TOWN OF FREETOWN

GENERAL AND ZONING BY-LAWS

Revised - ATM of June 6, 2016

(Posted AG decision 9/21/2016)

TOWN OF FREETOWN
GENERAL & ZONING BY-LAWS

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ARTICLE 1
TOWN MEETING

1.1 Posting of Warrants

Every Town Meeting shall be called by a Warrant directed to a constable, or other duly appointed person, by posting attested copies of the said Warrant in not less than six (6) public places in the town at least fourteen (14) days before the time of holding the Annual Meeting, and at least fourteen (14) days before the time of holding any Special Town Meeting. *ATM-5/9/77*

A. **Availability of Warrants** - A copy of the Warrant containing the articles shall be made available to all registered voters at least seven (7) days before the time of holding the business portion of the Annual Meeting, and at least seven (7) days before the time of holding any Special Town Meeting. *ATM 5/3/75, STM-1/28/80,*

1.2 Election of Officers – Referendum Questions

The Annual Town Meeting for the election of officers and referendum questions shall be held on the first Monday in April and for such purpose the polls shall be open from twelve o'clock noon until eight o'clock p.m. in each precinct of Town. The Town shall annually when the term of office of any incumbent expires and except when other provisions are made by law, choose by ballot from the registered voters the following Town Officers: A ***Moderator***; One ***Selectman***, who shall also serve as a member of the ***Board of Health*** and a member of the ***Personnel Board***; One ***Assessor***; a ***Highway Surveyor***; Two ***Library Trustees***; One ***Cemetery Commissioner***; a ***Tree Warden***; One ***Water and Sewer Commissioner***; One ***Planning Board*** member; and a ***Town Clerk***. The term of office for each such office shall be 3 years except for the Planning Board members whose term of office shall be 5 years.

The Town shall elect two ***Finance Committee*** members in 1992, two Finance Committee members in 1993 and three Finance Committee members in 1994, all for three year terms, with successive elections every three years thereafter.

Commencing with the 2012 Annual Town Election, four members from both towns shall be elected for initial terms as follows: two for three-year terms; one for a two-year term; and one for a one-year term." and inserting the words "Commencing with the 2012 Annual Town Election, the following members shall be elected from among residents and registered voters of Lakeville: 2 members for 3-year terms, 1 member for a 2-year term, and 1 member for a 1-year term; in addition, the following members shall be elected from among residents and registered voters of Freetown: 1 member for a 3-year term, 2 members of a 2-year term and 1 member for a 1-year term.
ATM 5/9/77, STM 10/28/91, STM 10/27/03, ATM 5/5/07, STM 11/08/10, ATM 6/15/15

1.3 Annual Business Meeting

The Annual Business Meeting shall be held on the first Monday in June at 7:30 p.m.
ATM 3/9/74 ATM-5/3/75, STM-3/9/98, ATM-5/6/00, ATM-6/1/09

1.4 Insertion of Articles

Every article for insertion in the Warrant for the Annual Town Meeting must be presented in writing to the Selectmen at least sixty (60) days before the business portion of the Annual Town Meeting. At the same time a copy of each article shall be filed with the Clerk of the Finance Committee. Each of the articles, unless inserted by the Selectmen shall be signed personally by not less than ten (10) registered voters for the Annual Town Meeting and not less than One hundred (100) registered voters for a Special Town Meeting. The Selectmen shall call a Special Town Meeting upon request in writing of Two hundred (200) or more registered voters, said meeting to be held not later than forty-five (45) days after receipt of such request and shall insert in the Warrant therefor all subjects the insertion of which shall be requested by said petition. *ATM 5/3/75, ATM-5-9/77, ATM-6/21/82, STM 2/25/08*

1.5 Return of Warrant

The Constable or other duly appointed person to serve the Warrant for a Town Meeting shall, immediately after making service thereof, deliver to the Town Clerk the original warrant, with his return endorsed thereon stating fully the manner in which he served the same.

ARTICLE 2
PROCEDURE AT TOWN MEETING

2.1 Quorum Requirements
Each annual town meeting shall be called to order by the Moderator promptly at the appointed hour or as soon thereafter as fifty (50) registered voters are proven to be present and each special town meeting shall be called to order by the Moderator promptly at the appointed hour or as soon thereafter as ten (10) registered voters are proven to be present. In the absence of the Moderator such meeting shall be called to order by the Town Clerk, who shall preside until a temporary Moderator is chosen to act during the absence of the Moderator.

