

SECTION 6.0 SPECIAL REGULATIONS

6.1 BED AND BREAKFAST REQUIREMENTS

6.1.1 Purpose. This By-Law regulates bed and breakfast uses to achieve the following purposes:

1. To encourage the utilization of over-sized homes which because of their size or functional obsolescence are costly and/or difficult to maintain as private residences. To further provide an economic incentive to maintain and to rehabilitate older, larger, uneconomic or obsolete structures.
2. To maintain and preserve the rural residential character, integrity and neighborhood attributes of the Town of Otis.
3. To regulate Bed and Breakfast uses to ensure sensitivity and compatibility with the surrounding neighborhoods in residentially zoned districts through minimizing adverse impacts on neighboring residential uses.
4. To strengthen the economic base of the Town of Otis by allowing Bed & Breakfast Establishments and Bed & Breakfast Inns and reinforce residential neighborhood viability without reducing residential characteristics.

6.1.2 Applicability

1. Within the V-I Village District, the conversion of an existing residence into or construction of a Homestay or Bed and Breakfast Establishment shall require site plan approval for the Planning Board. Construction of a Bed and Breakfast Inn or Bed and Breakfast Country Inn shall require a special permit from the Zoning Board of Appeals.
2. Within the R-40 District, the construction or conversion of an existing residential structure to a Bed and Breakfast Inn and Bed and Breakfast Country Inn shall require a special permit from the Zoning Board of Appeals. The construction of a Homestay or Bed or Breakfast Establishment shall not require site plan approval or a special permit.

6.1.3 Conditions. All establishments shall meet the following conditions:

1. Any Bed and Breakfast use shall require one off street parking space for each guest room available for rent, and one for the resident owner. The size, location and screening of such parking spaces shall be approved during the permitting process giving due consideration to the residential neighborhood characteristic, emphasizing the need to concentrate parking in as unobtrusive location on the property as possible.
2. Parking areas and exterior recreational facilities such as swimming pools and tennis courts if not located so as to be unobtrusive shall be screened from view by planting, fences or other suitable method.
3. To the extent practicable fire escapes or other outside stairways shall be located on the rear or side and shall not be located on the side of the building that faces a street.
4. Kitchen facilities will be permitted only in a single central unit to serve both the resident owners and the guests.

5. Exterior lighting shall be so directed or shaded as to prevent direct illumination of off premises property. All external lighting except for demonstrated security needs shall be extinguished by 10:00 PM.

6. Applicants shall provide such sketches, drawings or plans necessary to illustrate conformance to the requirements of this By-Law. It may be necessary, at the discretion of the reviewing board, to have the required plans prepared by registered land surveyors, architects or engineers.

7. New Bed and Breakfast operations served by an existing septic system or existing Bed and Breakfast establishments proposing to expand facilities shall not be granted approval for operation until the Board of Health confirms compliance with inspection and/or design requirements under State Environmental Code Title 5 Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

6.2 TRAILERS AND MOBILE HOMES

6.2.1 Special Permit. The Zoning Board of Appeals may grant a special permit for a travel trailer or mobile home provided the following conditions are met.

6.2.2 Conditions

1. Said permit shall not extend longer than one (1) year.
2. The travel trailer or mobile home is to be used as temporary living quarters by the owner of the premises.
3. The owner is in the process of constructing a dwelling as a separate structure on the lot.
4. The owner shall comply with all provisions of the State Environmental Code, Title 5 and with regulations of the Board of Health.

6.2.3 Said travel trailer or mobile home is not injurious, offensive, or noxious.

6.2.4 **Exemption.** Notwithstanding these provisions, nothing shall prevent a travel, camping or boat trailer, or self-contained motor home or mobile home from being parked on the owner's premises, provided that the wheels remain intact on the vehicle and mobility is maintained; and provided that said trailers, motor homes or mobile homes are not occupied as dwellings units or used commercially for any other purpose at any time.

6.2.5 **Replacement.** Nothing herein shall prevent an existing mobile home, currently being used for residential purposes from being replaced with another unit, provided that residency has not been discontinued for a period of two years. If the footprint of the replacement mobile home has a footprint more than 25% larger than the existing mobile home, a Special Permit shall be required.

6.3 NON-MUNICIPAL EDUCATIONAL AND RELIGIOUS USE

6.3.1 **General.** Any non-municipal educational use or any religious use is subject to the

following regulations.

6.3.2 Screening. Parking area shall be screened from roads and adjoining properties by one of the following methods:

1. Plant materials, at least three (3) feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five (5) feet.
2. A masonry wall or wooden or fabricated fence from five to six feet in height at least 50% solid design in an attractive manner to obscure any view.
3. Any existing growth of trees and shrubs if in the judgment of the Building Inspector, such growth provides equivalent screening.

6.3.3 Parking Requirements

1. Parking areas shall be within three hundred (300) feet of the building to be served.
2. Parking areas shall have the following number of required spaces:
Places of assembly: One (1) space for every three (3) seats.
Classrooms and/or dormitories:

Grades 1-10: one (1) space for each staff member Grades 10-12: one (1) space for each staff member plus one (1) space for every two (2) students College: one (1) space for each staff member plus two (2) spaces for every three (3) students.

6.4 JUNK CARS. No unregistered and dilapidated motor vehicle or part thereof shall be permitted to stand for more than thirty (30) days on any premises unlicensed under Massachusetts General Laws, Chapter 140 Section 57 unless said vehicle or part is not visible from any adjoining property or way. It is the Zoning Enforcement Officer, whose judgment shall be final, who will determine whether such unregistered motor vehicle is dilapidated for the purposes of this By-Law.

6.5 WIRELESS COMMUNICATION FACILITIES

6.5.1 Purpose. The purpose of this By-Law is to establish guidelines and the special permitting process for the siting of wireless communications facilities, towers and antennas and to

1. Minimize adverse impacts of wireless communication facilities, satellite dishes and antennas on abutting properties, residential neighborhoods, traveled ways and area of historic or high scenic value;
2. Encourage the location of towers and antennas, to the extent possible, in areas where adverse impact on the community is minimal;
3. Encourage strongly the shared use of new and existing tower sites and to minimize the overall number and height of such facilities to only what is essential;
4. Encourage users of towers and antenna; and
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

6.5.2 Definitions. The following terms shall be as defined:

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ACT: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934 and 1996.

ANTENNA: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips by not including satellite earth stations.

ANTENNA HEIGHT: The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

CAMOUFLAGED ANTENNA: An antenna and support structure that is manufactured as to be modeled after and mimic a tree. The support pole would look like "bark" and the antennas would be concealed as "branches".

DISH ANTENNA: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

DISTANCE: shall be measured on a horizontal plane.

EFFECTIVE RADIATED POWER (ERP): The product of the antenna power input and the numerically equal antenna power gain.

FAA: the Federal Aviation Administration.

FCC: the Federal Communications Commission.

GROUND STRUCTURE: a wireless communications structure anchored to the ground.

