the Planning Board shall arrange a pre-dig site inspection. The applicant will be notified in advance of the time of inspection and will be encouraged to participate in that inspection. Upon completion of the dig(s), the applicant shall notify the Planning Board, who shall schedule a post-dig inspection to determine site condition. (Amended May 5, 1999)

Following the completion of the post-dig inspection, the Planning Board shall provide the applicant, the Conservation Commission and the Zoning Board with a statement of their findings. Any further digging will require a new application process. The applicant shall have a period of six months to file a Special Permit Application, or to reclaim the site. In the event that the Special Permit Application is denied, the applicant shall reclaim the site within six months.

VI. Special Permit Application Requirements - In addition to the general conditions and procedures established in Section V.B. of the Zoning Bylaw for all special permits, the following requirements and procedures shall apply:

All earth removal operations, other than test digs, of 12 cubic yards or more per year, are permitted within the Town of Huntington, with a special permit issued by the Special Permit Granting Authority (SPGA). That permit shall be effective for a period of up to five years. All permits for earth removal operations shall be limited to five acres of disturbance (including abutting parcels in common ownership). (Last sentence amended 6/3/19)

The SPGA for earth removal shall be the Zoning Board. The applicant shall submit six complete sets of documents to the SPGA.

Applications for a special permit shall provide a description of the area and of the proposed activity including, at a minimum, the information specified below. Plans shall be drawn by a registered environmental engineer or other qualified professional and shall show compliance with accepted procedures and standards for erosion and sedimentation control. The applicant shall submit any additional information requested by the SPGA during review of the application. Additional information may include studies such as geological soundings to determine level and drainage patterns of underlying bedrock. The SPGA may reschedule or adjourn a public hearing in order to provide time for the applicant to submit such additional information. Credible anecdotal evidence of the presence of an endangered or threatened species and/or archeologically or historically significant features may require study by appropriate consultants. The results of these studies may be considered in the approval process and the SPGA may stipulate protective measures.

The application shall include the following:

- A. Locus map including legend and north arrow.

- B. Plans of appropriate scale including.
1. Location of proposed work area in relation to parcel boundaries.
 2. Abutters and abutters to abutters on all sides.
 3. Existing streets, roads and ways, public and private.
 4. Main topographical features of the parcel and surrounding area.
 5. Existing vegetation characteristics within 300 feet of proposed work area.
 6. Wetland areas, including perennial and intermittent streams, rivers, lakes, swamps, vernal pools and ponds within 200 feet of proposed work area (any proposed excavation within wetland resource areas or buffer zones shall require submission of plans to the Conservation Commission according to provisions of MGL Ch.131, Sec.40, The Wetlands Protection Act).
 7. Delineation of the 100-year flood plain.
- C. Plans at a scale of one inch equals forty feet, showing existing conditions in the proposed work area, including
1. Delineation of total land area to be disturbed.
 2. Contours showing existing elevations at two foot intervals.
 3. General vegetation characteristics within 300 feet of proposed work area.
 4. Delineation of wetland areas, including perennial and intermittent streams, rivers, lakes, swamps, vernal pools and ponds within 200 feet of proposed work area.
 5. Streets, roads and ways, public and private.
 6. Level of the estimated seasonal high water table using the definition set forth in 310 CMR 15.00, Title V of the State Sanitary Code. The elevation of the estimated seasonal high water table as established from test pits and the levels related to permanent bench mark monuments which shall be set on the property.
- D. Plans at a scale of one-inch equals forty feet, showing proposed work. These plans shall be shown on an overlay. The plans shall include:
1. Contours showing finished elevations at two-foot intervals.
 2. Buildings, access ways and parking areas to be constructed.
 3. Temporary and permanent erosion and sediment control measures, including drainage systems.
 4. Temporary and permanent seeding and other vegetative controls.
- E. Plans at a scale of one-inch equals forty feet, showing reclamation. These plans shall be shown on an overlay. The plans shall include:
1. Contours showing finished elevations at two-foot intervals.
 2. Disposition of buildings, equipment or other fixtures and access ways.
 3. Erosion and sediment control measures, including drainage systems.
 4. Seeding and other vegetative controls.
- F. A performance bond shall be required in an amount equal to a documented, verifiable estimate of cost to reclaim work site according to the site plan submitted. The estimate shall include an adjustment for projected inflation or other predictable factors, as determined by the SPGA, over the term of the permit plus one year. Funds received by the SPGA for this purpose shall be managed as in VI.G.3. of this bylaw and shall be expended and/or returned to the applicant according to any applicable terms of this bylaw. Status of this bond shall be certified in writing to the SPGA annually.
- G. As allowed under MGL Ch.44, sec.53G:
1. When reviewing an application for, or when conducting inspections in relation to a permit, the SPGA may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of the project's potential impacts, or because the Town of Huntington lacks the necessary expertise to perform the work related to the permit. The SPGA may require the applicants to pay a "project review fee" consisting of the reasonable costs incurred by the SPGA for the employment of outside consultants, engaged by the SPGA, to assist in the review of a proposed project.
 2. In hiring outside consultants, the SPGA may engage engineers, planners, lawyers, urban designers, or other appropriate professionals, who can assist the board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the SPGA's decision or regulations, or inspecting a project during construction or implementation.

3. Funds, received by the SPGA pursuant to this section, shall be deposited with the municipal treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the SPGA, without further appropriation. Expenditures from this special account shall be made only for the services rendered in connection with a specific project or projects, for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of the applicant to pay a review fee shall be grounds for denial of the application or permit.
4. At the completion of the SPGA's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the SPGA with documentation establishing such a succession in interest.
5. Any applicant may take an administrative appeal from the selection of an outside consultant to the Selectboard. Such an appeal must be made in writing and may be taken only within 20 days after the SPGA has mailed or hand-delivered notice to the applicant of the selection. 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 of either 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 limit for action upon an application by the SPGA shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectboard within one month following the filing of the appeal, the selection made by the SPGA shall stand. (Zoning Board of Appeals Operational Standards)

H. All documents shall be reviewed by the SPGA, followed by an on-site inspection prior to initial public hearing. The applicant and/or property owner shall be notified and their presence, at the inspection, encouraged.

VII. Required Recommendations - No special permit shall be issued without a recommendation any more than thirty days following the public hearing, from the Planning Board and the Conservation Commission. The SPGA may require recommendations from other authorities that they deem appropriate. Failure of these authorities to submit recommendations within thirty (30) days shall constitute no objection to the terms of the application. (Last sentence changed 5/5/1999)

VIII. Minimum Standards - The following minimum operation standards, plus any other(s) that the SPGA deems necessary, shall be attached to the Special Permit Application and shall become requirements for the continuation of any earth removal operation within the Town of Huntington:

- A. No earth removal operation shall be closer than 250 feet to any public road, street or way, nor any closer than 250 feet to the nearest property line before, during or after excavation, measured in a straight, level line from the thoroughfare or property line to the site of the earth removal. This buffer shall be left in its natural state except for a reasonable access way. Access ways shall be constructed in such a way as to not disrupt drainage or cause unreasonable environmental damage. Exceptions may be made in the case of reclamation, where the minimum final setback, after grading, may be as little as 100 feet from streets, roads, ways or property lines. (Amended May 5,1999)
- B. No equipment for earth removal and/or processing shall be closer than 250 feet to any public road, street or way or to any abutting property line.
- C. Before granting approval, the SPGA shall find that the proposed operation will be in harmony with the purpose of this bylaw and will not be injurious or dangerous to public health; will not produce noise, dust or other effects observable from adjacent property in amounts sufficient to be a nuisance to normal day-to-day use of the adjacent property. Proposed work will not result in changes which are disadvantageous to the appropriate future use of the land on which the operation is conducted. No digging shall be allowed within 10 feet above ground water, at seasonal high water table, as defined under VI.C.6 of Section IV J: Earth Removal. Work shall not have an adverse effect on the water supply, health, or safety of persons living in the neighborhood or on the useful social purposes of abutting land. (Last sentence added May 11, 2001; Amended 6/3/19)
- D. No applications shall be approved on parcels with pre-existing violations or that are under litigation.

- E. No permit for earth removal shall be issued if such removal will result in traffic hazards in residential areas or congestion or physical damage to streets, roads or ways.
- F. The SPGA may require a treed "buffer" or fencing, where applicable.
- G. Overburden shall be stripped to a depth of eleven inches, with topsoil and subsoil stored separately on site, and seeded to prevent erosion for use in the restoration of the site. A minimum of three feet of natural till shall be left undisturbed above bedrock.
- H. All areas of excavation and access to earth removal operations shall be clearly marked with legally posted no trespassing signs. Areas of steep slope or grade, as judged by the SPGA, shall additionally be fenced and clearly marked "DANGER- KEEP OUT".
- I. No excavation shall be larger than five (5) acres for earth removal, storage and/or processing at one time. (Amended May 5, 1999)
- J. If, in the course of operation, evidence of an endangered or threatened species, its habitat or a historically or archeologically significant feature is discovered, operation in that area shall cease until a determination can be made on how to proceed.
- K. The SPGA shall determine hours of operation based on location and neighborhood characteristics. Hours of operation shall not exceed 7 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 2 p.m. on Saturday.
- L. Parking shall be restricted to areas designated in sec. VI.D.2 of this bylaw or as approved.
- M. Unless the alteration of drainage patterns is specifically approved, the land shall be left so that natural drainage shall leave the property at its original points during all stages of operation; and so that changes in peak flow are minimized. There shall be no resultant standing water unless the formation of a pond is permitted in writing by the Planning Board, the Conservation Commission and the SPGA.
- N. The use of explosives shall not be permitted without at least 14 days' notice. (Amended 6/3/19) A notice of intent shall be publicly posted and abutters and the SPGA shall be notified by certified mail at least 14 days prior to proposed use. Said use shall be done in accordance with regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts (MGL Ch. 148, sec. 9).

IX. Reclamation - Immediately following the expiration or withdrawal of a permit, or upon voluntary cessation of operations, or on completion of removal on a substantial area, that entire area shall be reclaimed according to the following conditions. Reclamation must be consistent with existing municipal plans at the time that the permit is granted. All reasonable efforts should be made to be consistent with municipal plans that are in existence at the time of reclamation regardless of whether they existed at the time the permit was granted.

- A. Written notice may be filed with the SPGA, six months prior to cessation of operation, for monitoring of reclamation, to initiate bond return. Bond shall not be returned until certified reclamation has been completed and one full growing season or one year has passed, demonstrating satisfactory results, as judged by the SPGA.
- B. Reclamation must be carried out in a manner that is consistent with plans approved by the SPGA in VI.E. The following conditions shall also be applied:
 - 1. Site shall be graded so that no slope exceeds one foot vertical rise in two horizontal feet (one to three preferred) or as approved by the SPGA in VI.E. Grading shall be carried out in a manner that eliminates threats to public safety and leaves the site with drainage patterns substantially unchanged.
 - 2. All boulders larger than one-half cubic yard shall be removed or buried.
 - 3. A minimum of three feet of undisturbed natural till shall be retained between level of reclamation and bedrock/ledge.
 - 4. Overburden shall be spread with subsoil a minimum of seven inches deep and topsoil a minimum of four inches deep.
 - 5. The area shall be seeded with a grass mix suitable to prevent erosion (hydro-seeding is preferred), such as:
 - a. Switch grass and redtop grass mixture at a rate of twenty pounds switch and two pounds of redtop per acre or
 - b. Tall fescue and perennial rye grass mixture at a rate of forty pounds of tall fescue to fifteen pounds perennial rye per acre or
 - c. A "Soil Conservation Mix" blended to control soil erosion spread at 100 lbs. per acre or as recommended or
 - d. Other erosion control measures as approved by the SPGA.

6. Stumpage and “slash” shall be removed or converted to wood chip mulch (limited slash piles for wildlife habitat may be acceptable as approved by the SPGA).
7. Additional plantings of shrubbery and/or trees may be required by the SPGA either to control erosion or to screen the site from roads, streets, ways or private property.
8. All access ways, buildings and/or fixtures as per V.I.E.2. shall be removed unless otherwise exempted by the SPGA.
9. In the event that an earth removal operation is abandoned, after a period of six months, the Town of Huntington shall be empowered to use the performance bond to reclaim the site. If the site presents a public danger, the reclamation may be expedited at the discretion of the SPGA.

X. Existing Operations -- Operations under permit as of the adoption of this bylaw, shall have the right to continue under the terms of that permit until its expiration. The permit for any legally existing gravel operation may be renewed for up to 5 years, using the plans submitted for the active permit, provided that the application for renewal remains in the footprint of the work area originally agreed upon and the rate of removal or traffic flow will not be substantially increased. The amount of the performance bond may be adjusted to reflect the current cost of reclamation and the SPGA may change previously attached conditions to reflect changes to the neighborhood character and infrastructure.

Existing operations which have never been required to hold a permit will be exempt from the terms of this bylaw so long as they continue to be operated at a volume consistent with their operational history. Functional cessation of operation for a period of twenty-four months or longer, unless consistent with operational history, or a measurable sustained increase in volume of operation shall invalidate the exemption and the operation shall be subject to the permitting process outlined herein.

XI. Renewal

- A. Any earth removal permit shall be in force for a period of no more than five years and shall apply to only the worked area (five acre maximum) identified in the application site plan. Any extensions beyond five years or expansion beyond the Special Permit Granting Authority (SPGA) -approved site shall require the permittee to submit a new application for a special permit. A special permit may be issued only after a public hearing and a finding by the SPGA that the proposed use complies with the general provisions set forth in Section V: SPECIAL PERMITS of this By-Law and Section IV J: EARTH REMOVAL of this By-Law. Renewals of permits for any reason will be subject to any new standards that have become applicable during the term of the original permit. (Amended May 3, 2004)
- B. An operator may file an application for renewal with the SPGA six months prior to the expiration of an active permit to allow for identification and remediation of noncompliance.
- C. Noncompliance with any portion of the expiring permit, or of any other permits granted by the Town of Huntington, violations of any state or federal laws, or of town bylaws or regulations shall be grounds for denying any further permit(s). (Amended May 5, 1999)

XII: Enforcement/Noncompliance – Any earth removal operation found to be in violation of this bylaw shall be subject to a fine not to exceed \$300.00 per violation per day and suspension of permit until proof of compliance is submitted. In the case of persistent noncompliance, the permit may be revoked and immediate restoration of the site may be required. The town may restore the site, using the owner’s performance bond if the demands are not met within a reasonable time as judged by the SPGA. Violations may be determined in the course of normal inspections carried out by the SPGA or as a result of a complaint filed in writing with the SPGA and found to be factual by the Zoning Enforcement Officer. (Amended May 5, 1999)

XIII. Severance - If any part of this bylaw is found not to be legal, the rest shall remain intact.

SECTION IV K: COMMON DRIVEWAYS.

- A. **Permits**- A special permit is required for construction and/or use of a common driveway. The Special Permit Granting Authority for all common driveways shall be the Planning Board.
- B. **Limitations**- No special permit shall be issued for a common driveway that proposes to provide access onto more than two lots. (ATM 5/03/93). A common driveway shall have, in all respects except the number of lots

it provides access to, the same legal status as any other driveway. The Town of Huntington accepts no liability or maintenance responsibility.