2.2 Meeting Called to Order
Immediately after calling of the meeting to order by the Moderator the Warrant for the Town Meeting and the return by the person who served the same shall first be read by the Town Clerk, unless the meeting votes that the reading of the articles in the Warrant is omitted.

2.3 Admission of Voters, Etc.
No person, except registered voters of the town, shall be admitted to any annual or special town meeting unless permission is granted by the Moderator or by a vote of the Town Meeting. If ordered by the Moderator, or by vote of the meeting, the voting lists of the town shall be used to check the names of registered voters.

2.4 Appeal Procedure by Voter(s)
Any voter may appeal from the decision of the Moderator and when properly seconded by seven or more voters, no other business except a motion to adjourn or lay on the table, shall be in order until the question of appeal has been decided. The question of appeal shall be decided without debate and by a rising vote, and shall be put as follows: "Shall the decision of the Moderator stand as the judgment of the meeting?" and the result shall be decided by the Moderator after a report of the count of the Clerk.

2.5 Motion Procedures
Unless otherwise provided by law or by-laws all motions shall require only a majority vote. Every article in the warrant shall be taken up in its order upon the warrant unless otherwise voted by the meeting, and no motion or resolution, the matter of which is not set forth in some article in the warrant, shall be entertained excepting only for the purpose of obtaining the sense of the meeting; but no such motion or resolution shall be entertained if seven voters object thereto.

2.6 Motion Reduced to Writing
Every motion shall be reduced to writing and signed by the person presenting it when so requested by the Moderator, and before receiving any motion the Moderator may require that it be seconded; a motion may be withdrawn by the mover if, no objection is made.

2.7 Report of Finance Committee
No article carrying an expenditure or appropriation of money, except where such expenditure is required by law, shall be acted upon at any Town Meeting until a report whereon has been made by the Finance Committee.
ATM-5/9/77

2.8 Reconsideration
No vote shall be reconsidered except upon a motion to that effect or upon a notice of such motion given at the same session of the meeting. Such motion or notice shall be made only by a voter on the prevailing side when the vote is taken.

2.9 Sense of Meeting
When a question is put (in case only a majority is required) the sense of the meeting shall be determined by the voices of the voters and the Moderator shall first announce the vote as it appears to him by sound. If the Moderator is unable to decide by the sound of the voices, or if his announcement is then upon doubted by any two voters rising in their places for that purpose, one making the appeal and the other seconding it, the Moderator shall without debate determine the vote by ordering a show of hands and he may appoint tellers, who shall be sworn to the faithful

ARTICLE 2.9 (cont.)

discharge of their duties by the Town Clerk who shall make a record of such oath, to make and return the count or he may order a ballot vote. *ATM-3/2/1970*

A. Declaration of two-thirds (2/3) vote. *STM 10/27/08, STM06/01/09*
Whenever a two-thirds (2/3) vote of Town Meeting is required by statute, such vote may be declared by the Moderator without a count and recorded as such by the Town Clerk. If a vote so declared by the Moderator is immediately challenged by seven (7) or more voters, the Moderator shall verify the vote by calling for a hand count by the tellers.

2.10 Yes-No Ballot

The vote on any motion, provided the meeting so orders, shall be taken by a "Yes" and "No" ballot with the use of the check list.

2.11 Yes-No Ballots-Availability

The Town Clerk shall provide and have in readiness for use at town meetings a sufficient supply of "Yes" and "No" ballots. Such ballots shall not be distinguished from each other in size, shape, color, paper, ink, in size and style of type, or in any other way which would make it possible to distinguish what was printed on said ballots other than by examination of the word printed thereon.

2.12 Roberts' Rules of Order

The procedure and conduct of the annual and special business Town Meeting of the Town not provided herein shall be governed by Roberts' Rules of Order, newly revised, current edition, so far as its rules and practices are applicable and not inconsistent with the other by-laws of the Town. *ATM-6/21/82*

ARTICLE 3
POWERS AND DUTIES OF TOWN OFFICERS

3.1 Town Seal

The Town Clerk shall have the custody of the Town Seal.