GOVERNING AUTHORITY: the governing authority of the Town of Otis.

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

LATTICE TOWER: A guyed or self-supporting three or four sided, open, steel frame structure, used to support telecommunications equipment.

LICENSE: The rights and obligations extended by the Town to an operator to own, construct, maintain, and operate its system within the boundaries of the Town.

MONOPOLE TOWER: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

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

ROOF STRUCTURE: A wireless communication structure mounted on a foot of a building or the top of a water tower.

SELF SUPPORT TOWER: A communication tower that is constructed without guy wires and ground anchors.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting, lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative towers structures, and the like.

WIRELESS COMMUNICATION BUILDING: Any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and erecting electromagnetic radiation, and is an accessory to a wireless communication structure.

WIRELESS COMMUNICATION DEVICE: Any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation which is attached to a structure.

WIRELESS COMMUNICATION FACILITY: Term to include wireless communication building, wireless communication device, and wireless communication structure.

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

6.5.3 Exemptions. The following shall be exempt from this By-Law:

1. Wireless communication facilities used for Town or State emergency services.
2. Amateur radio towers in compliance with the terms of any amateur radio service licensed by the FCC and used solely for that purpose.
3. Wireless communication structures and devices used expressly for home television and radio reception.

6.5.4 General Guidelines

1. No wireless communication facility shall be erected, constructed, or installed without a special permit from the Zoning Board of Appeals.
2. Only free-standing monopoles with associated antenna are allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
3. Alternative Town Structures and Camouflage Antennas shall be preferred over all other types of wireless communication structure and antennas as to minimize adverse impacts on abutting properties, residential neighborhoods, village centers, traveled ways and areas of historic or scenic value.
4. Wherever feasible, wireless communication devices shall be located on existing towers or other non-residential structures, minimizing proliferation of new towers.

5. Wireless communication structures shall be built so that the structural integrity of the facility is able to accommodate devices operated by another carrier with little or no modification.

6. Wireless communication buildings shall be no larger than 500 square feet and 12 feet high, shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to this particular site.

6.5.5 Siting and Height Requirements

1. Setbacks

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

B. The setbacks for the wireless communication building shall comply with the setback requirements for the zoning district.

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

D. No tower shall be situated within 600 feet of any residential structure.

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

3. Wireless communication structures are encouraged on State or Town owned lands, provided that said lands are not subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. If facilities predating this By-Law exist on such lands, the shared use of such facilities is encouraged.

4. The wireless communication structure shall, when possible, be sited off ridgelines and where their visual impact is the least detrimental to the general character of the community, or valuable historic and or scenic resources.

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

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

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

3. Existing wireless communication structures or non-residential structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed wireless communication device.

4. The proposed wireless communication device would cause electromagnetic interference

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

5. The fee, costs, or contractual provisions required by the owner in order to share an existing wireless communication structure or to adapt an existing structure for use are unreasonable.

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

6.5.7 Design Requirements.

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

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

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

4. The facility shall be fenced to control access to the tower structure, and accessory buildings. Fencing shall be between six (6') and eight feet (8') high. Fencing may be protective in nature, but shall not include a spun barbed wire design. A landscape buffer of evergreen shrubs or tree planting shall be provided on the outside of the fenced area. The shrub or tree planting shall mature to a minimum height to the fence height and be planted at a height of at least four feet (4').

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

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

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

8. Vegetative screening shall be used to screen the facility from abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

6.5.8 Application Process. Application for a special permit for siting wireless communication facilities shall be filed in accordance with the rules and regulations already established in the Town's By-Laws and with the Zoning Board of Appeals. In the case of a proposal for siting a new wireless communication structure, the Zoning Board of Appeals shall hold a public hearing within sixty-five days of filing of an application and shall issue a decision within ninety days following the date of the public hearing.

A. TO SITE A NEW WIRELESS COMMUNICATION STRUCTURE, the Applicant shall submit:

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

as many sheets as necessary, which show the following:

- a. North arrow, date, scale, seals) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal;
 - b. Name and address of landowner and name and address of abutters;
 - c. Property lines and location of permanent structures or buildings, within 600-foot radius of proposed wireless communication structure;
 - d. Existing (from a topographical survey completed within two (2) years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of 2-foot intervals and spot elevations at base of all the proposed and existing structures;
 - e . Vegetation to be removed or altered;
 - f. Plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure;
 - g. Delineation of wetlands, if any;
 - h. Location of wireless communication structure, including supports or guy wires, if any;
 - j. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material;
 - j. Plans for accessory buildings; and
 - k. Layout and details of surfacing for access road and parking;
 - l. Amenities such as lighting, fencing, and landscaping;
 - m. Four view lines in a one to three-mile radius of the site, beginning at True North and continuing clockwise at ninety-degree intervals, plus additional view lines from any historic, scenic, or other prominent area of Town determined by the Zoning Board of Appeals;
 - n. Plans for a well or other water source, if any;
 - o. Plans for septic system, if any;
 - p. Plans for maintenance of roads necessary to access and maintain the property.
2. A map showing the areas covered/served by the proposed wireless communication structure and device of different signal strengths, and the interface with adjacent service areas.
3. A locus map at a scale 1" = 1000' or larger if necessary, to show where in town the proposed

tower is sited, which shall show streets, buildings, and landscape feature.

4. A description of the soil and surficial geology at the proposed site.

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

a. Describe the justification of proposed site;

b. Describe the structure and the technical, economic, and other reasons for the facility design;

c. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate;

d. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC and/or the Act;

e. Describe the projected future needs of the carrier, and how the proposed wireless communications facilities fit with future projections to serve the Town and adjacent towns;

f. Describe leasing agreement should another carrier desire to co-locate;

g. Describe special design features to minimize the visual impact of the proposed wireless communication facility; and

h. Describe other carriers' purpose should they co-locate.

6. Proof of approval of all other necessary permits needed for construction and operation, other than the building permit, as the special permit granted by the Zoning Board of Appeals is required before the issue of the building permit.

7. Written authorization or copy of contract from property owner of the proposed tower site.

8. After the application is submitted, and not less than 14 days or more than 21 days before the public hearing, the applicant shall arrange to fly a four-foot-diameter balloon at the site of the proposed wireless communication structure at the maximum height of the proposed installation, to photograph from various locations the balloon and then superimpose a tower at that height for visualization purposes. The date and location of the flight shall be advertised at least 14 days, but not more than 21 days before the flights, and again in the public hearing advertisement in a newspaper with a general circulation in the town.