- C. Prohibition-** Each lot served by a common driveway shall have sufficient frontage on a public way or a way that has been approved as a subdivision road to satisfy the frontage requirements for the district in which it resides. All common driveway curb-cuts shall be subject to approval by the Selectboard under the General By-laws, Ch.40 and 40-A.
- D. Existing Common Driveways-** Any common driveway in existence and use at the time of adoption of this amendment will not be subject to these conditions, except that no driveway may be considered as frontage to satisfy zoning dimensional requirements (MGL Ch.41, Sec.81N). Such pre-existing common driveways may not be changed unless such expansion, extension, or change is not substantially more detrimental to the neighborhood than the existing driveway, as determined by the Planning Board.
- E. Design and Construction Standards -** The Planning Board may adopt regulations establishing design standards for common driveways. In the process of adopting such regulations, the Planning Board shall consult with the Selectboard. The maximum length of any common driveway shall not exceed 500 feet, unless in the opinion of the special permit granting authority, topography or other local conditions necessitate a greater length. (ATM 5/02/2005, Numbering/Formatting amended 4/24/19)

SECTION IV L: AQUIFER PROTECTION DISTRICT (RESIDENTIAL ADP)

(Established May 19, 1986; also Map, same dates - amended 12/12/2001)

- A. Purpose of District

To promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater resources of the Town of Huntington and the region from any use of land or buildings which may reduce the quality and quantity of its water resources.
- B. District Delineation
 1. The Aquifer Protection District is herein established to include all lands within the Town of Huntington, lying within delineated Zone II areas of public water supply wells and designated Interim Wellhead Protection Areas for all public water supplies which now or may in the future provide public water supply for town residents. The map entitled, "Aquifer Protection District", Town of Huntington, prepared by Pioneer Valley Planning Commission March 2001, on file with the Town Clerk, delineates the boundaries of the district. (ATM 5/7/2007)
 2. Where the bounds delineated are in doubt or in dispute, during the permit application process, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s) the Town may engage a professional hydrogeologist to determine more accurately the location and extent of a primary aquifer recharge area, and may charge the owner(s) for all or part of the cost of the investigation.
- C. Permitted Uses

The following uses are permitted within the Aquifer Protection District, provided that they comply with all applicable restrictions in this bylaw, including but not limited to the Performance Standards in Section IV. L.E.:

 1. Single family residences;
 2. Residential accessory uses, including garages, driveways, private roads, utility rights of way, and onsite wastewater disposal systems;
 3. Agricultural uses such as farming, grazing and horticulture to those parcels with an area of five acres or more
 4. Forestry and nursery uses;
 5. Outdoor recreational uses, including fishing, boating, and play areas;
 6. Conservation of water, plants, and wildlife; wildlife management areas;
 7. Day care centers, day care homes, and school age child care programs;
 8. Structures for educational or religious purposes;
 9. Maintenance and repair of any existing structure, provided that there is no increase in impervious surfaces.
 10. Land uses which result in the rendering impervious of no more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater.

D. Prohibited Uses

Within the Aquifer Protection District, the following uses are prohibited:

1. Any earth removal requiring special permit under Section IV J.
2. Facilities that generate, treat, store, or dispose of hazardous wastes, except for the following:
 - a. Very small quantity generators of hazardous waste, as defined by 310 CMR 30.00 as amended;
 - b. Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390 as amended;
 - c. Waste oil retention facilities required by M.G.L. C.21, §52A, and;
 - d. Treatment works for the remediation of contaminated water supplies, which are approved by Massachusetts Department of Environmental Protection and designed in accordance with 314 CMR 5.00 as amended.
3. Business or industrial uses, not agricultural, which dispose of process wastewater on-site;
4. Petroleum, fuel oil and heating oil bulk stations and terminals, commercial fuel oil storage and sales;
5. Solid waste combustion facilities and landfills, dumps, auto recycling, auto graveyards, junk and salvage yards, landfilling or storage of sludge and seepage, with the exception of the disposal of brush or stumps;
6. Storage of liquid petroleum products, except for the following storage which is incidental to:
 - a. normal household use, outdoor maintenance, or the heating of a structure;
 - b. emergency generators required by statute, rule or regulation;
 - c. waste oil retention facilities required by statute, rule, or regulations;
 - d. treatment works approved by the Massachusetts Department of Environmental Protection designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
 - e. provided that storage, listed in items a-d above, shall be in a free standing, above ground container within a structure or within the basement of a structure, with secondary containment designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater. The storage tank and piping must comply with all applicable provisions of 527 CMR 9.00 Massachusetts Board of Fire Prevention regulations.
7. Replacement of all storage tanks for liquid petroleum products must be above ground, in accordance with Section IV.L.D.6.e. above.
8. Outdoor storage of salt, de-icing materials, pesticides or herbicides; dumping or disposal of any hazardous material or hazardous waste on the ground, in water bodies, in septic systems or in other drainage system. This shall include the use of septic system cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane.
9. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Aquifer Protection District that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;
10. Wastewater treatment works subject to a groundwater discharge permit under 314 CMR 5.00 except the following:
 - a. the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
 - b. treatment works designed for the treatment of contaminated ground or surface waters subject to 314 CMR 5.00.

E. Performance Standards

All uses, whether allowed by Special Permit or by right, must meet the performance standards herein:

1. Sodium chloride for ice control shall be used at the minimum salt to sand ratio which is consistent with the public highway safety requirements, and its use shall be eliminated on roads which may be closed to the public in winter.
2. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads shall be covered and located in a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.
3. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials shall be used in

accordance with the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30, 31), as amended, with manufacturer's label instructions and all other necessary precautions to minimize adverse impacts on surface and groundwater.

4. The storage of commercial fertilizers and soil conditioners shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.
5. Animal manure storage areas shall be covered and/or contained to prevent the generation and escape of contaminated run-off or leachate.
6. All hazardous materials, as defined in M.G.L. Chapter 21E, must be stored either in a free standing container within a building, or in a free standing container above ground level with protection to contain a spill the size of the container's total storage capacity.
7. Run-off impervious surface shall be recharged on the site by stormwater infiltration basins or similar systems covered with natural vegetation. Such run-off shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are infeasible. All such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. All recharge areas shall be permanently maintained in full working order by the owner(s). Infiltration systems greater than 3 feet deep shall be located at least 100 feet from drinking water wells, and shall be situated at least 10 feet down-gradient and 100 feet up-gradient from building foundations to avoid seepage problems. Infiltration basins and trenches shall be constructed with a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation.
8. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than four (4) feet above the historic high ground-water table. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal or wetland restoration work conducted in accordance with a valid Order of Conditions issued pursuant to M.G.L. c. 131 § 40.

F. Exempt uses:

1. Those engaged in uses which are exempted from this By-Law are referred to the regulations of the Board of Health which prohibit the use, storage, or disposition of toxic or hazardous materials in such a way as to create a danger of groundwater contamination.
2. With respect to applications for special permit to extend or alter a use which is exempt under Sec. VI.A.1. of this By-Law (lawful non-conforming uses), any proposed use which in the judgment of the Board of Health or the SPGA would increase the danger of groundwater contamination shall be deemed substantially more detrimental to the neighborhood under the meaning of MGL 40A, Sec. 6.

G. Special Permit Uses

Uses allowed by Special Permit obtained from the Special Permit Granting Authority:

1. Commercial, industrial, governmental or educational uses which are allowed in the underlying district, and which are not prohibited in IV.L.D.;
2. With respect to pre-existing non-conforming uses, any of the following changes in an existing business, commercial or industrial use:
 - a. increase in generation of hazardous wastes above quantities permitted in the Special Permit for the use;
 - b. increase in impermeable surfaces to greater than 15% of lot area or 2,500 square feet, whichever is greater;
 - c. enlargement in the building footprint greater than 25% of the existing footprint.
3. The rendering impervious of greater than 15% of the area or 2,500 square feet whichever is greater, provided that a system for artificial recharge of precipitation is developed. The management of stormwater and any artificial recharge systems developed shall be designed so as not to result in the degradation of groundwater.
 - a. For commercial uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater, where feasible. Recharge shall be

- attained through site design that incorporates natural drainage patterns and vegetation, and through the use of stormwater infiltration basin, infiltration trenches, porous pavement or similar systems. All infiltration practices shall be preceded by oil, grease, and sediment traps or other best management practices to facilitate removal of contamination.
- b. For residential uses, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation. To the extent possible, stormwater runoff from rooftops, driveways, roadways and other impervious surfaces shall be routed through areas of natural vegetation and/or devices such as infiltration basins, infiltration trenches or similar systems. Infiltration practices shall be utilized to reduce runoff volume increases to the extent possible as determined in accordance with infiltration standards and specifications established by the Soil Conservation Service. A combination of successive practices may be used to achieve the desired control requirements. Justification shall be provided by the person developing land for rejecting each practice based on site conditions. Any and all recharge areas shall be permanently maintained in full working order by the owner. Provisions for maintenance shall be described in the stormwater management plan.
4. The Special Permit Granting Authority (SPGA) under the Aquifer Protection District shall be the Zoning Board of Appeals (ZBA).
 5. Requirements for Special Permit in the Aquifer Protection District:
The applicant shall file nine (9) copies of a special permit application prepared by a qualified professional with the SPGA. The special permit application shall at a minimum include the following information where pertinent:
 - a. A complete list of chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.
 - b. Those businesses using or storing such toxic or hazardous materials shall file a hazardous materials management plan with the SPGA, Hazardous Materials Coordinator, Fire Chief and Board of Health which shall include:
 - (1) Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism including spill containment and clean-up procedures;
 - (2) Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - c. The applicant will submit evidence of compliance with the Regulations of Massachusetts Hazardous Waste Management Act 310 CMR 30 and information on anticipated hazardous waste generation rates. Copies of Massachusetts Hazardous Waste Reporting forms shall be made available to the Zoning Enforcement Officer upon request.
 - d. Drainage recharge features and provisions to prevent loss of recharge.
 - e. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
 - f. Periodic water quality monitoring may be required by the SPGA, including sampling of wastewater disposed to on-site systems and sampling from groundwater monitoring wells to be located and constructed as specified in the Special Permit with reports to be submitted to the SPGA, the Board of Health, and the Board of Water Commissioners. The Costs of monitoring, including sampling and analysis, shall be borne by the owner of the premises.
 6. Additional Procedures for Special Permit in the Aquifer Protection District:
 - a. The SPGA shall follow all special permit procedures contained in Section V of this Bylaw. In addition, the SPGA shall distribute copies of all application materials within five (5) business days of receipt to the Board of Health, the Planning Board, the Conservation Commission and the Water Commissioners, each of which shall review the application, and following a vote, shall submit recommendations and comments to the SPGA. Failure of boards to make recommendations within 45 days of distribution of the applications shall be deemed to be lack of opposition. One copy of the application materials shall be transmitted to or retained by the Town Clerk for viewing by the public during office hours.
 - b. The SPGA may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project, because of the project's potential

impacts, or because the Town of Huntington lacks the necessary expertise to perform the work related to the permit. The SPGA may require the applicants to pay a "project review fee" consisting of the reasonable costs incurred by the SPGA for the employment of outside consultants, engaged by the SPGA, to assist in the review of a proposed project. The use of the review fees shall be consistent with Section IV.J.VI.G. of this bylaw.

- c. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards and those specified in Section V of the bylaw. The proposed use must:
 - (1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Aquifer Protection District; and,
 - (2) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.
- d. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this section.

H. Enforcement/Noncompliance

Any operation found to be in violation of this bylaw shall be subject to a fine not to exceed \$300.00 per violation per day and suspension of permit until proof of compliance is submitted. In the case of persistent noncompliance, the permit maybe revoked and immediate restoration of the site maybe required. Violations may be determined in the course of normal inspections carried out by the SPGA or as a result of a complaint filed in writing with the SPGA and found to be factual by the Zoning Enforcement Officer.

I. Severance

If any part of this bylaw is found not to be legal, the rest shall remain intact.

SECTION IV M: FLOODPLAIN DISTRICT. (adopted 5/9/88)

1. Purpose: The purpose of this section (in addition to those of Sec.I B) is to preserve the natural flood control characteristics and flood storage capacity of the flood plain.
2. Application: The flood plain district is an overlay district. Except as provided below, the requirements of the underlying district shall apply.
3. Delineation: The district boundaries are those of the 100 year flood plain, shown on the Huntington Flood Insurance Rate Map (FIRM), dated 8/12/87, as Zones A & AE. The FIRM also shows the floodway within Zone AE. The district and floodway boundaries are further defined by the 100 year flood elevations shown on the FIRM, and the Flood Profiles and Floodway Data Tables contained in the Flood Insurance Study, dated 8/12/87. The FIRM and the Flood Insurance Study are hereby made part of the Zoning Map, and copies shall be on file with the Town Clerk, the Planning Board, and the Building Inspector. Where the 100 year flood elevation or floodway data is not provided on the FIRM, the developer/applicant shall supply these from the best available Federal, State, local, and other sources, and they shall be reviewed by the Town Engineer. If the data is deemed sufficiently detailed and accurate, it shall be relied on to require compliance with this by-law and other applicable laws and codes.
4. Requirements: All uses, work, and structures within the district must be in compliance with the National Flood Insurance Program regulations, including S.60.3d, the Mass. Wetlands Protections Act, including 310 CMR 10.00, the Mass. Building Code, including 780 CMR 744.0, and the Mass. Health Act, including Title 5 requirements for sub-surface sanitary sewage disposal.
5. Special Permit: Within the district, no structure or building shall be erected, constructed, substantially improved (by 50% or more in market value), or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, without special permit. Such permit shall be subject to the following provisions in addition to those set forth elsewhere in this By-Law:
 - a. Application for special permit shall include plans showing all proposed work, with certification by a registered professional engineer that these plans show full compliance with subsection 4 above. If any of the work shown on the plans is within the floodway, the engineer shall certify that this work would not result in any increase in flood levels within the community during the base 100-year flood discharge.

- b. Within 10 days of receipt of application, a copy shall be transmitted to the Conservation Commission, Board of Health, Planning Board, Building Inspector, and Town Engineer. Final action shall not be taken until reports have been received from all of the above, or until 35 days from the date of transmission.
- c. Special permit shall not be granted unless the issuing Board finds, on review of the application, submitted reports, and testimony before it, that the application shows full compliance with S. 4 above, and that the proposed use would not create increased flood hazards which would be detrimental to the public health, safety, or welfare.

6. Prohibited Uses:

- a. Within the floodway, any encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels in the community during the occurrence of the base 100-year flood discharge.
- b. Open storage on a lot of a total of more 3 cubic yards any materials within the floodway.
- c. Manufactured homes, manufactured home subdivisions and parks.

SECTION IV N: Context-Sensitive Developments (ATM 05/07/2007)

(Formerly known as OPEN SPACE COMMUNITIES (adopted 5/9/88))

General Description and Purposes:

A Context-sensitive development (henceforth “CSD”) is a single-family development which may be allowed under this section. The primary purpose of this section is to retain the traditional rural character of the Town by allowing creative design that takes into account the characteristics of the surrounding neighborhood and preserves and enhances those characteristics. The secondary purpose is to encourage the permanent preservation of open space for agricultural, recreational, or conservation purposes.

This section shall be applied in addition to the Subdivision Rules and Regulations (henceforth, “the Rules”) of the Town of Huntington for eligible developments. This section sets out additional provisions that are intended to be used in conjunction with those in the Rules to encourage future developers to build residential developments in a manner that will preserve the rural characteristics associated with the Town of Huntington. This section, except as specifically provided herein, may not allow a development that would be inconsistent with that permitted under the Rules.