A. Executed Instruments – Town Seal
All sealed instruments which may hereafter be executed by the Town, pursuant to a vote of the Town or otherwise, shall be sealed with such seal and subscribed by a majority of the Board of Selectmen or by such committee or agent as may be authorized to act.

3.2 Board of Selectmen *STM 11/8/04*

The Board of Selectmen, unless specifically limited by statute, shall:

(A) Serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions, and employees of the town.

(B) Have the power to enact rules and regulations to implement policies and to issue interpretations.

(C) Exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the town.

(D) Have the responsibility and authority for licensing and other quasi-judicial functions as provided by the General Laws and the Town of Freetown by-laws.

(E) Be responsible for the preparation of all town meeting warrants.

(F) Have the authority to make investigations and may authorize the Town Administrator or other agents to investigate the affairs of the town and conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.

(G) Review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the selectmen, to the finance committee.

(H) Negotiate collective bargaining agreements and other contracts and/ or services not otherwise designated.

ARTICLE 3 (3.2 cont.)

(I) Power of Appointment *ATM 5/9/77, STM 10/15/79*

By majority vote, make appointments to town offices, as authorized or required by General Laws or by By-Law, including:

1) Chief of the Police Department, Chief of the Fire Department, Town Accountant, Building Commissioner, two (2) Constables (after notice being duly advertised for one (1) month prior to said appointment), Civil Defense Director and Town Counsel; as well as such other appointments as are required by the General Laws or Bylaws, including veterans' agent, animal inspector, sealer of weights and measures, and members and employees of the police department

2) After July 1, 2006, a Town Administrator.

(J) Power of Removal and Suspension

1) By majority vote, to remove or suspend from office any appointed officer or employee of the town not subject to contractual agreements or collective bargaining contracts with the town for cause after notice and, if so requested by the officer or employee, a hearing; provided, however, that this section shall not apply to an officer who is appointed pursuant to the authority of the General Laws for a term found in law unless the applicable General Law provides for such suspension or removal .

(i.) Any such officer or employee shall continue to receive his/her salary until removed from office.

(ii) The failure of the Board of Selectmen to reappoint an officer or employee at the expiration of the term of that officer or employee shall not constitute a removal or suspension, and nothing in this section shall be construed as granting a right to a hearing to an officer or employee who is not so reappointed.

(K) The Board of Selectmen shall be the agents of the Town to institute, prosecute, and defend any and all claims, actions and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved.

(L) Recordings Registry of Deeds – It shall be the duty of the Board of Selectmen to see that every conveyance to the Town of any interest in land is properly recorded in the Registry of Deeds.

(M) The Board of Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law or by these by-laws.

(N) The Board of Selectmen is authorized to sell on behalf of the Town, and without a vote of the Town, any and all personal property belonging to the Town, which they determine as no longer needed by the Town, at Public Auction or Private Sale, upon such terms as they deem proper provided the fair market value of such property does not exceed the sum of Five Thousand ($5,000) dollars, and provided further that if the fair market value exceeds two thousand ($2,000) dollars the sale of said property shall be by public auction. *STM 12/14/87*

(O) The Board of Selectmen shall require that all bills against the Town be clearly itemized and, except for bills for salaries of all town officers, approved by the officer on whose order the bill is contracted before giving an order to the Treasurer for payment.

(P) All heads of departments of the Town shall make an itemized statement of receipts and expenditures for publication in the Annual Town Report. The Selectmen shall cause the Town Report to be printed and made available to the inhabitants at least seven (7) days before the time of holding the Annual Town Meeting.

(Q) The Board of Selectmen is authorized to accept and enter into contracts for the expenditure of any funds allotted or to be allotted by the Federal Government, the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads.

(R) Until such time that a Town Administrator is first appointed or in the absence of a Town Administrator or an Acting Town Administrator, the Board of Selectmen is authorized to assume and act on the duties normally required of a Town Administrator or Acting Town Administrator.

(S) Powers of Contract. Any contracts negotiated on behalf of the Town shall be subject to final approval of, and execution by, the Board of Selectmen.

ARTICLE 3 (3.2 cont.)