B. TO SITE A WIRELESS COMMUNICATION DEVICE ON EXISTING WIRELESS COMMUNICATION STRUCTURES OR NON-RESIDENTIAL STRUCTURES, such as buildings, grain silos, steeples, water towers or other non-residential structures, including co-location with another carrier, provided that the new use does not add to the height of the structure, the Applicant shall submit:

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

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

- b. Plans for supporting and attaching the device including specifications of hardware and all other building material;
 - c. Building plans for accessory buildings, if any;
 - d. Layout and details of surfacing for access road and parking, if it is to be altered from existing condition.
- 2. A map showing the areas covered by proposed device(s) of different signal strengths and the interference with adjacent service areas.
- 3. A locus map at a scale of 1"=1000' or larger if necessary, to show where in town the proposed device is sited, which shall show streets, buildings, and landscape features.
- 4. A narrative report written by the carrier and licensed professional engineer which shall:
 - a. Include a copy of the contract between the structure / building owner (whichever appropriate) and the Applicant;
 - b. Demonstrate that the wireless communication structure or non-residential structure to which the device will be mounted has the structural integrity to support such device;
 - c. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC and/or Act;
 - d. Describe the projected future needs of the carrier, and how the proposed facility fits with future projections.
- 5. Proof of approval of all other necessary permits needed for construction and operation, other than the building permit, as the special permit granted by the Zoning Board of Appeals is required before the issue of the building permit.
- 6. If the proposed facility adds more than five feet to the height of the structure at the effective date of this By-Law, the Zoning Board of Appeals may require a balloon test as described above.

6.5.9 Inventory of Existing Sites. Each applicant shall provide to the Zoning Board of Appeals an inventory of its existing tower facilities that are either within the jurisdiction of the governing authority or within one mile of the border thereof, including specifying information about the location, height and design of each tower facility. The Planning Board and Zoning Board of Appeals may share such information with other applicants applying for administrative approvals or special permits under this By-Law or other organizations seeking to locate facilities within the jurisdiction of the governing authority, provided however, that the Planning and Zoning Board of Appeals are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

6.5.10 Review by Other Boards. The above information shall be submitted along with the regular application form to the following: 1 copy to the Building Inspector, 1 copy to the Fire Chief, 2 copies to the Planning Board, and 5 copies to the Zoning Board.

6.5.11 Third Party Review. In certain instances, there may be need for expert review by

a third party of the technical data submitted by an applicant. The Zoning Board of Appeals or Governing Authority may require such technical, to be paid for by the applicant as set forth in G.L. c. 4, s. 53G. Review is intended to report on technical aspects of the proposed location but not to provide a subjective review of the site requested. Review will address accuracy, completeness, applicability, and validity of the data submitted.

6.5.12 Approval. In granting a special permit for wireless communication facilities, in addition to the findings required by the Town's Zoning By-Law for Special Permits, the Zoning Board of Appeals shall determine:

1. That the Applicant has demonstrated to its satisfaction that the requirements of this By- Law have been met.
2. That the size and height of the structure is the minimum necessary.
3. That the proposed wireless communication facilities will not adversely impact historic structures or scenic views.
4. That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.
5. That due to its proximity to residential dwellings, there will be minimum detriment to such residences.

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

6.5.14 Review. Any special permit for wireless communications facilities will be reviewed every five (5) years. If after review, all conditions regulating said permit are in compliance, then the Special Permit will be renewed for an additional five (5) years.

6.5.15 Conditions of Use

1. The applicant shall post an initial bond or other security to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and . structure(s) and to cover the removal of facility in the event of non-operation in an amount approved by the Zoning Board of Appeals. An access road may include existing town roads not designed for heavy traffic.
2. Regulatory Compliance: All towers, antennas and transmitters must meet or exceed current standards and regulations of the FAA, the FCC, the Environmental Protection Agency, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, the National Council on Radiation protection and Measurements, and any other agency of the federal government with the authority to regulate towers, antennas, and transmitters.
3. Inspections will be conducted at least every 24 months, or earlier if a more stringent compliance schedule is mandated by another agency, to assure continuing compliance.

The tower shall be inspected by an expert-structural engineer who is regularly involved in the maintenance, inspection and/or erection of communication towers, demonstrating structural integrity and continuing compliance with current standards. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list

provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standard for Steel Antenna Towers and Antenna Support Structures".

4. Transmitters shall be inspected by an expert engineer who is regularly involved in the maintenance and inspection of such facilities. An engineers certification that levels of electromagnetic radiation (EMR), radio frequency (RF) emissions, to be generated by the facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the maximum permissible exposure (MPE) limits for the electric and magnetic field strength and power flux density for transmitters and facilities within the guidelines established by the FCC and as required by Section 704 of the Telecommunications Act of 1996 and its amendments. An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennas.

5. A copy of such inspection records shall be filed with the Building Inspector and the Planning Board by the Special Permit Holder, and may be reviewed by a licensed professional engineer hired by the town and paid for by the Special Permit Holder.

6. If the FCC, the FAA or other agency regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.

7. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner's expense.

6.5.16 Removal and Repair

1. An applicant must execute a covenant with the Zoning board of Appeals agreeing to remove, within 90 days of notice from the town, the wireless communication facility not in operation.

2. If the facility is not removed within 90 days, the Town will remove said facility at the owner's expense.

3. In the event of major damage, repair must begin within 30 days of damage. Major damage shall mean damage to the facility caused by no fault of the owner operator

4. If the device is lowered on the tower as the customer base increases and the top of the tower is no longer needed, then the non-operational part of the tower shall be taken down within 120 days.

6.5.17 Fee Structure

1. An application fee of \$120.00 (used for legal publishing and notification requirements).

2. Any additional fees as needed pertaining to special consultants specific to the

Governing Authority or Zoning Board of Appeals need in reviewing information provided by the applicant (as outlined in VILE).

6.6 DUMPING OF GARBAGE, RUBBISH OR OTHER REFUSE. No person shall dump or store garbage, rubbish, junk or other refuse in any place or maintain as a dumping ground for storage, rubbish or other refuse any place, unless such place has been approved with a special permit by the Zoning Board of Appeals, and unless such place complies with all applicable health regulations. This shall not apply to those persons who wish to scientifically maintain compost for his or her own use.

6.7 MARIJUANA ESTABLISHMENTS (ME) & MEDICAL MARIJUANA TREATMENT CENTERS (MMTC)

6.7.1 Purpose.

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

6.7.2 Definitions.

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

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

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

MARIJUANA ESTABLISHMENT (ME) – a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent

Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

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

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

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

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

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

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

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

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

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

SPECIAL PERMIT GRANTING AUTHORITIES, the Planning Board shall be the Special Permit Granting Authority (SPGA) for all MEs and Medical Marijuana Treatment Centers. The Zoning Board shall be the Special Granting Authority for all property variances and changes of use special permits.

SPECIAL OVERSIGHT AUTHORITIES, The Conservation Commission and The Board of Health shall have authority over those areas within their specific jurisdictions in respect to any given application.

6.7.3 Designated Locations for MEs and Medical Marijuana Treatment Centers.

6.7.3.1 MEs and Medical Marijuana Treatment Centers may be sited on any property within the Town provided the applicant meets all of the provisions of this Bylaw.