1. Procedures: These procedures apply to all applications for approval of a new subdivision under the Rules.
 - a. A preliminary plan is required for a CSD proposal. The preliminary plan is intended to identify potential issues prior to the development of the definitive plan, both for the benefit of the developer and the Planning Board. As described in the Rules, a preliminary plan can be quite rudimentary, but there should be sufficient documentation (maps, etc.) to make a preliminary determination of appropriateness of a CSD on the proposed site. Any determination resulting from a preliminary plan is subject to change, pending examination of the definitive plan and subsequent site visits.
 - b. A definitive plan for a CSD may, where appropriate to the surrounding neighborhood, allow for increased housing density. This increase in density may be in the form of reduction in set-back requirements and/or in frontage requirements. Increased density of a CSD shall not allow any decrease in combined total acreage for the houses proposed, although it may allow, under certain circumstances, for a reduction in acreage *deded* per house (see subsection 4, below).
 - c. In drawing up a definitive plan for a CSD, the developer should, in consultation with the Planning Board, determine the local conditions of the neighborhood in which the proposed development will be located, regarding frontage and set-back. The Planning Board may allow relaxation of set-back, frontage or both, and resulting increased housing density, only if it finds that the proposal meets all the requirements set forth below and is consistent with the purposes of this section, as set forth in subsection 1, above. The burden shall be on the developer to demonstrate that any proposed increase in density is consistent with the neighborhood or that adherence to dimensional requirements would be incongruous with the neighborhood. The Planning Board *shall* require that all dimensional requirements set forth in these bylaws be adhered to, *unless* it has been proven by the developer that the proposal is in harmony with the surrounding neighborhood and in the best interests of the Town.
 - d. The submission requirements for a CSD are the same as for any subdivision and are detailed in the Rules.

2. General Requirements:
 - a. Any CSD shall be restricted to single-family dwellings, with deed restrictions placed on each lot prohibiting the right to special permit for a multi-family dwelling. The right to apply for a special permit for an AFDU (Accessory Family Dwelling Unit) shall remain intact.
 - b. The total 'effective area' of the parcel (prior to subdivision) which is proposed for the CSD shall be at least 5 acres, and the parcel must be in single ownership or control at the time of application. If the parcel is not in single ownership, the owners must designate a single person to act on behalf of all the owners regarding the CSD development. 'Effective area' of the parcel shall mean the total area less the area shown on the definitive plan as wetland and/or as having a slope of 25% or more.

3. Open Space Area:
 - a. The applicant may propose that a certain portion of the total parcel be designated as open space for recreation and conservation, or for agricultural uses ("the Open Space Area"). With the approval of the Planning Board, the Open Space Area may be subtracted from the required area of the proposed residential lots, resulting in smaller lots being created than would be required in the zoning district in which the proposed CSD is located. In approving such plan, the Planning Board must find that the combined area of the residential lots and the designated Open Space Area is equal to or greater than the area that is required in the district for an equivalent number of residential lots under the Town's Zoning Bylaw, Appendix A, Table of Dimensional Requirements, and the Regulations
 For Example:
 Traditional-Ten house lots in R-45 requires 45,000 sq.ft.X10 (450,000 sq. ft.).
 CSD in R-45-Ten house lots at an average of 30,000 sq. ft. (300,000 sq. ft.) plus 150,000 sq. ft. of designated open space = 450,000 sq. ft.
 This reduction in area may be combined with a reduction in required frontage and/or setback, as long as the Planning Board finds that the requirements laid out in subsection 2c (above) have been met. In no case shall the area of any residential lot be smaller than 25,000 sq. ft.
 - b. Except for roads shown on the site plan and common utility facilities such as piping associated with public water supply or extensions to the Town sewer system servicing the development thereto, the entire Open Space Area shall be preserved permanently, in an open or natural state, for recreation, conservation, or for agricultural uses. Built features such as swimming pools or tennis courts are prohibited on open space designated for recreational use. Other uses and small structures shall be permitted only as accessory to recreation, conservation or agriculture. Further division or subdivision of the Open Space Area shall be prohibited.
 - c. The Open Space Area shall be preserved as such by means of a permanent conservation or agricultural restriction and conveyed to one of the following:
 - (1) The association of homeowners of the lots in the CSD (see the Rules).
 - (2) A non-profit organization, such as a land trust, the principal purpose of which is the conservation or preservation of open space or agricultural land.
 - (3) The Town, at no cost to it, and accepted by it for a park or open space use at a Town Meeting.
 - d. If the Open Space Area is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land be kept in an open or natural state or for agricultural uses and not developed for residential use or uses accessory thereto, such as parking or roadways. Such restrictions shall also provide for maintenance of Open Space Area in a manner suitable to its use, proper maintenance of drainage, utilities, appearance, and cleanliness. (ATM 05/07/2007)

SECTION IV O: OPEN PUBLIC LAND DISTRICT (OPL). (adopted 2/3/93)

The Open Public Land (OPL) District, shall consist of the lots designated as such on the Zoning Map. These lots are owned or managed by public authority, and they consist primarily of open space on which private development is restricted or prohibited. Uses and structures in this District shall be confined to those conducted, authorized, or permitted by the owning or managing public authority.

SECTION IV P: RIVER PROTECTION DISTRICT (RPD). (adopted 2/3/93)

1. The purposes of this district are to preserve, protect and enhance the scenic beauty, wildlife habitat, and natural resources of the Westfield River and adjacent land, to prevent pollution of its waters, and to minimize erosion and sedimentation. To achieve these purposes, structures and uses within the district shall be installed and conducted with the minimum feasible disturbance of existing terrain, vegetation, and wildlife.

2. This District is an overlay district. Except as provided below, the provisions of the underlying district, including the dimensional requirements, shall continue to apply. Where the RPD overlaps the Floodplain District, which is also an overlay district, the provisions for the two districts shall be combined as provided in Sec. F below.
3. The RPD shall consist of all land within 150 feet of the riverbank (see definitions) of the Main, West, Middle, and East Branches of the Westfield River, except for land in the Open Public Land District, and certain other lots in Huntington Center, or owned by the Town of Huntington, all as shown on the Zoning Map. The RPD shall also not extend beyond any street line (see definitions) which is less than 150 feet from the riverbank.
4. Use regulations in the River Protection District:
 - a. Permitted uses and structures:
 - i. Use categories IV A 1a, 1b, & 1c (uses exempt under MGL 40A, to the extent of the exemption, public uses under authority of the Town of Huntington, non-commercial outdoor recreation, and agriculture other than animal husbandry).
 - ii. Conservation of water, plants, and wildlife; wildlife management areas.
 - b. Uses requiring special permit:
 - i. One single family house, and structures and uses accessory thereto, as provided in the use table, IV B 1a, IV C 1a and IV C1b. If a portion of the lot lies outside the RPD, the required finding, in addition to those set forth in Sect. V B, is that in the judgment of the issuing Board it is unfeasible, or would involve a substantial hardship, financial or otherwise to place the structures applied for wholly on such portion outside the RPD. "In granting special permit the issuing Board shall attach such conditions as it deems warranted by the purposes set forth in A. above, including provisions concerning the siting of the house, accessory structures, State Environmental Code Title V, waste disposal permissible construction methods and allowable landscaping (if any)." (Last sentence amended 5/3/1999.)
 - ii. Hydroelectric power facilities under Sect. IV D 5b.
 - iii. After special permit has been granted, the expansion of the footprint of a principal structure by more than 15% in area, or of an accessory structure by more than 50% in area shall require further special permit.
 - c. Use Restrictions:
 - i. [The Massachusetts Wetlands Protection Act provides that no person may remove, dredge, fill or alter terrain or vegetation within 100 feet of a riverbank without a Negative Determination of Applicability or Order of Conditions from the Conservation Commission.] In issuing such a determination or order with respect to a non-exempt activity within the RPD, the Commission shall, in addition, impose such restrictions or conditions as it deems needed to minimize the removal of vegetation and disturbance of terrain consistent with the use, and to prevent a significant adverse effect on the scenic quality or wildlife habitat of the area.
 - ii. No commercial forest cutting shall occur within 50 feet of the riverbank. In the remaining area of the district, no more than 50% of the existing forest shall be cut.
 - d. Nonconforming uses and structures:
 Nonconforming uses and structures which are protected under MGL 40A Sec. 6 (the so-called "grandfather clause") may continue; however, any new structure, or the enlargement of the footprint of a lawfully nonconforming principal structure by more than 15% in area, or of an accessory structure by more than 50% in area shall constitute a "substantial extension" under the meaning of MGL 40A, Sec. 6, and require a special permit as provided in Sec. VI A below.
 - e. Prohibited uses and structures:
 All uses and structures not provided for above are prohibited. Specifically forbidden is the excavation of land except as Incidental to work for which permit or special permit has been granted under Sections 2, 3, or 4 above.
5. Procedures for special permit (in addition to those set forth elsewhere). On receipt of an application for special permit, a copy shall be sent to the Conservation Commission, and the issuing Board shall not act on the application until written report has been received from them or until 35 days have elapsed.
- 6.. Overlap with the floodplain district:

Where the River Protection and the Floodplain District overlap:

 - a. Use regulations shall be as in the RPD. (See Sec. D above.)

b. Requirements, required findings and procedures for permits and special permits shall combine the provisions of both districts. (See Sections D 2a & 2c, and D 4 above, and Sections 4, 5, & 6 in IV J)

SECTION IV Q: WIRELESS COMMUNICATIONS FACILITIES (amended May 14, 2001)

Authority to write and enact this bylaw is granted under the Telecommunications Act of 1996 and the Home Rule Amendment to the Constitution of Massachusetts and M.G.L. Chapter 40-A. This bylaw is intended to serve the best interests of the citizens of Huntington.

The express purpose of this bylaw is not to restrict the construction or use of wireless communication facilities within the Town of Huntington but rather to govern their placement, construction and appearance, thereby lessening their impact upon the environment and character of the town. It is the intent of this bylaw to require any and all companies to seek reasonable and viable alternatives to tower construction.

Wireless communication facilities shall include any and all materials, equipment, storage structures, towers and antennas, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services. This bylaw does not apply to the construction or use of facilities by a federally licensed amateur radio operator as protected by Mass. General Law Chapter 40-A Section 3.

IV Q I. No wireless communication facility shall be built in the Town of Huntington without the issuance of a special permit granted by the Planning Board under the following conditions:

- A. Any wireless communication facility shall minimize adverse visual effects on the environmental landscape, as well as historic viewsheds, structures and State or Nationally designated scenic byway(s). (Sentence changed 6/4/2012). (Last of sentence added 5/14/2001) The Planning Board may impose reasonable conditions to ensure this result, including denial of a site, as well as painting and lighting standards. (Some of sentence added 5/14/2001) The S.P.G.A. reserves the right to specify style(s) and/or colors(s). Unless the S.P.G.A deems that it is not in the best interest of the citizens of the Town of Huntington, all approved telecommunications applications shall be for a medium or high density artificial pine tree (“monopine”) with varied staggered length branches, tapered in a generally conical fashion from the top of the monopine to the bottom of the branches, which will begin below the visible tree line, so as to appear from all directions to be a large natural pine tree. The appearance of the monopine is intended to be substantially like those shown in the photo representations in IV-Q V. below. (Sentence added 6/4/2012) No tower shall exceed a height of 190 feet above grade, measured at the center of the proposed facility. Applicant shall clearly demonstrate the need for the elevation requested and shall not be allowed to construct a tower taller than the demonstrated need. As part of this demonstration, the applicant must supply RF studies beginning at 120 feet and show propagation for every 10 foot increment higher to the top of the requested height. (Sentence added 6/4/2012). There shall be a minimum of 2.5 miles, measured in a straight, level line, between towers. (Sentence added 5/14/2001). “Towers” as stated for the minimum of 2.5 miles, shall include all telecommunications facilities that have been applied for and approved, whether in Huntington, or a surrounding town. For the purpose of this bylaw, any approved telecommunications facility shall be considered existing for the duration of the period that the Special Permit is valid, whether or not construction has commenced. (Sentence added 6/4/2012). Shared use of a wireless communication tower is encouraged. (This sentence changed 5/14/2001) Contracts for co-location by another (competing) provider must be reasonable by industry standards, not to exceed the cost of erecting a new facility. No special permit(s) shall be issued for a wireless communications facility unless the applicant is a provider of personal wireless services (a “carrier”) or has a contract with at least one carrier to locate on the proposed facility. Tower applicants(s) must supply a copy of a contract with at least one telecommunications carrier with their application for a special permit. Co-application of one or more carriers with the tower applicant is encouraged. If multiple towers are proposed concurrently within a 2.5 mile radius of one another, preference for the special permit will be given to the tower with the larger number of carriers committed to siting on their tower, as well as the lowest requested height for a given number of carriers and/or the least visible impact on the neighborhood. Visible siting in a historic district is prohibited, but siting in or on a non-residential structure within that district, which, is hidden or adequately blended with architectural details, is encouraged, as is siting on town-owned property, with the exception of facilities, (this previous phrase added 5/14/2001) which would be visible from State or Nationally designated Scenic Byway(s). Applicant must provide such information as may reasonably be required by the Planning Board, demonstrating that the following low-impact options are unworkable before a special permit will be granted for a tower: (Sentence amended 6/4/2012).

1. Co-location in or on an existing structure. Prior to construction of any tower, applicant shall provide proof that comparable coverage cannot be obtained on any available, suitable, existing or approved tower/structure. (Last sentence added 5/14/2001)
2. Custom structure designed to blend with surroundings.
3. Least obtrusive and/or lowest height of currently available technology.
4. No tree cutting or branch cutting shall occur to facilitate newer line of sight technologies without express written permission of the Planning Board, Tree Warden and any affected property owners. (Added 6/3/19)

B. Topographical site plan, including contour lines at intervals no greater than two (2) feet and in an appropriate scale showing entire fall zone, proposed access way, plus 40 feet on each side and any other areas to be altered, prepared by a professional engineer licensed to practice in the Commonwealth, shall be provided to the Planning Board for any proposed wireless communication facility. The plan shall include the following: (Amended 5/14/2001)

1. North arrow, date, scale and the seal(s) of the licensed professional(s) who prepared the plans.
2. All access roads.
3. The placement of any proposed towers and structures as may be necessary.
4. Night lighting shall be prohibited unless required by federal authorities and shall be the minimum necessary.
5. A "fall zone" which shall be equal to the height of the proposed tower plus twenty-five feet. Fall zone radius must be contained entirely within the boundaries of the parcel of land on which the facility is located. It shall not contain structures unrelated to the telecommunications facility, but should contain "buffer" trees. Clearing of natural vegetation should be limited to that which is necessary for the construction, operation and maintenance of the facility.
6. A setback from any residential structure equal to a minimum of 250 feet. Said tower shall be a minimum of 250 feet away from all abutters' property lines. A second topographical site plan shall be submitted showing a minimum 500-foot radius centered on proposed facility with contour lines at 10-foot intervals. (Last two sentences added 5/14/2001)
7. Adequate drainage to prevent erosion.
8. Pre-existing conditions.

C. A map of appropriate scale showing the location and orientation of the proposed site and the areas covered by proposed device(s) of different signal strengths and their interface with adjacent service areas, both existing and proposed, shall be submitted. (Amended 5/14/2001) (The following last paragraph added 5/14/2001) Applicant shall provide individual propagation charts for the proposed facility as well as all known facilities, either proposed or existing, in Huntington and all abutting towns. Propagation charts shall be provided in mylar, or other transparent overlay format which allows clear comparison as both individual and overlapping footprints at typical transmission range for PCS, cellular and any other signal type likely to apply. Transparent overlays shall clearly demonstrate signal interface/overlap. The applicant shall float an 8 foot minimum diameter, brightly colored balloon, at the height of the proposed tower. This required balloon test shall occur after acceptance by the S.P.G.A. of the complete application, but prior to the Public Hearing. The balloon should be flown over a 2-day period, one of the days being a weekend day, with an inclement weather, including wind, 2-day contingency plan. The balloon tests shall be publicized in the Country Journal, with any costs being borne by the applicant. Publication shall be in each of 2 weeks prior to the first balloon test date.