(T) Fee Schedule – Ambulance *ATM 5/1/89, ATM 5/3/04*
The Board of Selectmen may establish reasonable fees for use of the ambulance(s). *ATM 5/1/89, ATM 5/3/84*

(U) Fee Schedule – Transfer Station *STM 9/11/89, ATM 5/3/04*
The Board of Selectmen may establish reasonable fees for the use of the Transfer Station. Such fee schedules may be implemented after two (2) public hearings, the date, time, place and subject of which must be published seven (7) days in a advance in a least one newspaper of general circulation; and after publication of the final rate schedule in at least one newspaper of general circulation ten (10) days in advance of such schedule. *STM 9/11/89, ATM 5/3/04*

3.3 Town Administrator *STM 11/08/04, AG 3/11/05*

(A) Appointment, Term of Office

The Town Administrator shall be appointed by the Board of Selectmen for a term not to exceed 3 years, as the Board may determine, and may be appointed for successive terms of office.

(B) Compensation

The Board of Selectmen shall set the compensation for the Town Administrator, not to exceed an amount appropriated by the Town Meeting.

(C) Qualifications

(1) The Town Administrator shall be appointed on the basis of his/her educational, executive and administrative qualifications and experience. His/her education shall consist of at least a Master's Degree in Public Administration or a Master's Degree in Business Administration or a Master's Degree related to either field of study, granted by an accredited degree granting college or university, and his/her professional experience shall include at least five (5) years previous experience in at least one of the following: Town Manager, Assistant Town Manager, Town Administrator or Assistant Town Administrator

(2) The Town Administrator shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town.

(3) The Town Administrator shall hold no elective office during his/her tenure as Town Administrator, but the Board of Selectmen may appoint the Town Administrator to any non-elective office or position consistent with the responsibilities of the Town Administrator.

(4) The Board of Selectmen may from time to time establish additional qualifications for the office of Town Administrator. To the extent permitted by law, the terms of the Town Administrator's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

(5) The Town Administrator shall not have served in an elective office in the town government of the Town of Freetown for at least one (1) full year prior to his/her appointment.

(6) Before entering upon his/her duties, the Town Administrator shall be sworn to the faithful and impartial performance thereof by the town clerk. The Town Administrator shall execute a bond in the favor of the Town for the faithful performance and with such sureties as may be fixed by the Board of Selectmen; the cost of said bond shall be borne by the Town.

Duties

(D) General Duties

The Town Administrator shall:

(1) Be responsible for coordination of operational and strategic planning for the town.

ARTICLE 3 (3.3D cont.)

(2) Supervise and direct the efficient and responsible administration of all officers and employees appointed by the Town Administrator and/or Board of Selectmen and their respective offices and departments, and of all functions for which the Town Administrator is given responsibility by the Board of Selectmen, the laws of the commonwealth, and by-laws passed by town meeting.

(3) Subject to any applicable provisions of the General Law relating thereto, may assume, temporarily, the duties of any office which the administrator is authorized to fill by appointment.

(4) Be responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, and state and federal equal opportunity law compliance functions of the town.

(5) Keep full and complete records of the office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of Town Administrator. The Town Administrator may also prepare reports to boards and committees and for town meeting.

(6) Advise the selectmen of all matters requiring action by them or the town.

(7) Attend all regular and special meetings of the Board of Selectmen, unless excused and shall have a voice but no vote in all of its discussions.

(8) Attend all sessions of the Town Meeting and shall answer all questions directed at him or her relating to Town affairs.

(9) Be responsible for the negotiation of all contracts, which are subject to execution by the Board of Selectmen

(10) Administer, either directly or through a person or persons appointed by him, in accordance with this bylaw, all provisions of general and special laws applicable to said town, all by-laws, and all regulations established by the Board of Selectmen.

(11) Oversee the activities of the town counsel under the direction of the Board of Selectmen.

(12) Receive and address citizen's complaints and problems.

(13) Be responsible for the management of all town insurance programs.

(14) Represent the town at local, state and regional meetings and undertake public relations activities under the direction of the Board of Selectmen.

(15) Perform such other duties consistent with the office, as may be required of the administrator by by-law or by vote of the Board of Selectmen or town meeting.

(16) Have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the Town Administrator. The Town Administrator may, without notice, cause the affairs of any division or department under the administrator's supervision of the job-related conduct of any officer or employee thereof to be examined.