6.7.3.2 No ME or Medical Marijuana Treatment Center shall be located within 1000 feet of any licensed public or private school providing education in pre k, kindergarten or any of grades 1 through 12, any public playground, or licensed daycare or other similar facility where organized youth activities occur. Distances shall be between the nearest property lines of each use. The Special Permit Granting Authority may reduce this setback distance if it finds site-specific circumstances or barriers adequately separate the proposed marijuana use and a protected use. The burden shall be on the Applicant to demonstrate that reducing the minimum setback will serve the purpose of this Section and address the concerns of the Special Permit Granting Authority.

6.7.4 Designated Number of MEs and Medical Marijuana Treatment Centers.

6.7.4.1 The total aggregate number of non-retail MEs in the Town shall not exceed three (3).

6.7.4.2 The total number of Marijuana Retailers shall not be greater than one (1).

6.7.4.3 The total number of Medical Marijuana Treatment Centers shall not be greater than one (1).

6.7.5 Special Permit Required. No ME or Medical Marijuana Treatment Center shall be operated or expanded without first obtaining a Special Permit from the Town Special Permit Granting Authority in accordance with this Section and Section 9.3, "Special Permits"

6.7.5.1 The Special Permit Granting Authority shall be the Planning Board.

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

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

6.7.5.4 The Special Permit shall be considered null and void if meaningful construction has not begun on the project within 2 years of obtaining said permit, as determined by the Building Inspector or their designee(s).

6.7.5.5 Conditions of Special Permit approval may include but are not limited to the following:

6.7.5.5.a Proposed modification of the exterior features or appearances of any structure;

6.7.5.5.b Limitation of size, number of occupants or hours of operation;

6.7.5.5.c Regulation of number, design and location of access for vehicles or other traffic features;

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

6.7.5.5.e Proposed security precautions shall be adequate to protect the safety and well-being of users of the establishment.

6.7.6 Marijuana Retailer and Medical Marijuana Treatment Centers Requirements & Performance Standards

6.7.6.1 The minimum lot size for this use shall be two (2) acres within the residential (R-40) district and 20,000 square feet in the village (V1) districts. The Special Permit Granting Authority may modify or waive this requirement.

6.7.6.2 The minimum required front, side, and rear yard setbacks shall be forty (40) feet in the R-40 district and 20 feet in the V1 districts..

6.7.6.3 In any residential area, any property line of an abutting residential or institutional use shall be provided with a continuous screening along such side and rear property lines.

6.7.6.4 In reviewing a Special Permit application under this Section the Special Permit Granting Authority shall consider, in addition to, the criteria in Section 9.3.2 of the Town of Otis Zoning Bylaw, the impact of the proposal on the following:

6.7.6.4.a Proximity to other marijuana uses to prevent clustering.

6.7.6.4.b The provision of adequate shielded lighting to promote security for customers and the public, and to prevent light projection onto neighboring properties.

6.7.6.4.c Hours of operation.

6.7.6.4.d Site design and other development related site impacts.

6.7.7 Outdoor Cultivation Requirements & Performance Standards

Commercial outdoor cultivation of marijuana is prohibited.

6.7.8 Commercial Indoor Cultivation, Craft Cooperative, Manufacturing, Processing, Testing & Research: Requirements & Performance Standards

6.7.8.1 The minimum lot size for industrial uses cultivation, craft cooperative, manufacturing, processing, test & research uses shall be twenty (20) acres as required by Massachusetts law M.G.L. c.94G.

6.7.8.2 The minimum required building setbacks shall be three hundred (300) feet for front yards, and three hundred (300) feet for side and rear yards.

6.7.8.3 No fertilizers, chemicals, compost, soils, materials, machinery, or equipment shall be stored outdoors.

6.7.8.4 In all residential areas, any property line of an abutting residential or institutional use shall be provided with a continuous screening along such side and rear property lines.

6.7.8.5 In reviewing a Special Permit application under this Section the Special Permit Granting Authority shall, in addition to, the criteria in Section 9.3.2 of the Town of Otis Zoning Bylaw, consider the impact of the proposal on the following:

6.7.8.5.a Proximity to other marijuana uses to prevent clustering.

6.7.8.5.b The provision of adequate lighting to promote security for customers and the public, and not project light onto adjacent properties.

6.7.8.5.c Hours of operation.

6.7.8.5.d Site design and other development related site impacts.

6.7.9 Additional Requirements & Performance Standards for MEs and Medical Marijuana Treatment Centers

6.7.9.1 Hours of operation. Operating hours of a Marijuana Retailer or Medical Marijuana Treatment Center shall be 9:00 am to 7:00 pm, unless determined otherwise by the Special Permit Granting Authority. Hours of operation shall apply

to all sales, delivery and dispensing activities for the business. There shall be no hourly restrictions all other MEs, unless imposed by said authority as part of site plan approval.

6.7.9.2 Signage. All signage must comply with the regulations set forth in Section 5.2 of the Zoning Bylaw for the Town and the regulations established by the CCC.

6.7.9.3 On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except for Research Facilities and as may be allowed by state law.

6.7.9.4 Visibility of activities. All activities of any ME shall be conducted indoors..

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

6.7.9.6 Lighting. Outdoor light levels shall not exceed 1 foot-candle along property lines, nor 10 foot-candles for any location on the property. Any light poles, new or existing, may not exceed 18' in overall height. All outdoor light fixtures must be shielded with light aimed downward to prevent light trespass onto adjacent properties (Dark Sky compliant). The Special Permit Granting Authority may modify this requirement if, upon recommendation by the Police Chief, it is required for adequate safety and security.

6.7.9.7 Landscaping. All Marijuana Establishments (ME) shall be landscaped to harmonize the building with surrounding uses. Landscaping shall be provided at the rate of one (1) canopy tree for every 30' of lineal road frontage and shall be located within 15' of the front property line(s). Existing trees may count toward this requirement and may be clustered. Landscaping must consist of native, non-invasive plant species. The Special Permit Granting Authority may modify or waive this requirement.

6.7.9.8 Control of Emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, chemicals and any other substances from exiting a ME, must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a Marijuana Retailer, Marijuana Product Manufacturer, Research Facility or Independent Testing Laboratory, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, secure manner in accordance with all applicable federal, state and local laws and regulations. A detailed plan addressing the measures and means of control of all potential emissions using the Best Available Technology (BAT) must be provided.

6.7.9.9 Odor Control and Mitigation: A detailed plan to control and mitigate any odors or emissions from exiting the proposed ME facility, using the Best Available Technology (BAT) must be submitted as part of the Special Permit application to the Special Permit Granting Authority. The plan must include Design and Specifications of filtration technologies and equipment proposed to be implemented. This plan must include an action plan addressing the response to emissions that may occur during the operation of the facility. At any time during the operations of a duly licensed ME

facility, release of emissions or odors will require the ME to immediately take corrective measures as outlined in the action plan and inform the special permit granting authority and zoning enforcement officer in writing of the measures taken to mitigate the occurrence.