D. A minimum non-refundable application fee of \$150.00 shall be submitted to the Planning Board. (Previous sentence added May 13, 2001) In addition to all other requirements, the application shall also be submitted in its entirety in indexed 8½"x11" loose leaf format, with a Table of Contents identifying all required components, including the bond estimate for returning the site to pre-existing condition. This 8½"x11" format shall also include all supporting documentation (including "drive tests" and smaller copies of all "RF coverage plots") for the applicant's contention of necessity for the applied for tower. Without all required components, the application shall not be considered complete, and neither the so-called FCC "shot-clock", nor the start of any Public Hearing, may commence until the submission of all requirements has been completed and delivered to the Planning Board office in Town Hall on a regular meeting night. (Paragraph added 6/4/2012) All other plans and/or documents

required under the zoning law shall be submitted to the appropriate officials. If the facility is not in operation for a period of one year, it shall be removed and the site shall be returned to pre-existing condition, by the owner, within 180 days of notice by the town, unless special circumstances can be proven by same, which are deserving of an extension in the judgment of the Planning Board. A plan shall be submitted, as part of the application for a special permit for any wireless communication facility, to return the site to pre-existing condition (plantation of replacement trees, grading and removal of all structure and waste or any other work that may be required) with a bond to be held by the Town in the amount of an applicant-provided estimate (R.H. Means or Equivalent) for such work. The bond shall be submitted to the SPGA prior to the issuance of the Building Permit, as well as prior to any disturbance, including tree cutting, at the site. If the facility is not removed within 180 days, the Town shall be empowered to use the bond posted by the owner for the removal of said facility.

- E. A carrier proposing to share space on an existing permitted wireless communication tower shall make application to the Planning Board for a Determination of Telecommunications Special Permit Waiver. This application is to determine if the proposed scope of work will extend beyond the currently permitted compound footprint, or if the tower will be extended higher or wider than the currently permitted tower, or if there will be other changes which should necessitate application for an additional Special Permit. The application for a Determination of Telecommunication Special Permit Waiver may be made concurrently with application to the Building Commissioner for a Building Permit. However, approval by the Planning Board of the Determination of Telecommunications Special Permit Waiver must be received prior to issuance of the Building Permit. If the carrier's proposed scope of work does not fall within the currently permitted parameters, the waiver will not be granted. (added 6/1/2015)

IV-Q II. Regulatory Compliance

- A. Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the Special Permit Holder, and shall be reviewed by a licensed professional engineer hired by the Town and paid for by the Special Permit Holder (MGL 44/53G).
- B. If the FCC or the FAA regulations are changed, the owner or operator shall bring the facility into compliance within six months or earlier if a more stringent compliance standard is included in the regulation.
- C. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings or devices at the owner's expense.
- D. The removal of obsolete structures and equipment in a timely manner will be encouraged.

- IV-Q III. Any special permit for wireless communications facilities shall be subject to review for renewal at five-year intervals. Upon renewal, S.P.G.A. may require replacement of facility with least obtrusive and/or lowest height facility available at the time of renewal. The topographical site survey shall be reviewed and any necessary adjustments shall be made to the bond as part of the renewal process. (Middle sentence added May 14, 2001)

- IV-Q IV. If any part of this bylaw is found not to be legal, the rest will remain intact.

- IV-Q V. Monopine Photo Representations appended

SECTION IV R: ADULT BUSINESS BYLAW (adopted 11/4/98)

The authority to write and enact this bylaw is granted in the Home Rule Amendment to the Commonwealth of Massachusetts Constitution and the State Zoning Act, M.G.L. Chapter 40-A. This bylaw is intended to serve the best interests of the Town of Huntington in limiting and preventing the clustering of adult entertainment.

The purpose of the Adult Entertainment bylaw is to address the secondary effects that adult businesses would have on the Town of Huntington. These secondary effects have been shown to include: increased crime, negative effects on public health, negative impact on the business climate and negative impacts on business and residential property values. All of the above mentioned secondary effects are adverse to good health, safety and well-being of the citizens of the Town of Huntington.

It is not the intent of this bylaw to limit in any way, any form of free speech, written, spoken or visual, including sexually oriented materials. It is also not the intent of this bylaw to deny access to any material protected by the United States Constitution and the Constitution of the Commonwealth of Massachusetts. It is not the purpose of this bylaw to legalize the sale, rental, distribution or exhibition of any material judged by law, to be obscene or otherwise illegal.

IV. R. Definitions:

Adult Entertainment as defined in MGL Chap. 40A-9A are:

- A. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272.
- B. Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- C. Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- D. Adult Video Store: An establishment having a substantial or significant portion of its stock in trade videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- E. Establishment which has live nudity for its patrons: Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in section thirty-one of chapter two hundred and seventy-two.

IV. R1. All Adult Use Businesses are prohibited in the Town of Huntington in all zones except those which are labeled "Industrial". These Adult Use Businesses shall require a Special Permit to be issued by the Selectboard under these conditions:

- A. The application for this Special Permit shall contain the names and addresses of the legal owner of the property, or the names and addresses of corporate officers (if different) as applicable.
- B. No one shall be issued a special permit for an Adult Use Business who has been convicted of violating any provisions of (MGL Chap. 199-63) Contributing to the Delinquency of a Minor, or (MGL Chap. 272-28) Dissemination of Obscene Material to a Minor.
- C. No Adult Use Business shall be less than
 1. 750 feet from the nearest residential zone.
 2. 1000 feet from the nearest school, day care center, day camp, church school or;
 3. 1000 feet from any church or cemetery.
 4. 750 feet from any park, playground or playing field.
 5. 250 feet from the nearest licensed business under MGL 40A-9A.
 6. 250 feet from the nearest licensed business under MGL 138-12.

All the above distances are to be measured in a straight line from property line to property line.

- D. No exterior public display of sexually explicit material or words as defined by MGL 272-31 shall be permitted. No Adult Business will disseminate or offer to minors any adult-oriented material or paraphernalia or allow minors to enter into, loiter or linger about the premises.
- E. No Adult Entertainment Use Business shall be established without submission of a site plan to the Planning Board. This plan shall clearly show all existing and proposed structures, parking places, driveways and service areas. The site plan shall clearly demonstrate the distances from proposed Adult Use Business to the nearest residential zone and the property line of each of the uses set in subsection IV. R1 (3) above.

IV. R2. An Adult Use Special Permit shall be good for two calendar years from the date of issue, upon which time it is subject to review by the Selectboard, and may either be renewed or denied.

IV. R3. This Special Permit may be revoked at any time if the licensee is found to be in violation of any of the above mentioned conditions.

IV. R4. If any part of this bylaw is found not to be legal the rest will remain intact.

IV S ACCESSORY FAMILY DWELLING UNIT BYLAW

I. Introduction

As allowed in Section IV B, 1e of this bylaw, accessory family dwelling units shall be permitted in single-family residential districts by Special Permit. The SPGA shall be the Zoning Board of Appeals which will apply the standards specified herein and may attach other conditions it deems appropriate.

II. General Description

1. An Accessory Family Dwelling Unit (AFDU) shall mean a second dwelling unit within a single-family structure.
2. The legal owners of the single-family structure/ AFDU must be year-round residents of the premises.
3. The AFDU shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is designed to maintain the appearance of a single-family dwelling with a separate entrance located on the side or rear of the building. An AFDU shall have not more than one bedroom.
4. An AFDU shall have the same street address as the single family dwelling from which it is created. A waiver to this requirement shall be allowed if 911 compliance requires it to be distinguished. When a separate street address must be allowed, it should be in a diminutive form (i.e. 109 Main Street for the main dwelling and 109A Main Street of 109 Main Street (rear) for the AFDU.)
5. Occupancy of an AFDU shall be restricted to a maximum of two persons.

III. Intent

The intent of this bylaw is:

1. To provide homeowners with a means of obtaining, through tenants in AFDU's companionship, independence, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. To provide homeowners alternatives for caring for elder relatives while allowing them independence.
3. To create opportunity for increased affordable housing;
4. To protect stability, property values and the residential character of a neighborhood by ensuring that AFDU's are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw; and
5. To regulate compliance with the State Building Code in so-called in-law apartments.

IV. Standards and Requirements

The Zoning Board of Appeals may grant a Special Permit to allow an AFDU in an existing or new single family dwelling, provided the following standards and requirements are met:

1. The AFDU must be a separate housekeeping unit from the original unit. The units may, however, share some utilities such as heat, water, sewer, sanitary disposal, electricity, etc.
2. Only one AFDU will be allowed on a single-family house lot.
3. The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district. The SPGA may allow an AFDU on a legally non-conforming lot with a finding that doing so would not increase the non-conformity.
4. The AFDU shall be designed so that the appearance of the building remains that of a single-family residence as much as possible. Any new entrances should be located on the side or rear of the building. Any exterior changes made should be consistent with the character of the neighborhood.
5. Adequate provision shall be provided for ingress (entrance) and egress (exit) for each unit. An interior doorway may be provided between dwelling units as a means of access for purposes of supervision and emergency response.
6. Any AFDU shall be limited to 750 square feet in floor area or one-third of the total livable area of the original dwelling in which it is to be contained, whichever is greater. An addition to the original building may be permitted, subject to SPGA approval.
7. The AFDU shall clearly be subordinate to the single-family dwelling. IT shall have no more than one (1) bedroom.

8. The SPGA may allow deviation from these conditions to facilitate access and mobility for disabled persons.
9. The construction of any AFDU must conform with all State Building and Health Code requirements, as well as the bylaws of the Town of Huntington.

V. Application Procedure

1. The procedure for the submission and approval of a Special Permit by the Zoning Board of Appeals for an AFDU in an Owner-Occupied Single-Family Dwelling shall be the same as prescribed in the Special Permit section of this bylaw (Section V), except it shall include a notarized letter from the owner (s) stating that he/she/they will occupy one of the dwelling units on the premises, and that he/she/they will occupy the dwelling unit on a year-round basis.
2. A non-refundable fee shall be included with the application for an AFDU to cover the cost of processing the application. The applicant shall be responsible for the costs of legal notices. As part of the public hearing process, parties of interest, as defined in M.G.L. Chapter 40A, Section 11 must be notified.

VI. Recording of Special Permit

No building permit shall be issued for construction of an AFDU until a Special Permit has been granted and recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Inspector .

VII. Severance

If any part of this bylaw is found to be illegal, the balance shall remain in force.
(Adopted ATM May 3, 2004)

IV T: GREEN COMMUNITY SOLAR BY-LAW ALLOWING BY-RIGHT SITING OF LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS (amended 12/12/12)

I. Purpose

The purpose of Section IV-T of the Huntington Zoning Bylaw is to allow by-right the creation of Large-Scale Ground-Mounted Solar Photovoltaic Installations on municipal land only by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations. These standards are designed to address public safety, minimize impacts on scenic, natural and historic resources and provide adequate financial assurance for the potential eventual removal of such installations. The provisions set forth in this section of the Huntington Zoning Bylaw shall apply to the construction, operation, removal, alteration and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations which are allowed without a Special Permit. Specifications for installations not met within the parameters of Section IV-T are not allowed by-right. Application may be made to the ZBA for a Special Permit on other parcels, using the criteria set forth in this Section IV-T.

II. Intent

To promote the responsible use of solar energy production and collection in the town of Huntington while protecting the safety, health and welfare of the public.

III. Applicability

Section IV-T of the Huntington Zoning Bylaw applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed to be constructed after the approval date of this bylaw by Town Meeting, and also applies to any physical modifications of such installations that materially alter the type, configuration, or size of these installations or related equipment, structures and buildings. A Large-Scale Ground-Mounted Solar Photovoltaic Installation, for the purpose(s) of the bylaw, is a solar photovoltaic system that is structurally mounted on the ground (not roof-mounted), and has a minimum rated nameplate capacity of 250 kW DC, as well as any accessory structures and buildings. Large-Scale Ground-Mounted Solar Photovoltaic Installations that meet all other requirements of this bylaw may be allowed as-of-right on municipal land to include municipal facilities owned, operated by, or developed for and on the behalf of the Town of Huntington. A special permit is required for other siting of Large-Scale Ground-Mounted Solar Photovoltaic Installations in all zoning districts, as described in Section II A (Zoning Districts) of Huntington's Zoning Bylaw.

IV. Site Plan Review

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo site plan review by the Huntington Site Plan Review Authority prior to construction, installation or modification as provided in Section IV-T. Site Plan Review is the review of a proposed project to ensure that it is in conformity with a zoning by-law's

requirements. The Huntington Site Plan Review Authority will consist of the Planning Board, member(s) of the Zoning Board, and member(s) of the Huntington Green Committee. The Huntington Site Plan Review Authority Zoning Board member(s) and Huntington Green Committee member(s) should be selected by their respective board and/or committee and appointed by the Board of Selectmen.

V. General

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

B. No Large-Scale Ground-Mounted Solar Photovoltaic Installation may be proposed where it may be visible from any local, State, or Federally designated historic district or scenic byway in the Town of Huntington, with the exception that if mature vegetative screening, which will completely shield visibility from such historic district or scenic byway, is planted prior to any construction, such construction may be allowed at the discretion of the Huntington Site Plan Review Authority.

C. Large-Scale Ground-Mounted Solar Photovoltaic Installations are prohibited on hilltops and ridgelines, as well as any hillsides where they will be visible from any public ways or neighboring properties or could be considered to alter the scenic beauty of the hillside.

VI. Required Documents

The project applicant shall provide the following documents to the Huntington Site Plan Review Authority:

A. Site plan clearly demonstrating:

1. Property lines and physical features, including roads, lot area, setback, open space, parking and structure coverage for the project site;
2. All proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Plans of the solar photovoltaic installation and accessory structures 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 or natural features and vegetation;
4. Electrical diagram detailing the solar photovoltaic installation associated components, and electrical interconnection methods, with all National Electrical Code compliant components, disconnects, and overcurrent devices;
5. Documentation by means of manufacturers' specifications of the major system components to be used, including, but not limited to, the photovoltaic panels, mounting system(s), and inverter(s);
6. Name, address, license verification and contact information for proposed system installer(s);
7. Name, address, phone number and signature of the project applicant and co-applicant(s), if any;
8. The name, contact information and signature of any agents representing the project applicant(s).

B. Documentation as outlined under Section VII: Site Control.

C. An operation and maintenance plan as outlined under Section VII.B: Operation & Maintenance.

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);

E. Proof of liability insurance and description of acceptable financial surety as specified under Section XXIV: Financial Security.

The Huntington Site Plan Review Authority may waive documentary requirements as it deems appropriate, by unanimous vote.

VII. General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations

The following requirements shall apply to all Large-Scale Ground-Mounted Solar Photovoltaic Installations:

A. Site Control: The project applicant 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, as well as accessibility by Public Safety Officials and their vehicles, should it be necessary.

B. Operation & Maintenance Plan: The project applicant 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, and general procedures for maintenance of the installation.

C. Compliance with Laws, Ordinances and Regulations: The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to, all applicable safety, construction, electrical, environmental and communications requirements. All buildings forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code, as well as the Huntington Zoning By-law, as applicable.

D. Building Permit and Building Inspection: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed, modified or removed without first obtaining a building permit.

E. Fees: Building permits issued for the construction, alteration, enlargement or demolition of Large Ground-Mounted Solar Photovoltaic Installation shall be subject to permit fees, as well as Site Plan Review application fees, as established by the Town of Huntington. No building permit shall be deemed valid until such fees are paid.

F. Utility Notification: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Building Inspector that the utility company operating 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, and has approved said operation. Off-grid systems shall be exempt from this requirement.

VIII. Dimensional and Density Requirements

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

- A. Front, side, and rear setbacks shall all be at least 50 feet.
- B. Access roads shall be set back at least 20 feet from front, side, and rear lot lines.
- C. All Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be constructed on parcels meeting the minimum dimensional zoning requirements for the zone in which it is proposed as specified in Appendix A: Table of Dimensional Requirements in the Huntington Zoning By-law.

IX. Dimensional and Density Requirements

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- B. Access roads shall be set back at least 20 feet from front, side, and rear lot lines.
- C. All Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be constructed on parcels meeting the minimum dimensional zoning requirements for the zone in which it is proposed as specified in Appendix A: Table of Dimensional Requirements in the Huntington Zoning By-law.

X. Segmentation

In determining whether a project complies with the lot size restriction in section VII. A. Site Control, the developer and the Site Plan Review Authority shall consider the entirety of the development, including:

- A. Any likely future expansion of the project on the subject property or on any property which is contiguous to the subject property or under related ownership;
- B. Any past, related development on any property, which is contiguous to the subject property, or any property that is under related ownership with the subject property at the time that this by-law was adopted. A developer shall not phase or segment a project or transfer ownership of contiguous properties to evade, defer, or curtail the requirements set forth in this by-law.

XI. Accessory Structures

All accessory structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with the Town of Huntington Zoning By-law and all requirements of Section IV-T, and the Massachusetts State Building Code. All components and accessory structures shall be screened from view from public ways and neighboring

properties by vegetative screening with varieties indigenous to Huntington, and approved by the Huntington Site Plan Review Authority during the site plan review process. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Commissioner.

XII. Size

A Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be a minimum size of one (1) acre and a maximum size of five (5) acres.

No Large-Scale Ground-Mounted Solar Photovoltaic Installations, as defined in this section, shall exceed five acres, in aggregate of all arrays, structures and building. All Large-Scale Ground-Mounted Solar Photovoltaic Installations larger than five acres, including all accessory components, buildings, and structures, shall require a Special Permit, if such use is permitted within the Huntington Zoning By-law. If not specifically allowed within any section of the Huntington Zoning By-law, such larger than five acres installations are prohibited.

XIII. Design Standards

Lighting: Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations and accessory structures and buildings shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties with appropriate fencing or vegetative screening, as specified by the Huntington Site Plan Review Authority. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

XIV. Signage

Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with the Town of Huntington Zoning By-law Section IV-I. A sign 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 (as defined by the Huntington Site Plan Review Authority or the Planning Board) identification of the manufacturer, owner and/or operator of the solar photovoltaic installation.

XV. Utility Connections

Reasonable efforts, as determined by the Huntington Site Plan Review Authority during site plan review process, 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. Connection components may be located above ground if required by the utility provider.

XVI. Screening & Landscaping

The solar installation shall be screened from view from public ways and neighboring properties, as specified under XIX. Landscape Maintenance, in order to protect the rural character of the town.

XVII. Height

No component of a solar installation shall exceed 15 feet from the mean grade of the site at the location of the installation to its highest point above said mean grade.

XVIII. Emergency Services

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Huntington Fire Chief and Huntington Police 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. Twenty-four hour access to the site shall be provided to the fire department and police department by means approved by the chief of police and fire chief.

XIX. 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 by-laws. Solar photovoltaic systems shall be installed on water permeable surfaces, as approved by the Site Plan Review Committee during the site plan review.

XX. Landscape Maintenance

When possible, a diversity of plant species shall be used, with all species native to New England. Use of exotic plants, as identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources, is prohibited. Vegetative screening shall be of a height upon maturity to shield visibility of all components from view offsite. Herbicides shall only be applied by properly licensed personnel, as enforced by the Massachusetts Department of Agricultural Resources.

XXI. Monitoring and Maintenance**Solar Photovoltaic Installation Conditions**

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner shall be responsible for maintenance of the facility. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The owner shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted at Huntington Town Meeting as a public way.

XXII. Modifications

All substantial modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after final inspection by the Building Inspector shall require approval by the Planning Board prior to the issuance of a building permit for said modifications.

XXIII. Abandonment or Decommissioning

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 Planning Board. If the owner 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 Building Inspector or his designee may enter the property and physically remove the installation.

XXIV. Removal Requirements

The owner shall notify the Planning Board by Certified Mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- A. 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 Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

XXV. Financial Surety

Applicants of Large-Scale Ground-Mounted Solar Photovoltaic Installations 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. A plan shall be submitted, as part of the application for a Large-Scale Ground-Mounted Solar Photovoltaic Installation to return the site to pre-existing condition, as determined reasonable by the Site Plan Review Authority, with the form of surety to be held by the Town in the amount of an applicant-provided estimate based upon accepted reasonable standards in the industry (R.S. Means) for such work. The amount shall include a mechanism for calculating increased removal costs due to inflation. The surety shall be submitted to the Planning Board prior to the issuance of the Building Permit, as well as prior to any disturbance, including tree cutting, and the site.

XXVI. Severability Provision-If any part of this By-law is found not to be valid the rest will remain intact.

IV U. SELF-SERVICE STORAGE FACILITIES (added 6/4/2012)

I. Purpose – To protect the safety, health and well-being of the citizens of the Town of Huntington by regulating the location and impact of Self-Service Storage Facilities.

II. Intent – To allow for the limited construction, operation, and maintenance of self-storage facilities in areas where such use is not consistent with the character of the neighborhood, and where such facilities and historic character of the Town of Huntington. This bylaw should serve to:

- A. Protect the best interests of the owner(s), renter(s), and the Town of Huntington;
- B. Encourage both the owners and the renters of Self-Service Storage Facilities to gain in-depth knowledge of updated laws regarding self-storage in the Commonwealth of Massachusetts (MGL Title XV, Regulation of Trade, Section 105A, Self-Storage Facilities);
- C. Prohibit the storage of hazardous materials;
- D. Prohibit the use of units for residential purposes (living quarters).

III. Definition

SELF-SERVICE STORAGE FACILITY: Any real property consisting of a structure or group of structures containing separate storage spaces designed and used for the renting or leasing of individual self-contained units of storage space to renters who are to have access to such units for storing and removing personal property only, and not for residential purposes.

IV. Introduction

As allowed in Section IV D, 4c of this By-law, a Self-Service Storage Facility shall be permitted in the Industrial District to allow for the limited construction and operation and maintenance of Self-Service Storage Facilities in areas where such use is not inconsistent with neighborhood character, and where there would be minimal impact on public health, safety and welfare, the environment and scenic and historic character of the neighborhood. A Self-Service Storage Facility is prohibited in all other zoning districts.

V. General Provisions

A Self-Service Storage Facility may be allowed by Special Permit from the Zoning Board of Appeals (the Special Permit Granting Authority) pursuant to Section V (Special Permits) of the Huntington Zoning By-law.

VI. Conditions

A Self-Service Storage Facility allowed by Special Permit shall also be subject to the following conditions:

- A. No activity other than rental of storage units and pick up and deposit of property shall be allowed at a facility, except for accessory or incidental uses required in administration and security of the site. The use of storage units for any purpose other than storage is prohibited.
- B. All goods, products, materials and other objects stored shall be secured inside storage structures. Outdoor storage is prohibited.
- C. The storage of flammable liquids including petroleum products, highly combustible or explosive materials, corrosive or hazardous chemicals is prohibited.
- D. Any generated noise, vibration, heat, glare (including exterior and interior lighting), smoke, dust, strong or unhealthy odors and air pollutants shall not adversely impact the surrounding neighborhood and shall be wholly contained within the interior of the premises, unless otherwise provided for in the Special Permit.
- E. Servicing or repair of motor vehicles, boats, trailer, lawnmowers or any similar vehicles or equipment is prohibited. Storage of motor vehicles, motorboats and similar vehicles or equipment is prohibited in the Aquifer Protection District, Section IV.L of this By-Law.
- F. Hours of customer access shall be specified by the Special Permit Granting Authority (SPGA) as a condition of the Special Permit and shall be limited to minimize impact on neighboring properties and public safety services. The hours of operation shall not adversely impact adjoining residential uses or buildings.
- G. The site shall be secured by fence or other barrier to prevent unauthorized access. The SPGA may require additional measures to monitor and limit access and ensure security.
- H. A Self-Service Storage Facility shall be designed and landscaped so that it is not visible from a public way and shall not adversely impact the character of the neighborhood.
- I. Adequate parking and unit access shall be provided, consisting of paved lanes and a minimum of three (3) parking spaces, plus one space for every five (5) individual storage units. If the access lane to the units, and between structures, accommodates temporary parking without blocking travel in the lane, additional per-unit parking is not required.

- J. Drainage from impervious surfaces shall be fully accommodated onsite, consistent with good engineering practices.
- K. Projected traffic and traffic circulation shall not adversely impact the surrounding neighborhood.
- L. Exterior lighting and signs may not be illuminated, unless specified within the Special Permit for safety, beyond the hours of retail operation. Lighting may not project beyond the sidewalk or roadway immediately in front of the Self-Service Storage Facility.
- M. The SPGA shall consider design and appearance of buildings, setbacks, visual impact, lighting, security issues, consistency with current and abutting land uses and the market demand for Self-Service Storage Facilities in determining whether to grant, condition, or deny a permit.
- N. The SPGA may require additional conditions and set standards for performance and maintenance or vary prescribed conditions upon finding that such action is consistent with accepted engineering and design practices and is reasonable necessary to meet the purpose and intent of the Huntington Zoning By-Law.
- O. The Special Permit may be exercised only by the applicant and is not transferable.
- P. The applicant shall provide a copy of the project summary, as well as all details, and site plan to the Huntington Fire Chief and Huntington Police Chief. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility. Twenty-four hour access to the site shall be provided to the fire department and police department by means approved by the Chief of Police and Fire Chief.
- Q. All of the specifications provisions in F, G, H, I, J, K, L, M, P above must be included with the Special Permit application. Should any item be missing, the application will be deemed incomplete and the SPGA will deny the application unless the applicant chooses to withdraw the application.
- R. Siting with visibility in a historic district is prohibited, as is siting which would be visible from any State or Nationally designated Scenic Byway(s).
- S. The Special Permit may be revoked if the permit holder is found to be in violation of any of the above mentioned conditions.
- T. Any special permit for a Self-Service Storage Facility shall be subject to review for renewal at five-year intervals.

VII. Removal Requirements

The owner shall notify the ZBA by Certified Mail of the proposed date of discontinued operations and plans for removal. If the owner does not so notify the ZBA, the Self-Storage Facility shall be deemed discontinued if it is abandoned or if it is not used for two years or more; in that event, the Town may proceed to decommission the facility and may, use the Financial Security provided in accordance with Section VIII, below, to do so.

Decommissioning shall consist of:

- A. Removal of all structures, equipment, security barriers and transmission lines from the site.
- B. Disposal of all 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 ZBA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

VIII. Financial Surety

Applicants for Self-Service Storage Facilities 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. A plan shall be submitted, as part of the application for a Self-Service Storage Facility, to return the site to pre-existing condition, as determined reasonable by the ZBA, with the form of surety to be held by the Town in the amount of an applicant-provided estimate based upon accepted reasonable standards in the industry for such work. The amount shall include a mechanism for calculating increased removal costs due to inflation. The surety shall be submitted to the ZBA prior to the issuance of the Building Permit, as well as prior to any disturbance, including tree cutting, at the site.

XV. Severability – If any part of this Section IV.U. is found to be invalid, all other provisions shall remain in effect.

And further amend the Huntington Zoning By-Law as follows:

SECTION V: SPECIAL PERMITS

A. Authority

1. As authorized by MGL 40A, Section 9, this By-Law provides that certain structures and uses require a special permit, to be issued only after a public hearing and a finding by the Special Permit Granting Authority (SPGA) that the proposed structure and/or use complies with the general provisions set forth below and the special provisions set forth elsewhere in this By-Law.
2. Special permits may, and where so provided in this By-Law shall, impose such conditions, safeguards, and limitations on time or use as in the judgement of the SPGA will serve to insure compliance with the general and specific provisions for special permit set forth in this By-Law. Where appropriate to the use and in accord with the purposes of this By-Law, the SPGA may provide that a special permit is non-transferable.
3. The Planning Board shall be the SPGA for common driveways under VI K and VI A, wireless communications facilities under IV Q, context-sensitive developments under IV N and marijuana establishments under Adult Use Marijuana. For all other special permits, the SPGA shall be the Zoning Board of Appeals. (1/24/90, amended 5/6/95, 6/3/2019)
4. The Selectboard shall appoint an associate member to the Planning Board, who shall sit on the Planning Board at the request of its Chair for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Board or in the event of a vacancy on the Board. The term of the first such appointment shall expire on July 1, 1992, and the term of appointment thereafter shall be three years.(1/24/90)

B. General Provisions for Special Permit

1. The proposed structures and uses shall be in harmony with the general purpose and intent of this By-Law and the public interest and shall conform to the provisions of this By-Law and all other applicable laws and legally binding regulations.
2. No substantial grievance, nuisance, or hazard shall be created for any person owning or residing on an abutting lot or an abutting-to-abutting lot within 300 feet of the lot-site of the special permit.
3. The appearance of the proposed structures shall be in substantial harmony with the general character of the neighborhood.
4. The proposed use shall be in substantial harmony with the uses prevailing in the neighborhood and for which the site is zoned.
5. Existing public facilities shall be adequate for the proposed use.
6. Existing streets shall be adequate in width and design for the traffic which would be created by the proposed use.
7. The proposed use shall not be such as to create traffic on access streets to the site which would be a hazard or substantial nuisance to those owning property on or using such streets.
8. Provisions shall be made for adequate off-street parking, as provided in Sec. IV H.
9. The proposed structures and uses shall not involve a density of population or intensity of use substantially beyond what is generally characteristic of and appropriate to the neighborhood.
10. The proposed structures, facilities, and uses shall not have a significant adverse environmental impact.
11. Special permit shall not be issued for a lot on which there is an existing violation .(Amended May 14, 2001)
12. Special Permit Approvals are not transferable. Should ownership and/or occupancy or the business location change, a new Special Permit Application is required with no guarantee of approval. (Added 6/3/19)

C. Procedures for Special Permit

1. Procedures for special permit shall be as provided in MGL 40A, Sections 9 & 11, and the rules and regulation of the SPGA. [Some of these provisions are: Applications shall be filed with the Town Clerk and then the SPGA. An advertised public hearing must be held within 65 days of the filing of the application. Parties in interest must be notified. These include petitioner, abutters, and abutters to abutters within 300 feet, (without regard to street or road lines), the Planning Board, and others. Applicant is charged a fee sufficient to cover the cost of advertisement and notice. The Planning Board must submit a report within 35 days of receipt of a copy of the application. The SPGA may not act on the application until this report has been received, or until 35 days have passed. Decision on the application must be made and filed with the Town Clerk within 90 days of the public hearing on the application. Applicant and parties of interest must be notified of the decision and informed of their right to appeal. For full details see MGL 40A, Sections 9 & 11 and ZBA rules and regulations.]

2. A special permit shall lapse if a substantial use thereof has not occurred within two years of issuance, subject to the provisions of MGL 40A, Sec. 9.