The Special Permit Granting Authority reserves the right to engage an independent consultant to review and advise during any application. The Town of Otis shall have the right to continued monitoring of emissions and water runoff from the facility. All said consultant costs are to be borne by and be the sole responsibility of the Applicant.

See Appendix E & F: Odor Control Plan Template

6.7.9.10 Parking. Off-street parking to be provided for at a minimum as follows:

6.7.9.10.a Marijuana Cultivation Facilities and Manufacturing Product

Manufacturers: one (1) parking space for each employee plus adequate space for service and supply vehicles and one (1) parking space for each 1,000 square feet of gross floor area.

6.7.9.10.b Marijuana Research Facilities and Independent Testing Laboratories: one (1) parking space for each employee plus one (1) parking space for each 300 SF of gross floor area.

6.7.9.10.c Marijuana Retailers and Medical Marijuana Treatment Centers: one (1) parking space for each employee plus one (1) parking space for each 200 SF of gross floor area.

6.7.9.11 Fencing. As a condition of the Special Permit approval, the Special Permit Granting Authority will determine the location, height and type of fencing, if applicable. Additional fencing may be required if determined necessary by the Police Chief. In no instance shall barbed-wire fencing be permitted.

6.7.9.12 Marijuana Waste Disposal. There shall be no outdoor storage of marijuana waste for any ME, Marijuana Retailer, Medical Marijuana Treatment Center, Marijuana Cultivation Facility, Marijuana Product Manufacturer, Marijuana Research Facility or Testing Laboratories. All marijuana waste generated shall be secured indoors, to be serviced by an authorized professional waste removal service company or medical waste company.

6.7.9.13 Marijuana Retailers are prohibited from selling alcoholic beverages.

6.7.10 Filing Requirements.

Applications for Special Permits shall be submitted to the Planning Board for approval. The Planning Board, acting as the Special Permit Granting Authority, shall then approve, approve with conditions, or deny the Special Permit.

Said applications shall include the following:

6.7.10.1 Site Plan. In addition to the site plan contents required per Section 9.4, the site plan shall also include:

6.7.10.1.a The names, mailing addresses, phone numbers, email addresses and signatures of the applicant, owner and operator.

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

6.7.10.1.c Security Plan. A security plan is required to ensure the safety of employees, patrons and the public to protect the premises from theft or other criminal activity. The security plan shall be reviewed and approved by the local Police Chief. The

following elements may be included in the security plan and are only required if deemed necessary by the Police Chief:

6.7.10.1.c.i An interior floor plan (secured areas, windows, doors, etc.)

6.7.10.1.c.ii Exterior lighting

6.7.10.1.c.iii Fencing

6.7.10.1.c.iv Gates

6.7.10.1.c.v Alarms

6.7.10.1.c.vi Additional security measures not listed above.

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

6.7.9.10.3 Board of Health (BOH) review along with a written copy of their findings is required.

6.7.10.4 Site Control. Evidence that the Applicant has site control in the form of a deed, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the Applicant has firm site control.

6.7.11 State License. A copy of the license or registration as a ME from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the requirements of a ME in accordance with the regulations adopted by said commission, as amended.

6.7.12 Discontinuance of Use.

Any ME or Medical Marijuana Treatment Center under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within 30 days after the expiration or voiding of its license. A Performance Bond or Cash Account in an appropriate amount determined by the Special Permit Granting Authority shall be secured by the applicant and issued to and held by the Town to assure compliance under this section is required.

6.7.13 No Town Liability: Indemnification.

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

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

6.7.14 ME Facility Inspection.

6.7.14.1 The Building Inspector, Police Chief, Fire Chief, or designee, shall inspect any operating ME or Medical Marijuana Treatment Center annually to ensure compliance with this section and conditions of the Special Permit as granted by the Special Permit Granting Authority.

6.7.14.2 See Appendix E and F for detailed emission inspection requirements.

6.7.15 Other Laws Remain Applicable.

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

6.7.15.1 To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing MEs or Medical Marijuana Treatment Centers, the additional or stricter regulation shall apply. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

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

6.7.15.3 Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. If, upon review by the Select Board, the ME is found to not be fully in compliance with the HCA, the special permit and/or the local license may be suspended or rescinded.

6.7.16 Violations.

6.7.16.1 It shall be the responsibility of the License Holder, his or her business agent and/or Permit Holder to ensure compliance with all sections of this bylaw pertaining to his or her distribution of marijuana and/or marijuana products and/or the manufacture of marijuana or marijuana products. The violator shall receive:

6.7.16.1.a In the case of a first violation, a fine of three hundred dollars (\$300.00).

6.7.16.1.b In the case of a second violation within 24 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the License or Permit shall be suspended for seven (7) consecutive business days.

6.7.16.1.c In the case of three or more violations within a 24 month period, a fine of three hundred dollars (\$300.00) and the License or Permit shall be suspended for thirty (30) consecutive business days.

6.7.16.1.d Refusal to cooperate with inspections pursuant to this bylaw shall result in the suspension of the License or Permit for thirty (30) consecutive business days.

6.7.16.2 In addition to the monetary fines set above, any License Holder or Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her License or Permit is suspended shall be subject to the suspension of all Town-issued permits and licenses for thirty (30) consecutive business days.

6.7.16.3 The Zoning Enforcement Officer shall provide notice of the intent to suspend a License or Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after

the date of said notice. The License Holder or its business agent or Permit Holder shall have an opportunity to be heard at such hearing and shall be notified of the Town's decision and the reasons therefore in writing. After a hearing, the Town shall suspend the License or Permit if the Town finds that a violation of this bylaw occurred. For purposes of such suspensions, the Town shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana and marijuana products shall be removed from the retail establishment upon suspension of the License. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this regulation.

6.7.16.4 Each day any violation exists shall be deemed to be a separate offense.

6.7.16.5 Enforcement of this regulation shall be by the applicable Granting Authority.

6.7.16.6 Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Town or its designated agent(s) in writing and they shall investigate.

6.7.17 Severability.

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw.

APPENDIX E

ODOR CONTROL PLAN TEMPLATE

Marijuana Cultivation¹

1. TABLE OF CONTENTS

2. FACILITY INFORMATION

- a. Name of facility
- b. Name, phone number, and email of facility owner
- c. Name, phone number, and email of facility operator or licensee, and any authorized designees
- d. Facility physical address
- e. Facility mailing address (if different from physical address)
- f. Facility type
- g. Facility hours of operation
- h. Description of facility operations
- i. Emergency contact information
- j. Business license application number(s) and/or business file number(s) (if applicable)
- k. Air permit and permit number (if applicable)

3. FACILITY ODOR EMISSIONS INFORMATION

a. Facility floor plan

This section should include a facility floor plan, with locations of odor-emitting activity(ies) and emissions specified. Relevant information may include, but is not limited to, the location of doors, windows, ventilation systems, and odor sources. If a facility has already provided the locations of specific odor-emitting activities and emissions in its business license application floor plan, it may instead reference the facility's business file number(s) and the relevant sections within such application where the floor plan is located.

b. Specific odor-emitting activity(ies)

¹ **NOTE:** If the owner or operator of a facility believes that certain information contained in its odor control plan is confidential, it should clearly mark all information as such.