D. Time Periods of Special Permits, Renewals, Violations, Failure to Apply, Penalties (Added 6/3/19)

1. Special Permits shall be valid for a period of one (1) year, unless stipulated otherwise in the conditions of the specific permit. After the first year without any violation, the SPGA may renew the Special Permit for a period of two (2) years or longer, depending on the permitted location and its effect on the neighborhood. No Special Permit may be valid for a period longer than five (5) years. However, Special Permits may be renewed for up to five (5) year periods numerous times if they qualify.
2. No Special Permit renewal shall be approved when there are unrectified violations on this Special Permit statute, or conditions of the existing Special Permit, or unpaid taxes owed to the Town of Huntington on the parcel. The owner of the parcel holding the Special Permit shall have 30 days after notification (by the appropriate entity) of the violation or unpaid taxes to rectify the violation or unpaid taxes or make accommodations to do so which are satisfactory to the SPGA and/or Town Treasurer, as applicable. Should the violation(s) continue after 30 days without satisfactory efforts to be rectified, the appropriate Town Official may use any lawful procedure to suspend the Special Permit in violation until such time (within the remaining time period of the permit) as the permit is in accordance with its conditions. Additionally, the appropriate Town Official may assess penalties as stated below.
3. Failure to Apply
Should a person or entity commence an action which requires a Special Permit or Variance under this Zoning Bylaw without applying for said Special Permit or Variance and receiving approval from the appropriate SPGA, that person or entity shall be considered in violation of this Zoning Bylaw. That person or entity, as well as the owner of the property, is subject to assessed penalties as stated below.
4. Penalties
Penalties for violations of this Zoning Bylaw may be assessed as deemed necessary. Penalties are as follows:
 - a. First violations are subject to a Warning with 30 days to rectify the violation with the SPGA without financial consequences.
 - b. Second violations are subject to a fine of \$100 per offense. Each day the violation continues constitutes a separate offense and is therefore, an additional fine. After thirty (30) additional days, a subsequent violation is considered a third violation.
 - c. Third and subsequent violations are subject to a fine of \$300 per offense. Each day the violation continues constitutes a separate offense and is therefore, an additional fine.

SECTION VI: EXEMPTIONS

A. Non-conforming Uses, Structures, and Lots

1. [In brief summary, MGL 40A, Sec. 6 provides that uses, structures, and lots which do not conform to the provisions of this By-Law are exempt from such provisions if they were lawfully in existence when the provisions went into effect. Any substantial alteration, extension, or change of such a preexisting non-conforming use or structure requires a special permit. The only required finding is that the new use or structure would not be substantially more detrimental to the neighborhood than the existing one. In granting special permit under this section, the SPGA may impose such conditions, safeguards, and limitations on time or use as it deems needed to insure that the new use of structure will not be substantially more detrimental. Non-conforming buildings destroyed by fire may be rebuilt on the same site without special permit. For full details see MGL 40A, Sec. 6.]
2. For the purposes of this By-Law, any alteration, reconstruction, extension, or structural change in a lawfully non-conforming single or two-family house which is within the existing footprint of the house, or which itself is conforming, shall be deemed not to increase the nonconforming nature of the house. (Amended 5/13/1995)

3. Exemption under MGL 40A, Sec. 6 shall lapse if a non-conforming use or structure is abandoned or discontinued for two years or more.
4. Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law, except as provided in MGL 40A Sec.6 par. 2. (Above numbers changed 5/13/1995)

B. Variances

1. A variance is a license to do something contrary to law. Variances shall be granted only as provided in MGL 40A, Sec. 10. [MGL 40A, Sec. 10 provides that a variance may be issued only if all four of the following findings are made:
 - a. There are circumstances relating to soil conditions, shape, or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.
 - b. Due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise, to the petitioner or applicant.
 - c. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this By-Law.
 - d. Desirable relief may be granted without substantial detriment to the public good.]
2. [MGL 40A, Sec. 10 also provides as follows:
 - a. The ZBA may impose conditions, safeguards, and limitations both of time and of use on a variance, but none based on continuous ownership of the land or structure to which the variance applies.
 - b. Variances granted prior to January 1, 1976 which were limited in time may be extended on the same terms and conditions.
 - c. Rights granted by a variance but not exercised within a year of the date of granting shall lapse.]
3. The permit granting authority for variances shall be the Zoning Board of Appeals.
4. No use variances shall be granted.
5. Procedures for variances shall be as provided in MGL 40A, Sections 10 & 11.[& 14]

[Procedures for variances are much the same as for special permit (VC), except that the decision must be filed with the Town Clerk within 100 days of the filing of the application with the Town Clerk.]

SECTION VII: SITE PLAN REVIEW

Section 1.1: Purpose

The purpose of this Zoning Bylaw section is to provide a comprehensive review procedure for construction projects which are expected to have substantial impacts on the community, ensure compliance with community goals and objectives and the provisions of this Zoning Bylaw, minimize adverse impacts of such development, and promote development which is harmonious with surrounding areas. This includes assuring proper drainage, screening, landscaping, safe access, safe and efficient vehicular and pedestrian movement, adequate parking and loading, public convenience health and safety and adequate consideration of abutting land owners.

Section 1.2: Definitions

Huntington Site Plan Review Authority (HSPRA): Shall consist of the Planning Board.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana Establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD): An entity formerly and validly registered under 105 CMR 725.000: *Implementation of an Act for the Humanitarian Medical Use of Marijuana*, or currently and validly registered under 935 CMR 501.100, that acquires, cultivates, possesses,

processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Project: A proposed or planned undertaking or design of an enterprise to achieve a particular aim at a set location.

Drive-through: A facility where one can be served or obtain services, or a portion thereof, from a business without leaving their vehicle.

Detrimental impact: A finding made by the HSPRA that a proposed project presents negative and/or harmful and/or damaging effect(s) (to abutters or abutters to abutters within 300 feet or townspeople of Huntington or the Town as a whole). This includes the compounding of more than one negative and/or harmful and/or damaging effect with another.

Section 1.3: Projects requiring site plan approval

No building permit, special permit or certificate of occupancy shall be issued, nor shall any project commence, for the following projects prior to the review and approval of a site plan in accordance with this section:

1.3.1. Projects which involve new construction or additions of over 3,000 square feet (excluding single-family dwellings).

1.3.2. Projects for which Zoning requires and/or the proposed project includes the provision of over four additional parking places.

1.3.3. Projects which require a special permit and/or a variance.

1.3.4. Projects that require a site plan review in any other section of zoning.

1.3.5. Projects that include vehicle drive-throughs of any kind, including banks, restaurants, liquor stores, pharmacies, and gas stations.

1.3.6. Projects which involve demolition, construction and/or alteration of a facade or parking area within one mile of a designated scenic byway or historic district, as well as any such project pertaining to any historic structure or artifact in any district in the Town of Huntington.

1.3.7. Marijuana Establishments and Registered Marijuana Dispensaries (RMDs AKA Medical Marijuana Treatment Centers)

1.3.8. Site Plan Review Approvals are not transferable. Should there be a change of ownership and/or occupancy or change of use or change of the business location, a new Site Plan Review Application is required.

Section 1.4: Requirements for site plan review

These requirements are superimposed over any other requirements of the Huntington Zoning Bylaw. No building permits, special permits or certificates of occupancy shall be issued for any project described in Section 1.2. until the site plan has been approved by the Huntington Site Plan Review Authority (HSPRA) through a simple majority vote of a quorum of the members present.

Recommendations will be requested of the Conservation Commission (ConCom), Board of Health (BOH), Police Department (PD), Fire Department (FD) and additional appropriate Town Boards or Departments, should an application warrant feedback from said Town Officials. However, should requested recommendation(s) not be received by the HSPRA within 35 days from said Board, Commission or Department's receipt of the application, the HSPRA may act on the application without a recommendation.

The site plan review process shall be conducted by the HSPRA in conformance with the filing, review and public hearing requirements for a special permit. If a Special Permit is required for the project, the Site Plan Review process shall be completed prior to the application for the Special Permit. Appeals must be filed with the Town Clerk within 30 days of notice of the decision applicant wishes to appeal, or, if notice is not given, within thirty days of the date that the decision shall be deemed to have been made, and shall specify the decision being appealed and the reason for the appeal. Thereafter, the ZBA shall hold a public hearing within 65 days. The hearing shall be advertised and parties in interest notified. Decision must be made within 100 days of the filing of the appeal with the Town Clerk. Within 14 days thereafter, copies of the decision shall be filed with the Town Clerk and sent to the

appellant, who, along with parties in interest, shall be notified of their right to further appeal by following the process in MGL 40A, Sec. 17 (Judicial Review).

Site Plan Reviews will be processed in a timely manner as long as the applicant supplies necessary data upon application. Completed applications should be reviewed within 45 days, and the applicants will be notified of what additional submissions may be necessary to complete the review process. If the application is not complete or consultants are necessary to complete the review, the HSPRA cannot guarantee a specific timeline.

All site plan review decisions and plans approved as part of a site plan review decision shall be recorded at the Registry of Deeds. In addition, the plans approved as part of the site plan review decision shall be recorded with the decision as described in Section 1.5. of this Site Plan Review Zoning Bylaw.

Section 1.5: Procedures

1.5.1. All applications for building permits, special permits and certificates of occupancy shall be reviewed by the Building Commissioner for the applicability of site plan review. The Building Commissioner will determine if a project meets the threshold for site plan review and notify the applicant and the HSPRA within 20 days. Should there be no notification within 20 days, the applicant must request said determination by the HSPRA no sooner than 21 days after application. If it is determined that the application does meet the threshold, the applicant will then be required to file an application for site plan review to the Town Clerk and the HSPRA on forms approved by the HSPRA, accompanied by the following information:

1.5.2. The application shall include the appropriate fee(s), certification by the appropriate design professionals, seven (7) copies of a completed Application For Approval of Site Plan Review-Form S and site plan(s) at a scale of one inch equals 40 feet on a mylar plus seven (7) prints of the plans showing the following:

1.5.2.A. Name and address of the owner and the developer, name of the project, and date and scale of plans;

1.5.2.B. Location and boundaries of the lot, adjacent streets, ways and/or roads, location and owners names of all adjacent properties and those within 300 feet of the property line (abutters and abutters to abutters within 300 feet without regard to street, way or road lines), and all zoning district boundaries;

1.5.2.C. Existing and proposed structures, including setbacks from property lines, structure elevations, and all exterior entrances and exits. Elevation plans of all exterior facades of proposed structures;

1.5.2.D. Present and proposed use of the land and buildings;

1.5.2.E. Existing and proposed topography at two-foot contour intervals, showing wetlands, streams, surface water bodies, drainage swales, floodplains and unique natural land features;

1.5.2.F. Location of parking and loading areas, public and private ways, driveways, walkways, access and egress points, including proposed surfacing;

1.5.2.G. Location and description of all stormwater drainage facilities (including stormwater detention facilities, water quality structures, drainage calculations where applicable, and drainage easements), potential water quality impacts, planned best management practices (BMPs) and erosion control measures during the construction phase, and the planned BMPs to be used to manage runoff created after development. Applicants shall incorporate green infrastructure and low-impact design to the extent feasible. For major projects that do not trigger a separate stormwater permit, applicants shall submit information on all analysis conducted to incorporate low-impact design and green infrastructure, as well as a proposed inspection schedule for the project during construction and upon completion. Inspections shall be performed by a qualified professional as confirmed by the HSPRA;

1.5.2.H. Location and description of public and private utilities, sewage disposal facilities and water supply(ies);

1.5.2.I. Existing and proposed landscaping, including trees and other plantings (with their size and type specified), stone walls, buffers, screening, and fencing. Landscape plans must be designed and stamped by a certified landscape architect or arborist. An adequate schedule for maintenance must be specified on the plans;

1.5.2.J. Location, dimensions, height, color, illumination of existing and proposed signs;

1.5.2.K. Provisions for refuse removal, with screening of refuse as appropriate;

1.5.2.L. An erosion control plan and any other measures taken to protect natural resources and water supplies;

1.5.2.M. An appropriate lighting plan if no prior existing outdoor lighting.

1.5.2.N. Parties of interest (as specified in Zoning Bylaw Section V.c. Procedures for Special Permits) shall be notified and an advertised public hearing must be held as per same Section V.c.

1.5.3. The application shall include estimated daily and peak hour vehicle trips generated by the proposed use, traffic patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate vehicular and pedestrian circulation within the site, a detailed analysis of why, if proposed, more than one curb cut or a curb cut wider than 24 feet wide is proposed, a proposed traffic mitigation plan to mitigate the safety and traffic issues of any increase in traffic, and a plan for safe and adequate bicycle and pedestrian access on the site and adjacent to any road (including provisions for sidewalks and/or bike paths to provide access to adjacent properties and adjacent residential neighborhoods, as applicable, and between individual businesses within a development).

1.5.4. When the HSPRA has approved an application, the HSPRA shall inspect the completed site prior to the Building Commissioner's approval. Any deviation from build specifications of the approved site plan will be a violation of the approval and will necessitate a new hearing with the HSPRA to determine if a new application is required. Therefore, if the applicant anticipates any deviation, the HSPRA shall be notified and will have 21 days to review the deviation request and respond prior to commencement of proposed deviation. The final HSPRA approval will be a project review and signature(s) of the HSPRA on the building permit.

1.5.5. When the HSPRA has approved the application, the HSPRA will sign the Building Commissioner's Record of Inspections. The applicant is responsible for filing the Mylar, once approved, to the Registry of Deeds.

1.5.6. The approved project shall commence within one year, or the approval shall lapse.

Section 1.6: Site Plan Approval Criteria

In conducting the site plan review, the HSPRA shall find that the following conditions are met:

1.6.1. The requested use protects abutters against detrimental impacts. If applicable, this shall include provision for surface water drainage, odor, noise and sight buffers and preservation of views, light, and air, as well as a Maintenance and Upkeep Plan.

1.6.2. The requested use will promote the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, bike paths adjacent to the property, and minimize traffic impacts on the streets and roads in the area. This shall include considering the location of driveway openings in relation to traffic and adjacent streets, cross-access easements to abutting parcels, access by public safety vehicles, the arrangement of parking and loading spaces, connections to existing transit or likely future transit routes, and provisions for persons with disabilities.

1.6.2.A. Curb cuts onto streets shall be minimized to the extent possible. Access to businesses shall use existing side streets or loop service roads shared by adjacent lots when possible. More than one curb cut shall be permitted only when necessary to minimize traffic and safety impacts. Curb extensions may be used at any corner location, or at any mid-block location where there is a marked crosswalk, provided there is a parking lane into which the curb may be extended and may include transit stops. Curb extensions must be designed so as not to impede bicycle traffic. Curbs may be extended into one or both streets at a corner if it is safe to do so. No obstructions or private use should occur in the curb extension.

1.6.2.B. All projects shall include sidewalks and tree belts abutting the street, except where limitations make them infeasible in the opinion of the HSPRA. In such cases where the sidewalk is not feasible, the developer shall install an equal number of feet of sidewalk and/or tree belt in another area of the community as deemed by the HSPRA. All sidewalks shall meet the following standards:

1.6.2.B.1. All sidewalks will be at least four feet in width and constructed in accordance with the Huntington Subdivision Rules and Regulations: Construction Standards (9.06 Sidewalks).

1.6.2.B.2. If gratings are located in walking surfaces, they shall have spaces in accordance with the latest safety standards. If gratings have elongated openings, they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

1.6.2.B.3. Ramps allowing access to the sidewalk and street by variously abled persons shall be required at the corner or within the curb area immediately adjacent to the sidewalk.