This section should describe the odor-emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).

c. Phases (timing, length, etc.) of odor-emitting activities

This section should describe the phases of the odor-emitting activities that take place at the facility (e.g., harvesting), with what frequency they take place (e.g., every two weeks on Tuesdays), and for how long they last (e.g., 48 hours).

4. ODOR MITIGATION PRACTICES (all based on industry-specific best control technologies and best management practices)

For each odor-emitting source/process outlined in Section 3(b) of the Odor Control Plan, specify the administrative and engineering controls the facility implements or will implement to control odors. NOTE that descriptions of 'administrative controls' and 'engineering controls' shall include, but are not limited to, the following sections:

a. Administrative Controls

i. Procedural activities

This section should describe activities such as building management responsibilities (e.g., isolating odor-emitting activities from other areas of the buildings through closing doors and windows).

ii. Staff training procedures

This section should describe the organizational responsibility(ies) and the role/title(s) of the staff members who will be trained about odor control; the specific administrative and engineering activities that the training will encompass; and the frequency, duration, and format of the training (e.g., 60 minute in-person training of X staff, including the importance of closing doors and windows and ensuring exhaust and filtration systems are running as required).

iii. Recordkeeping systems and forms

This section should include a description of the records that will be maintained (e.g., records of purchases of replacement carbon, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls).

Any examples of facility recordkeeping forms should be included as appendices to the OCP.

b. Engineering Controls

i. The best control technology for marijuana cultivation facilities is carbon filtration.

ii. For Existing facilities with engineering controls for all odor sources on the date of rule adoption:

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1) Evidence that engineering controls for all odor sources were installed and operational on the date of rule adoption

2) Evidence that engineering controls are sufficient to effectively mitigate odors for all odor sources

This section should include evidence that Engineering Controls meet at least one of the following:

A) Are consistent with accepted and available industry-specific best control technologies designed to effectively mitigate odors for all odor sources.

B) Have been reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as sufficient to effectively mitigate odors for all odor sources.

C) Have been approved by the Planning Board as sufficient to effectively mitigate odors for all odor sources.

3) Components of engineering controls

This section shall include, but is not limited to, technical system design, a description of technical process(es), and an equipment maintenance plan.

A) System design

The system design should describe the odor control technologies that are installed and operational at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they are applied (e.g., bud room exhaust).

B) Operational processes

This section should describe the activities being undertaken to ensure the odor mitigation system remains functional, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for such activities (e.g., when trimming

activities are conducted, X personnel are responsible for isolating the trim room from non-odorous areas of the facility and for ensuring the exhaust system is operational and routed through odor mitigation systems).

C) Maintenance plan

The maintenance plan should include a description of the maintenance activities that are performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., change carbon filter, every 6 months, carried out by the facility manager).

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iii. For new facilities and existing facilities without engineering controls for all odor sources on the date of rule adoption

1) The engineering control system and all components shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as meeting professional expectations of competency and as sufficient to effectively mitigate odors for all odor sources.

This section shall include, but is not limited to, technical system design, a description of technical process(es), and an equipment maintenance plan.

A) System design

The system design should describe the odor control technologies to be installed and implemented at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they will be applied (e.g., bud room exhaust). It should describe critical design factors and criteria, with supporting calculations presented as appropriate (e.g., desired air exchanges per hour required to treat odorous air from specific areas, odor capture mechanisms, exhaust flow rates, rates of carbon adsorption consumption, etc.).

B) Operational processes

This section should describe the activities that will be undertaken to ensure the odor mitigation system remains functional, the frequency with which such activities will be performed, and the title/role(s) of the personnel responsible for such activities (e.g., when trimming activities are conducted, X personnel are responsible for isolating the trim room from non-odorous areas of the facility and for ensuring the exhaust system is operational and routed through odor mitigation systems).

C) Maintenance plan

The maintenance plan should include a description of the maintenance activities that will be performed, the frequency with which such activities will be performed, and the role/title(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation system and optimize performance (e.g., change carbon filter, every 6 months, carried out by the facility manager).

iv. If the facility reasonably believes that Engineering Controls are not necessary to effectively mitigate odors for all odor sources, the facility shall submit as part of its OCP the basis for such belief.

c. Timeline for implementation of odor mitigation practices

The timeline should begin upon receipt of approval from the Town and should include a comprehensive timeline for the design, review process, installation, and operation of the various odor mitigation practices outlined in Section 4 of the Odor Control Plan. In general, a timeline should consist of, but is not limited to, the following:

- i. Approval of OCP by the Planning Board
- ii. Approval of OCP by other Otis town agencies
- iii. Purchase and installation of engineering controls
- iv. Inspections and approval by Otis town agencies
- d. Complaint tracking system

This section may include, but is not limited to, the mechanism for, and the responsible staff involved in, receiving odor-related complaints, how and by whom such complaints will be addressed, and how the odor complaint and response will be recorded (e.g., logbook, complaint report).

5. APPENDICES

- a. Any recordkeeping forms from Section 4.a.iii.
- b. Odor complaint and response tracking form from Section 4.d.

APPENDIX F

ODOR CONTROL PLANT TEMPLATE

Marijuana-Infused Products (MIPs)¹

1. TABLE OF CONTENTS

2. FACILITY INFORMATION

- a. Name of facility
- b. Name, phone number, and email of facility owner
- c. Name, phone number, and email of facility operator or licensee, and any authorized designees
- d. Facility physical address
- e. Facility mailing address (if different from physical address)
- f. Facility type
- g. Facility hours of operation
- h. Description of facility operations
- i. Emergency contact information
- j. Business license application number(s) and/or business file number(s) (if applicable)
- k. Air permit and permit number (if applicable)

3. FACILITY ODOR EMISSIONS INFORMATION

a. Facility floor plan

This section should include a facility floor plan, with locations of odor-emitting activity(ies) and emissions specified. Relevant information may include, but is not limited to the location of doors, windows, ventilation systems, and odor sources. If a facility has already provided the locations of specific odor-emitting activities and emissions in its business license application floor plan, it may instead reference the facility's business file number(s) and the relevant sections within such application where the floor plan is located.

b. Specific odor-emitting activity(ies)

This section should describe the odor-emitting activities or processes that take place at the facility, the source(s) of those odors, and the location(s) from which they are emitted.

NOTE: If the owner or operator of a facility believes that certain information contained in its odor

control plan is confidential, it should clearly mark all information as such.

c. Phases (timing, length, etc.) of odor-emitting activities

This section should describe the phases of the odor-emitting activities that take place at the facility, with what frequency they take place (e.g., every two weeks on Tuesdays), and for how long they last (e.g., 48 hours).