1.6.2.B.4. For any new driveway, the portion of the driveway that crosses the sidewalk shall conform to the sidewalk requirements set forth herein, regardless of whether there is a sidewalk improvement extending along the balance of the frontage property, with sidewalks constructed with extra depth to withstand cars.

1.6.2.B.5. The sidewalk cross slope of 1:50 should be maintained across the entire width of the driveway. The driveway apron should be located in the tree belt between the pedestrian way and the roadway.

1.6.3. The project, including any concurrent road improvements, will not decrease the level of service (LOS) of all area local and state roads or intersections affected by the project below the existing conditions when the project is proposed and shall consider the incremental nature of development and cumulative impacts on the LOS. The project proponent must demonstrate that all cumulative and incremental traffic impacts have been mitigated. Mitigation may include improvements in off-site pedestrian and bicycle facilities to avoid, minimize and mitigate increases in the volume of motor vehicles, especially vehicles during peak hours.

1.6.4. Access by non-motorized means must be accommodated with facilities such as bike racks, sidewalk connections from the building to the street, and bike paths that are clearly delineated through materials and/or markings to distinguish the vehicular route from the non-vehicular route.

1.6.5. The site will function harmoniously in relation to other structures and open spaces to the natural landscape, existing buildings and other community assets in the area as it relates to landscaping, drainage, sight lines, building orientation, massing, egress, and setbacks. Rear and/or side wall facades within 50 feet of a completed or planned section of a cycle track or bike path shall have features that invite pedestrian access from that side of the building.

1.6.6. The requested use will not overload, and will mitigate adverse impacts on, the Town's resources, including the effect on public water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. Stormwater projects with over 5,000 square feet of new impervious area shall demonstrate no increase in peak flows from the one- or two-year and ten-year National Resources Conservation Service (NRCS) design storm from predevelopment conditions (the condition at the time a site plan approval is requested). Green infrastructure and low-impact design shall be incorporated to the extent feasible to ensure runoff is handled on site. At the very minimum, the runoff from up to a one-inch rain storm (first flush) shall be detained on site for an average of six hours. In addition, catch basins shall incorporate sumps of a minimum of four feet and a gas trap. Should the applicant request a waiver, the HSPRA may require professional analysis at the applicant's expense as per MGL. c. 44, §53G. as outlined in Section 1.7.3. of this Site Plan Review Zoning Bylaw.

1.6.7. Design guidelines for all buildings newly constructed, or reconstructed buildings, as well as existing buildings and their appurtenances, which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related in terms of the following factors:

1.6.7.A. Scale of the Building. The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

1.6.7.B. Height. A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

1.6.7.C. Proportion of Building's Façade(s). The "first impression" a building gives is that of its facade(s), the side(s) of the building which faces the most frequently used public way(s). The relationship of the width to the height of the facade(s) should be visually compatible with that of its neighbors.

1.6.7.D. Rhythm of Solids to Voids in Front Facades. When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

1.6.7.E. Proportions of Opening within the Facility. Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

1.6.7.F. Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

1.6.7.G. Relationship of Facade Materials. The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Huntington, many different materials are used on facades - clapboards, shingles, patterned shingles, and brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with the character of other buildings around it (but not necessarily the same material).

1.6.7.H. Rhythm of Spaces to Building on Streets. The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

1.6.7.I. Site Features. The size, placement and materials of walks, walls, fences, signs, waste disposal, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings. Parking and waste disposal shall be in the rear whenever possible.

1.6.7.J. Signs shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. All signs shall be attractive and appropriate to the neighborhood, with all new signs designed of wood or the appearance of wood. No plastic or metal signs (unless historic appearance i.e.: wrought iron in nature) and/or no internal illumination. All illumination shall be from the top or bottom and shall not illuminate neighboring parcels. Neon signs are prohibited with the exception of one "Open" sign inside of a window or door. No sign, neon or otherwise, shall have flashing, blinking, or any otherwise moving elements. Creative signage ideas (i.e.: logos painted on door or window or brick sidewalks with the logo on the sidewalk) are encouraged. All signs shall be constructed in accordance with Huntington Zoning Bylaw (Section IV I: Signs) and shall be appropriate for the character of the neighborhood, unless the neighborhood has prior signage which is deemed inappropriate by the HSPRA.

1.6.8. Marijuana Establishments and Registered Marijuana Dispensaries (RMDs) shall meet the following criteria:

1.6.8.1 Building facades and property must be consistent with the character of the neighborhood.

Security measures must appear from outside of the building to be consistent with the character of the neighborhood. This does not create any restriction or compromise on security measures but does require that such measures be camouflaged to blend into the background.

1.6.8.2 Buildings must be ventilated with such filters or scrubbers to ensure that there are no odors from marijuana in any place where the public or clients are present and no public exposure to any pesticides, herbicides or other chemicals.

1.6.8.3 No Marijuana Establishment shall be located within 500 feet of any pre-existing school (pre-school, kindergarten, elementary, middle, or high school.) For other buffer limitations, see "Adult Use Marijuana" Zoning Bylaw section.

1.6.8.4 For new buildings and additions, the applicant must show that the building is designed to accommodate solar power installation. This is met by showing that the roof design can support solar panels and that roof orientation, conduit and electrical service will be incorporated so that installation can easily be added either at the time of construction or at any point thereafter.

Alternatively, the applicant may show the site is designed to accommodate solar with conduit to be located to accommodate the ground system. The Planning Board may waive this requirement for green roofs should the applicant provide information to satisfactorily prove that either building-mounted or ground-mounted systems are impracticable due to site constraints which the Board feels are reasonable. No other waivers will be considered by the Town.

Section 1.7: Fees

1.7.1. Projects below 5,000 square feet of new building area: \$300

1.7.2. Projects 5,000 square feet and over: the greater of \$500 or \$.10 per square foot of new building construction

1.7.3. The HSPRA may impose an additional project review fee on projects which require, in the judgment of the HSPRA, review by outside consultants due to the size, scale or complexity of the project, the project's potential

impacts, or because the town lacks the necessary expertise to perform the review work related to the permit or approval as per MGL. c. 44, §53G. at the applicant's expense. In hiring outside consultants, the HSPRA may engage engineers, planners, lawyers or other appropriate professionals able to assist the HSPRA and ensure compliance with all relevant laws, regulations and requirements. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the HSPRA's decisions or regulations, and/or inspecting a project during construction or implementation. Funds received by the HSPRA under this Section 1.7.3. shall be deposited with the Town Treasurer, who shall establish a special account as stated in MGL. c. 44, §53G., with expenditures therefrom to be made at the direction of the HSPRA without further appropriation. Minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three (3) or more years of practice in the field at issue or in a related field. The selection of a consultant may be appealed to the Board of Selectmen, which may disqualify such consultant on the grounds that he or she has a conflict of interest and/or does not possess the minimum qualifications, as aforesaid.

1.7.4. Enforcement and Compliance. The HSPRA may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required. Should a project subject to Site Plan Review not follow the required procedure, it will be deemed in noncompliance and a violation of the Zoning Bylaw. As such, it shall be enforced by the Zoning Enforcement Officer (Building Inspector) by non-criminal complaint pursuant to the provisions of MGL. c. 40, §21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this bylaw shall be:

Warning for the first offense

\$100.00 for the second offense

\$200.00 for the third offense and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

1.7.5. Severability Provision: If any part of this bylaw is found not to be legal, the remainder will remain intact.

SECTION VIII: ADULT USE MARIJUANA

I. Purpose

The purpose of this Bylaw section is to protect the health, safety and general welfare of the residents of the Town of Huntington, as well as promote the observance and enforcement of the laws which regulate the use and development of land and structures in the Town of Huntington in a manner appropriate to the character of the Town and its various areas and activities.

It is recognized that the nature of the substance cultivated, processed, and/or sold by marijuana establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as legally authorized adult customers seeking to legally purchase marijuana for their own use. The specific and separate regulation of Marijuana Establishments (hereafter also referred to as an ME) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Huntington.

II. Applicability

Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

III. Reference for matters not covered by this Bylaw

References may be made to Chapter 40A and Chapter 40, Section 32 of the Massachusetts General Laws (MGL) and to MGL Chapter 94C: Controlled Substances Act, MGL Chapter 94G: Regulation of the Use and Distribution of Marijuana Not Medically Prescribed and/or 935 CMR 500: Regulations for the Adult Use of Marijuana and they are included for the convenience of those consulting this Bylaw.

IV. Definitions

For the purposes of the Huntington Adult Use Marijuana Bylaw, the following terms shall have the following meanings:

Cannabis or Marijuana or Marihuana (Throughout this bylaw, the terms Cannabis and Marijuana are used interchangeably): All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

(a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(b) hemp; or

(c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis Control Commission (CCC or Commission): The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.

Cannabis or Marijuana Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Cannabis or Marijuana Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.

Canopy: An area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Ceases to Operate: A Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen.

Consumer: A person who is 21 years of age or older.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth of MA and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Edible Cannabis Products or Edibles: A cannabis or marijuana product that is to be consumed by humans by eating or drinking. These products, when created or sold by a Registered Marijuana Dispensary (RMD), shall not be considered a food or a drug as defined in M.G.L. c. 94I, § 1.

Executive: The chair of a board of directors, chief executive officer, executive director, president, senior director, other officer, and any other executive leader of a Marijuana Establishment.

Existing License Transporter: An entity that is otherwise licensed by the Commission and also licensed to purchase, obtain, and possess cannabis or marijuana products solely for the purpose of transporting, temporary storage, sale and distribution on behalf of other Marijuana Establishments to other establishments, but not to consumers.

Flowering: The gametophytic or reproductive state of cannabis or marijuana in which the plant produces flowers, trichomes, and cannabinoids characteristic of marijuana.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Host Community Agreement (HCA): An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and an up to 3% host agreement revenue sharing.

Host Community Agreement Committee: The Host Community Agreement Committee (HCAC) is the ad hoc municipal committee working with Marijuana Establishments on the HCA. The committee representation shall consist of members of the Board of Selectmen and the Planning Board with a minimum of five members being present for a quorum. An HCA issued by the HCAC shall require a two-thirds affirmative vote of a committee with more than five members present or an affirmative vote of at least four members if five members present.

Independent Marijuana Testing Laboratory: A laboratory, as defined in 935 CMR 500.002 that is licensed by the Commission. Independent Marijuana Testing Laboratories require special permit and site plan approval in Industrial District and are prohibited in all other districts in the Town of Huntington.

Law Enforcement Authorities: Local law enforcement unless otherwise indicated.

License: The certificate issued by the Commission that confirms that a Marijuana Establishment has met all applicable requirements pursuant to 935 CMR 500.000.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Limited Access Area: An area on the registered premises of a Marijuana Establishment where cannabis or marijuana products, or their byproducts are cultivated, stored, weighed, packaged, processed, or disposed of, under the control of a Marijuana Establishment, with access limited to only those marijuana establishment agents designated by the establishment.

Local Authorities: Local municipal authorities unless otherwise indicated.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Marijuana Establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Marijuana Establishment Agent: An applicant, board member, director, employee, executive, manager, owner, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Marijuana Microbusiness (Microbusiness): Marijuana Establishment that can be EITHER a Tier 1 Marijuana Cultivator OR Product Manufacturer, in compliance with the operating procedures for the applicable license. A Microbusiness Licensee shall not have an ownership stake in any other Marijuana Establishment and a majority of its Executives and Members must have been Massachusetts Residents for not less than 12 months prior to application. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers. In the Town of Huntington, Marijuana Product Manufacturers shall be limited to Marijuana Microbusinesses.

Marijuana Production Area: A limited access area within the Marijuana Establishment where cannabis or marijuana is handled or produced in preparation for sale.

Marijuana Production Batch: A batch of finished plant material, cannabis resin, cannabis concentrate or marijuana-infused product made at the same time, using the same methods, equipment and ingredients.

Marijuana Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission. Marijuana Research Facilities require special permit and site plan approval in Industrial District and are prohibited in all other districts in the Town of Huntington.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Massachusetts Resident: A resident is a person who maintains a permanent place of abode in Massachusetts and spends more than 183 days of the taxable year in Massachusetts. Whether a person maintains a permanent place of abode in Massachusetts is a factual determination.

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD): An entity formerly and validly registered under 105 CMR 725.000: *Implementation of an Act for the Humanitarian Medical Use of Marijuana*, or currently and validly registered under 935 CMR 501.100, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Medical Registration Card: An identification card issued by the Medical Use of Marijuana Program to a registered qualifying patient, personal caregiver, institutional caregiver, RMD agent or laboratory agent.

Member: A member of a non-profit entity incorporated pursuant to M.G.L. c. 180.

Paraphernalia: means “drug paraphernalia” as defined in M.G.L. c. 94C, § 1.

Personal Caregiver: A person, registered by the Commission, who is 21 years of age or older, who has agreed to assist with a registered qualifying patient’s medical use of marijuana, and is not the registered qualifying patient’s certifying healthcare provider. A visiting nurse, personal care attendant, or home health aide providing care to a registered qualifying patient may serve as a personal caregiver, including to patients younger than 18 years old as a second caregiver.

Premises: Any indoor or outdoor location over which a Marijuana Establishment or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

Public Consumption Site: Sites where members of the public may gather to consume marijuana. Public Consumption Sites are prohibited in the Town of Huntington.

Qualifying Patient: A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed healthcare provider as having a debilitating medical condition, or a Massachusetts resident younger than 18 years old who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J): Written Certification of a Debilitating Medical Condition for a Qualifying Patient.

Real-time Inventory or Seed-to-sale Tracking: An electronic system that provides the electronic tracking of an individual cannabis or marijuana plant, including its cultivation, growth, harvest and preparation of cannabis or marijuana products, if any, and final sale. This system shall utilize a unique-plant identification and unique-batch identification. It will also be able to track agents’ and licensees’ involvement with the marijuana product.

Registered Qualifying Patient: A qualifying patient who has applied for and received a medical registration card from the Commission.

Registrant: The holder of a registration card or a license.

Registration Card: An identification card issued by the Commission to a Marijuana Establishment or laboratory agent. The registration card allows access into Commission supported databases. The registration card facilitates verification of an individual registrant’s status, including, but not limited to the identification by the Commission and law enforcement authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334 as amended by St. 2017, c. 55, and 935 CMR 500.000.

RMD Applicant: A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the CCC. In the Town of Huntington, RMD applicants are subject to the same regulations as Marijuana Establishments.

SPGA: Special Permit Granting Authority – The SPGA for Marijuana Establishments shall be the Planning Board.

Tier One: Up to 5,000 square feet of Canopy

Tier Two: 5,001 to 10,000 square feet of Canopy

V. Additional Requirements/Conditions

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit and/or Site Plan Approval, the following shall also apply to all Marijuana Establishments:

A. Use:

1. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
2. No marijuana shall be smoked, eaten, or otherwise consumed, or ingested on or in the premises. Public Consumption Sites are prohibited in the Town of Huntington.
3. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall any RMD (Registered Marijuana Dispensary) or any other Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 pm and 8:00 am.
4. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited to, its Final License from the Cannabis Control Commission.
5. The number of adult use Marijuana Retail Establishments permitted to be located within the Town of Huntington shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

B. Physical Requirements:

1. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.
2. No outside storage or cultivation is permitted.
3. No Marijuana Retailer shall have a gross floor area open to the public in excess of 1,500 square feet.
4. No Marijuana Establishments shall be permitted in mixed use buildings or any building also used as a residence.
5. Ventilation – all Marijuana Establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the-marijuana establishment or at any adjoining use or property as determined by the Zoning Enforcement Officer or the SPGA.
6. Signage shall be displayed on the exterior of the Marijuana Establishment’s entrance in plain sight of the public stating that “Access to this facility is limited to individuals 21 years or older” with all text a minimum of two inches in height.

All other signage must comply with all other applicable signage regulations in the Zoning Bylaw, Site Plan Review and 935 CMR 500.

7. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

C. Location:

1. Marijuana Establishments are encouraged to utilize existing vacant buildings where possible
2. No Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing (existing at the time the applicant’s license application was received by the Cannabis Control Commission) public or private school providing education in pre-school, kindergarten or any of grades 1-12.
3. No marijuana retailer shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer is or will be located) of a parcel occupied by another marijuana retail facility.
4. No Marijuana Establishment shall be located inside a residential building or on a parcel containing non-owner occupied residential units, including transient housing such as dormitories, etc. and also including commercial residential uses such as hotels, motels, lodging houses, etc.
5. No Marijuana Establishment is permitted to utilize or provide a drive-through service.

D. Reporting Requirements:

1. Prior to commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Police Department, Fire Department, Special Permit Granting Authority and Building Commissioner/Inspector/Zoning Enforcement Officer with the names, phone numbers and email addresses of all Marijuana Establishment Agents and Licensees, including a minimum of two (2) owners/directors/employees of the facility identified as contact persons, to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as often as needed to keep it current and accurate at all times.
2. The local Building Commissioner/Inspector/Zoning Enforcement Officer, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the Marijuana Establishment Agent/Licensee:
 - a. A minimum of 30 days prior to any change in ownership or management of that establishment.
 - b. A maximum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
3. Permitted Marijuana Establishments shall file an annual written report to, and appear before, the Special Permit Granting Authority no later than March 31st of each calendar year, providing a copy of all current applicable state licenses for the Marijuana Establishment and its Licensees and demonstrate continued compliance with the conditions of the Special Permit and Site Plan Approval.
4. The SPGA or Zoning Enforcement Officer may inspect any Marijuana Establishment at any time without prior notification to determine compliance with the Marijuana Establishment's Special Permit and Site Plan Approval.
5. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a Local Authority concerning their marijuana establishment at the phone number or email address provided to the Town as the contact for the business.
6. Issuance/Transfer/Discontinuance of Use
 - a. Special Permits and Site Plan Approvals shall be issued to the Marijuana Establishment owner.
 - b. Special Permits and Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.
 - c. Special Permits or Site Plan Approvals shall be non-transferable to another Marijuana Establishment owner, another Marijuana Establishment, or another site/parcel.
 - d. Special Permits and Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:
 1. The Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 60 days, and/or
 2. The Marijuana Establishment's registration/license by the CCC expires or is terminated.
7. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
8. A marijuana cultivation or product manufacturing establishment shall be required to remove (in accordance with State law) all material, plants, equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

VI. Application Requirements

Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town. While the SPGA is authorized to approve Special Permits for Marijuana Establishments in an amount up to, but not exceeding, 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws, they are not obligated to approve an application for a Marijuana Establishment which does not comply with the standards and intent of this Bylaw just because the maximum number of allowed Special Permits for Marijuana Establishments have not been approved.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a Marijuana Establishment shall include the following:

- A. The name and address of each owner and operator of the Marijuana Establishment facility/operation.
- B. A copy of an approved Host Community Agreement.
- C. A copy of its Provisional License from the CCC pursuant to 935 CMR 500.
- D. If the application is in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health, or from the Cannabis Control Commission, as applicable.
- E. Proof of Liability Insurance Coverage and/or Maintenance of Escrow as required in 935 CMR 500.

F. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.

G. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities, rather than persons, the Applicant must disclose the identity of all individual persons who are a part of the entity.

H. A detailed floor plan identifying the areas available and functional uses (including square footage).

I. All signage being proposed for the facility.

J. A pedestrian/vehicular traffic impact study to establish the Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways, will not be unreasonably obstructed.

K. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls to ensure that there are no odors outside of the establishment.

L. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to or from the Marijuana Establishment or off-site direct delivery.

M. Individual written plans which, at a minimum, comply with the requirements of 935 CMR 500 and this Zoning Bylaw, relative to the Marijuana Establishment's:

1. Operating procedures
2. Marketing and advertising
3. Waste disposal
4. Transportation and delivery of marijuana or marijuana products
5. Energy efficiency and conservation
6. Security and Alarms, to be submitted as separate, confidential information to be retained as confidential to the extent permitted by law.
7. Decommissioning of the Marijuana Establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

N. Specifics of the quantity and marijuana strains being handled by and/or at the Marijuana Establishment.

O. Bond: Prior to the issuance of a Building Permit for a Marijuana Establishment, the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

P. Expiration and Renewal of Registration: The Marijuana Establishment's permit(s), as applicable, shall expire one year after the date of issuance and annually or biannually thereafter, and may be renewed as follows unless an action has been taken based upon the grounds set forth in 935 CMR 500.450 or a Finding is made that the Marijuana Establishment is incompatible with the neighborhood. The potential of being renewed for a longer term upon approval of the reapplication process is dependent on the specifics of the history of behavior of the Establishment and its shown effect on the neighborhood.

1. No later than 60 calendar days prior to the expiration date, a Marijuana Establishment shall submit a completed renewal application to the SPGA in a form and manner determined by the SPGA, as well as the required fee(s) and proof of continuance of the Bond.
2. The Marijuana Establishment shall show proof of a current CCC license in good standing.
3. The Marijuana Establishment shall update as needed, and ensure the accuracy of, all information that it submitted on its initial application for its permit(s).

VII. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval, the Special Permit Granting Authority must also find all the following:

A. The Marijuana Establishment is consistent with, and does not derogate from, the purposes and intent of this Section or any other of the Town of Huntington Zoning Bylaw;

- B. That the Marijuana Establishment is designed to minimize any adverse visual, odor, noise, or economic impacts on abutters and other parties in interest;
- C. That the Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- D. That the applicant has satisfied all of the conditions and requirements of this Section and all other applicable Sections of this Bylaw;
- E. That the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery;
- F. That the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

VIII. Marijuana Cultivation Establishments

A. Marijuana Cultivation Establishments shall comply with all specifications the SPGA considers applicable as stated elsewhere in the Zoning Bylaw. The maximum total of Cannabis Cultivation allowed in the Town of Huntington shall be 100,000 square feet of canopy, permitted as either of the two types of Tier One cultivation uses as specified below:

1. Craft Marijuana Cooperative: In Huntington, Craft Marijuana Cooperatives shall consist of multiple separate Tier One locations. Each location may have up to 5,000 square feet of flowering canopy with no outside cultivation, but cultivation may be permitted in greenhouses and/or barns which meet the security requirements specified in 935 CMR 500.000 and the Huntington Zoning Bylaw.
2. Marijuana Microbusiness: In Huntington, each Microbusiness shall consist of only one individual Tier One location and type of Marijuana Establishment as permitted for Microbusinesses under the definition in 935 CMR 500.002. This location may have up to 5,000 square feet of flowering canopy with no outside cultivation, but cultivation may be permitted in greenhouses and/or barns which meet the security requirements specified in 935 CMR 500.000 and the Huntington Zoning Bylaw OR may be a limited Marijuana Product Manufacturer, in compliance with the operating procedures for the applicable license. See definition in 935 CMR 500.002 and in above Section IV. Definitions for further restrictions. No Microbusiness shall incorporate other associated activities or be associated with any other Marijuana Establishments in the Town of Huntington.

IX. Enforcement and Violations: This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, or by any police officer. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Each day that an offense continues shall be considered a separate offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

X. Severability Provision: If any part of this bylaw is found not to be legal, the remainder will remain intact.

SECTION IX: OFFICERS, POWERS, AND ENFORCEMENT

A. The Zoning Board of Appeals (ZBA)

1. The ZBA shall consist of three members and two alternate members, who shall be appointed by the Selectboard, as provided in MGL 40A, Sec. 12.
2. The ZBA shall adopt rules of procedure and act in matters within its jurisdiction as provided in this By-Law and MGL 40A.
3. The ZBA shall have the following powers:
 - a. To hear and rule on appeals as provided in MGL 40A, Sec. 8. [This includes appeals by those aggrieved by an action of the Zoning enforcement officer.]

- b. To issue, renew, modify or extend all special permits except as provided in Sect. V A 3 [common driveways and open-space communities].
 - c. To hear and rule on application for variance.
- [The ZBA is also the Planning Board of Appeals, with powers and duties as provided in MGL Chapter 41, Sections. 81Y, 81Z, & 81AA.]

B. The Zoning Enforcement Officer (ZEO)

1. The ZEO (who may also be the building inspector) shall be appointed by the Selectboard and shall serve at their pleasure and under their authority and supervision. Enforcement of this By-Law is vested in the ZEO. (2/11/87)
2. As provided in MGL 40A, Sec. 7, and Chapter. 41, Sec. 81Y, issuance of a building permit shall be withheld if the ZEO finds that any of the proposed structure(s), use(s), or work would be in violation of this By-Law or an approved definitive plan of subdivision. (2/11/87).
3. The ZEO shall act on requests for enforcement of this By-Law as provided in MGL 40A, Sec. 7. [Sec. 7 provides that on receipt of a written complaint alleging violation and requesting enforcement, the ZEO shall, within 14 days:
 - a. Inspect the site of the alleged violation.
 - b. If a violation is found, notify the person responsible in writing that such violation exists and that action to remove the violation must begin within five days of receipt of the notification and must proceed expeditiously thereafter, and that failure to comply may result in imposition of a fine of \$100 per violation, with each day such violation continues constituting a separate offense.
 - c. Notify the complainer and the Selectboard in writing as to what findings were made and what findings were made and what action taken.
 - d. Notify the complainer and the violator or alleged violator that action by the ZEO is appealable to the ZBA, and that such appeal must be filed with the Town Clerk, with reasons therefor, within 30 days of receipt of notice of action.]
4. If a person who has been notified of a violation under B 3 b above fails to act to remove the violation within five days, or fails to proceed expeditiously thereafter to remove the violation, the ZEO shall so notify the Selectboard, and if the violation concerns a special permit, the issuing board shall also be notified, and the ZEO shall commence appropriate legal proceedings.
5. If the ZEO fails to respond within 14 days to a request for enforcement, the request is deemed to be denied, and appeal may be taken to the ZBA, as provided in VIII A.

SECTION X: APPEALS

A. Appeals to the ZBA

Appeals to the ZBA shall be made and acted on as provided in MGL 40A, Sections 8, 11, 14 & 15. [Those who may take appeal include anyone aggrieved by reason of inability to obtain a permit or enforcement action from a Town officer or board, including the Building Inspector or ZEO, acting under MGL 40A or this By-Law. Appeals must be filed with the Town Clerk within 30 days of notice of the decision being appealed, or, if notice is not given, within thirty days of the date that the decision shall be deemed to have been made, and shall specify the decision being appealed and the reason for the appeal. Thereafter the ZBA shall hold a public hearing within 65 days. The hearing shall be advertised and parties in interest notified. Decision must be made within 100 days of the filing of the appeal with the Town Clerk. Within 14 days thereafter copies of the decision shall be filed with the Town Clerk and sent to the appellant, who, along with parties in interest, shall be notified of their right to appeal under MGL 40A, Sec. 17. For full details, see MGL 40A, Sections 8, 11, 14, 15, & 17.]

B. Appeals of Decisions by Town Boards or Officers

Appeals of decisions by Town Boards or Officers, including the ZBA or other SPGA, shall be made to the appropriate Court, as provided in MGL 40A, Sec. 17 and MGL Chapter 41, Sec. 81BB. [Appeal must be made, and notice of appeal filed with the Town Clerk, within 20 days of the date the decision was filed with the Town Clerk. For full details see MGL 40A, Sec. 17 and MGL Chapter 41, Sec. 81BB.]

SECTION XI: AMENDMENTS.

Amendments to this By-Law are made as provided in MGL 40A, Sec. 5. [In brief summary: Initiative may be made by the Selectboard, the ZBA, the Planning Board, the regional planning agency, any ten voters registered in Huntington, any individual owning land to be affected by change or adoption, or by request of registered voters of a town pursuant to MGL Chapter 39, Sec. 10. Thereafter an advertised Planning Board hearing is held, followed by a Town meeting, at which a two-thirds affirmative vote is required for passage. The amendment is then submitted to the Attorney General for review, and, if approved, posted by the Town Clerk, at which time the amendment becomes law, effective as of the date of the Town meeting vote. For full details see MGL 40A,S.5.]

SECTION XII: REPEAL.

All previously passed Zoning By-Laws are hereby repealed.

SECTION XIII: VALIDITY.

The invalidity of any section or provision of this By-Law shall not affect the validity of any other section or provision.

[The corrections of 9/27/89 rectify some typographical errors, including a change from 5% to 25% in IV N 3c, and update the bracketed material (not a part of the By-Law).]

APPENDIX A

TABLE OF DIMENSIONAL REQUIREMENTS^a

J DIMENSION	USE ^b	DISTRICT							
		R-25	R-45	R-90	R-135	Bus.	C-Bus.	Ind	APD
Minimum Lot Size (1000 sq.ft.)	1-fam. (c)	25	45	90	135	25	5	40	90
	2-fam	35	60	90	270	35	5	40	--
	3+fam	45 (d)	135 (d)	270 (d)	305 (d)	45 (d)	5	45 (d)	--
	Bus. (e,g)	25	45	90	135	15	5	40	--
	Ind. (f)	--	--	--	--	--	--	40	--
Street Frontage	All	125ft	200ft	200ft	300ft	125ft	50ft	200ft	300ft
Front Setback (h)	All	30ft	30ft	30ft	30ft	30ft	5ft	50ft (j)	30ft
Side (+rear) Setback (i)	All	20ft	20ft	20ft	20ft	20ft	10ft	50ft (k)	20ft

(Above 'j' by dimension-ATM 05/07/2007)

NOTES:

- a. Frontage and area sufficient to meet the requirements set forth in Appendix A, Table of Dimensional Requirements, shall be located within the Town of Huntington even if parcel(s) is partially within an abutting town. Frontage and area in an abutting town shall not be counted in computing dimensional requirements specified in this table. (added 6/4/2018 ATM)
- b. See Sec. I F for definitions of terms and Sections III A & B for additional requirements, applications, and exceptions.
- c. Single-family dimensional requirements shall apply to religious, educational, public, and agricultural uses to the extent not exempted under MGL 40A, Sec. 3, and to any uses not covered elsewhere in this table.
- d. Includes manufactured home (residential districts only).
- e. Additional lot size required for each dwelling unit beyond three in number: business and industrial districts, 7500 sq. ft.; R-25, 10,000 sq. ft. (5/19/87); R-45, 45,000 sq. ft.; R-90, 90,000 sq. ft. (5/9/88); R-135, 135,000 sq. ft.
- f. Includes IV D 1a through IV D 3h in the Table of Use Regulations.
- g. Includes IV D 4a and IV D 4b in the Table of Use Regulations.
- h. Motel dimensional requirements: R-90 districts, 90,000 sq. ft.; all other districts, 45,000 sq. ft. An additional 1000 sq. ft. is required for each unit beyond ten in number.
- i. Where consistent with adequate reception, satellite receiving systems should be located in the rear yard (first priority) or side yard (second priority). Front yard location is permissible if necessary to adequate reception. Setback provisions apply.
- j. Accessory buildings and structures less than 15 feet high may be located as close as 10 feet from lot side or rear lines if they are at least 50 ft. from the lot front line.
- k. Thirty feet for non-industrial use.
- l. Twenty feet for non-industrial use.
- m. Includes Self-Service Storage Facilities (Industrial district only). (added 6/4/2012)