4. ODOR MITIGATION PRACTICES (all based on industry-specific best control technologies and best management practices)

For each odor-emitting source/process outlined in Section 3(b) of the Odor Control Plan, specify the administrative and engineering controls the facility implements or will implement to control odors.

NOTE that descriptions of 'administrative controls' and 'engineering controls' shall include, but are no limited to, the following sections:

a. Administrative Controls

i. Procedural activities

This section should describe activities such as building management responsibilities (e.g. isolating odor-emitting activities from other areas of the buildings through closing doors and windows).

ii. Staff training procedures

This section should describe the organizational responsibility(ies) and the role/title(s) of the staff members who will be trained about odor control; the specific administrative and engineering activities that the training will encompass; and the frequency, duration, and format of the training (e.g., 60 minute in-person training of X staff, including the importance of closing doors and windows and ensuring exhaust and filtration systems are running as required).

iii. Recordkeeping systems and forms

This section should include a description of the records that will be maintained (e.g., records of purchases of replacement carbon, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls).

Any examples of facility recordkeeping forms should be included as appendices to the OCP.

b. Engineering Controls

i. The best control technology for MIPs facilities is carbon filtration.

ii If the facility reasonably believes that Engineering Controls are not necessary to effectively mitigate odors for all odor sources, the facility shall submit as part of its odor control plan the basis for such belief.

A MIPs facility that demonstrates all of the following does not need engineering controls to effectively mitigate odors:

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1) The facility does not use oil activation processes on-site, and/or all products are made with activated oil.

2) The facility does not use distillation or extraction processes on-site; or the facility has received a permit from the Fire Department to use certain distillation or extraction processes.

3) The facility does not have cultivation processes co-located on-site. (If any

cultivation processes are co-located on-site, engineering controls are required).

NOTE: *A facility's belief that it does not need engineering controls to effectively mitigate odors for all odor sources is subject to approval by the Town.*

iii. For Existing facilities with engineering controls for all odor sources on the date of rule adoption:

1) Evidence that engineering controls for all odor sources were installed and operational on the date of rule adoption

2) Evidence that engineering controls are sufficient to effectively mitigate odors for all odor sources

This section should include evidence that Engineering Controls meet at least one of the following:

A) Are consistent with accepted and available industry-specific best control technologies designed to effectively mitigate odors for all sources.

B) Have been reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as sufficient to effectively mitigate odors for all odor sources.

C) Have been approved by the Town as sufficient to effectively mitigate odors for all odor sources.

3) Components of engineering controls

This section shall include, but is not limited to, technical system design, a description of technical process(es), and an equipment maintenance plan.

A) System design

The system design should describe the odor control technologies that are installed and operational at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they are applied.

B) Operational processes

This section should describe the activities being undertaken to ensure the odor mitigation system remains functional, the frequency

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with which such activities are being performed, and the role/title(s) of the personnel responsible for such activities.

C) Maintenance plan

The maintenance plan should include a description of the maintenance activities that are performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., change carbon filter, every 6 months, carried out by the facility manager).

iv. For new facilities and existing facilities without engineering controls for all odor sources on the date of rule adoption

1) The engineering control system and all components shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as meeting professional expectations of competency and as sufficient to effectively mitigate odors for all odor sources.

This section shall include, but is not limited to, technical system design, a

description of technical process(es), and equipment an equipment maintenance plan.

A) System design

The system design should describe the odor control technologies to be installed and implemented at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they will be applied. It should describe critical design factors and criteria, with supporting calculations presented as appropriate (e.g., desired air exchanges per hour required to treat odorous air from specific areas, odor capture mechanisms, exhaust flow rates, rates of carbon adsorption consumption, etc.).

B) Operational processes

This section should describe the activities that will be undertaken to ensure the odor mitigation system remains functional, the frequency with which such activities will be performed, and the title/ro/e(s) of the personnel responsible for such activities.

C) Maintenance plan

The maintenance plan should include a description of the maintenance activities that will be performed, the frequency with which such activities will be performed, and the ro/e/tit/e(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation system and optimize performance (e.g., change carbon filter, every 6 months, carried out by the facility manager).

c. Timeline for implementation of odor mitigation practices

The timeline should begin upon receipt of approval from the Town, and should include a comprehensive timeline for the design, review process, installation, and operation of the various odor mitigation practices outlined in Section 4 of the Odor Control Plan. In general, a timeline should consist of, but is not limited to, the following:

i. Approval of OCP by the Planning Board

ii. Approval of OCP by other Otis town agencies

iii. Purchase and installation of engineering controls

iv. Inspections and approval by Otis town agencies

d. Complaint tracking system

This section may include, but is not limited to, the mechanism for, and the responsible staff involved in, receiving odor-related complaints, how and by whom such complaints will be addressed, and how the odor complaint and response will be recorded (e.g. logbook, complaint report).

5. APPENDICES

a. Any recordkeeping forms from Section 4.a.iii.

b. Odor complaint and response tracking form from Section 4.d.

SECTION 6.8: COMMERCIAL GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

6.8 PURPOSE

The purpose of this Section is to provide standards for the Placement, design, construction, operation, monitoring, modification and removal of Medium and Large Ground Mounted Solar Photovoltaic installations that address public safety and minimize impacts on scenic, natural and historic resources

6.8.1 Definitions

PROJECT PROPONENT: The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this bylaw.

RATED NAMEPLATE CAPACITY: The maximum rated output of Electric power production of a Photovoltaic system in Direct Current (DC).

SOLAR PHOTOVOLTAIC INSTALLATION, GROUND MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted.

SOLAR PHOTOVOLTAIC INSTALLATION, MEDIUM & LARGE SCALE GROUND MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a rated nameplate capacity greater than 120 KW DC.

SOLAR PHOTOVOLTAIC INSTALLATION, ROOF MOUNTED: A solar photovoltaic system that is structurally mounted on the roof of a building.

6.9 APPLICABILITY

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

6.9.2 All Ground Mounted Solar Photovoltaic Installations shall require a Special Permit and Site Plan Approval issued by the Planning Board in accordance with this section and all existing town bylaws.

6.10 GENERAL REQUIREMENTS FOR ALL GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

6.10.1 Site Plan Review – All Ground Mounted Solar Photovoltaic Installations shall undergo site plan review prior to construction, installation or modification. In addition, the following shall be required:

6.10.1.1 General – All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

- 6.10.1.2 Required Documents – Pursuant to the site plan review process, the Project Proponent shall provide the following documents:
- 6.10.1.2.1 A site plan showing:
- 6.10.1.2.1.1 Property lines and physical features, including roads for the project site
 - 6.10.1.2.1.2 Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures
 - 6.10.1.2.1.3 Blueprints or drawings of the Ground Mounted Solar Photovoltaic Installations signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - 6.10.1.2.1.4 One or three line electrical diagram detailing the Ground Mounted Solar Photovoltaic Installations, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices
 - 6.10.1.2.1.5 Documentation of the major system components to be used, including the PV panels, mounting system, and inverter
 - 6.10.1.2.1.6 Name, address, and contact information for proposed Ground Mounted Solar Photovoltaic Installation's installer
 - 6.10.1.2.1.7 Name, address, phone number and signature of the Project Proponent
 - 6.10.1.2.1.8 The name, contact information and signature of any agents representing the Project Proponent
- 6.10.1.2.2 Erosion and sediment control plan
- 6.10.1.2.3 Proof of liability insurance and builder's risk insurance
- 6.10.1.2.4 A public outreach plan, including a project development timeline, which indicates how the Project Proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community
- 6.10.1.2.5 Site Control – The Project Proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Ground Mounted Solar Photovoltaic Installations
- 6.10.1.2.6 Operation and Maintenance Plan – The Project Proponent shall submit a plan for the operation and maintenance of the Ground Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation
- 6.10.1.2.7 Abandonment and Decommissioning Plan – The Project Proponent shall submit a Decommissioning Plan. Any Ground Mounted Solar Photovoltaic Installation which

has reached the end of its useful life or has been abandoned (i.e., when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Planning Board) shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The Project Proponent shall notify the Planning Board by certified mail of the proposed date of the discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- 6.10.1.2.7.1 Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation
 - 6.10.1.2.7.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations
 - 6.10.1.2.7.3 Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the Project Proponent to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation
 - 6.10.1.2.7.4 Financial surety for decommissioning – Proponents of Ground Mounted Solar Photovoltaic Installations shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount ad form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirement set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the Town’s estimated costs (including “prevailing wages”) associated with removal and full decommissioning of the facility and site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation during the life of the facility, and the Planning Board may at any time require an increase in surety or a change in the form or security as may be required to ensure continued satisfaction of the requirements of this section. Said estimated cost shall not include or deduct the value of material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the Project Proponent applying for Building Permits or the commencement of construction
 - 6.10.1.2.7.5 All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.
- 6.10.2 Utility Notification – No Ground Mounted Solar Photovoltaic Installation shall be constructed until evidence has been provided to the Building Inspector that the utility company that operates the electrical grid where the installation is to be located has been informed of the Project Proponent’s intent to install the Ground Mounted Solar Photovoltaic Installation and connect it to the grid. Off grid systems shall be exempt from this requirement.

- 6.10.3 Dimension and Density Requirement – Ground Mounted Solar Photovoltaic Installations shall comply with the same dimension and density requirements required in the underlying district except that for such facilities of 120 kw or greater the following shall apply:
- 6.10.3.1 Front, rear and side yard setbacks shall be a minimum 100 feet
 - 6.10.3.2 Access roads or driveways shall be setback at least 25 feet from side and rear lot lines
 - 6.10.3.3 The height of the structures at the tallest point shall not exceed twenty- five feet
 - 6.10.3.4 The minimum lot size for a medium or large scale ground mounted photovoltaic installation is twelve (12) acres
- 6.10.4 Structures – All structures for medium or large scale Ground Mounted Solar Photovoltaic Installations shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.
- 6.10.5 Visual Impact Mitigation – The plan for a Ground Mounted Solar Photovoltaic Installation shall be designed to maximize the preservation of on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be of varieties native to New England and a mix of deciduous and evergreen species. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public road and viewing the installation from a height of 10 feet. Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.
- 6.10.6 Design Standards – Projects shall be designed to:
- 6.10.6.1 Minimize the volume of cut and fill, the number of removed trees 10" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion and threat of air and water pollution
 - 6.10.6.2 Maximize pedestrian and vehicular safety both on the site and entering and exiting the site
 - 6.10.6.3 Minimize obstruction of scenic views from publicly accessible locations
 - 6.10.6.4 Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned
 - 6.10.6.5 Minimize glare from headlights and light trespass
 - 6.10.6.6 Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage

- 6.10.6.7 Site Lighting – Lighting of Ground Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Ground Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- 6.10.6.8 Signage – No signage on Ground Mounted Solar Photovoltaic Installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency contact phone number. Ground Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of Ground Mounted Solar Photovoltaic Installation.
- 6.10.6.9 Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the Ground Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- 6.10.6.10 Lighting—Outdoor light levels shall not exceed 1 foot-candle along property lines, nor 10 foot-candles for any location on the property. Any light poles, new or existing, may not exceed 18' in overall height. All outdoor light fixtures must be shielded with light aimed downward to prevent light trespass onto adjacent properties (Dark Sky compliant). The Special Permit Granting Authority may modify this requirement if, upon recommendation by the Police Chief, it is required for adequate safety and security.

6.10.7 Safety and Environmental Standards

- 6.10.7.1 Emergency Services – The Ground Mounted Solar Photovoltaic Installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Ground Mounted Solar Photovoltaic Installation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.
- 6.10.7.2 Land Clearing, Soil Erosion and Habitat Impacts – Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Ground Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15 degrees in order to minimize erosion. No more than 50% of the land parcel utilized for Ground Mounted Solar Photovoltaic Installations shall contain land requiring clearing of forest.
- 6.10.7.3 No topsoil shall be removed from the land parcel under consideration for Ground Mounted Solar Photovoltaic Installation. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.

- 6.10.7.4 Impact on Agricultural and Environmentally Sensitive Land- The Ground Mounted Solar Photovoltaic Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50% of the total land area proposed for the Ground Mounted Solar Photovoltaic Installation may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.
- 6.10.7.5 Vegetation Management – Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Ground mounted Solar Photovoltaic Installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of “fuel” available in case of fire.
- 6.10.7.6 All land associated with the Ground Mounted Solar Photovoltaic Installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize onsite infiltration of storm water. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources is prohibited.

6.10.8 Monitoring and Maintenance

- 6.10.8.1 Maintenance – The Project Proponent shall maintain the Ground Mounted Solar Photovoltaic Installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, fencing and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The Project Proponent shall be responsible for the cost of maintaining the Ground Mounted Solar Photovoltaic Installation and any access road(s) not accepted as public ways.
 - 6.10.8.2 Modifications – All material modifications to a Ground Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Special Permit and Planning Board.
- 6.10.9 Outside Consultant Fees – In accordance with G.L. c.44, §53G, the Planning Board is authorized to retain such registered professional engineers, architects, landscape architects, attorneys, or other professional consultants as may be necessary in the Planning Board’s opinion to review and advise the Board on any or all aspects of applications submitted under this Section. The applicant shall be responsible for the cost of such review, and the Planning Board may request the applicant to deposit funds for such review with the Planning Board in advance of such review and to replenish such funds as necessary at the Planning Board’s request. Failure to provide such funds or to pay costs of such professional review when due shall be good grounds for denial of an application.
- 6.10.10 Waivers – The Planning Board may, upon the prior written request of the applicant and by a 2/3 majority affirmative vote of the members of the Board, waive any of the requirements of this Section 6.8, but must state their reasons for doing so in writing as part of their decision.