(17) To perform any other duties as are required to be performed by the Town Administrator by votes of the town meeting, or votes of the Board of Selectmen, or otherwise

(E) Financial Duties

The Town Administrator shall:

(1) Be the chief administrative officer of the town and shall be responsible to the Board of Selectmen for the effective management of all town affairs placed in the administrator's charge by this by-law, the Board of Selectmen or vote of town meeting and the implementation of town policies placed in the administrator's charge by the Board of Selectmen.

ARTICLE 3 (3.3E cont.)

(2) Be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the warrants for the payment of town funds prepared by the town accountant. Without limiting the generality of the foregoing the Town Administrator shall have the following specific budgetary powers:

(a) The Town Administrator shall submit to the Board of Selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may establish additional financial information and reports to be provided by the Town Administrator.

(b) The Town Administrator shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.

(c) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the Board of Selectmen, and the budget presented by the Town Administrator to the finance committee will be set by the respective Board or Committee.

(d) To assist the Town Administrator in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the Town Administrator, in writing, a detailed estimate of the appropriations required and available funds.

(e) The Town Administrator shall submit annually to the Board of Selectmen and the finance committee a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired; and (d) other information that may be required form time to time.

(F) Purchases by Town Administrator

1) The Town Administrator shall be responsible for purchasing all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his/her supervision; and he/she shall make all purchases for departments and activities not under his/her supervision but not including food for schools, school books and other instructional materials, supplies and equipment, library books and related printed and audio visual material unless otherwise specifically requested by the Regional School Committee, Local School Committee or the Library Trustees and only to such extent and for such period as the Regional School Committee, Local School Committee or the Library Trustees shall from time to time specify. Purchases for departments and activities not under his/her supervision shall be made only upon and in accordance with a requisition duly signed by the head of any such department.

2) All purchases or contracts shall be made in accordance with G.L. c. 30B; G.L. c. 30, § 39; and G.L. c. 149, as amended; and any and all other applicable statutes.

3) All contracts for services negotiated by the Town Administrator shall be ratified by a majority vote of the Board of Selectmen.

(G) Powers to Appoint

1) The Town Administrator shall recommend candidates to the Board of Selectmen for appointment to the following town offices: veterans' agent, animal inspector, sealer of weights and measures, and members and employees of the police department.

ARTICLE 3 (3.3G cont.)

2) Officers appointed under this by-law shall perform their duties in accordance with the General Laws and Town By-Laws.

3) The Town Administrator shall have the power to appoint on merit and fitness alone the inspector of wires of such other individual town officers, employees, and members of boards and commissions for whom appointment is not otherwise provided by the General Laws or by-laws.

4) The Town Administrator shall have the power to remove any official or employee appointed by the Town Administrator for cause after notice and, at the request of the employee or official, a hearing.

5) The Town Administrator shall supervise the boards, committees, commissions and employees that the administrator appoints, and, at the request of the Board of Selectmen, those appointed by the Board of Selectmen.

(H) Removal of the Town Administrator
The Board of Selectmen may terminate the Town Administrator for cause after notice and, at the request of the Town Administrator, a hearing.

3.4 Acting Town Administrator *STM 11/08/04*

(A) Temporary Absence – By letter filed with the town clerk, the Town Administrator shall recommend a qualified town administrative officer or employee who, with the approval of the Board of Selectmen, shall exercise the powers and perform the duties of Town Administrator during a temporary absence. The Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed.

(B) Acting Town Administrator – After the Town Administrator has been absent for at least ten (10) working days, the Board of Selectmen may appoint as an Acting Town Administrator any qualified town administrative officer or employee or other qualified person to serve until the Town Administrator shall return. The term of service of an acting Town Administrator may not exceed six (6) months, but one additional renewal not to exceed three (3) months may be approved by vote of the Board of Selectmen. Compensation for such person shall be set by the Board of Selectmen.

(C) Vacancy – Upon the creation of a vacancy due to the permanent absence or disability of the Town Administrator rendering the Administrator unable to perform the duties of the office or the removal or resignation of the Town Administrator, the Board of Selectmen shall forthwith fill the vacancy.

(D) Powers and Duties – The powers of a temporary or acting Town Administrator under (A) and (B) above shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

Severability
This by law shall be interpreted insofar as possible as consistent with state law. In the event of an inconsistency, however, state law shall control. This by-law shall be interpreted insofar as possible as consistent with existing by-laws. In the event of an inconsistency, however, this by-law shall control.

ARTICLE 3 (cont.)

3.5 Tax Collector Denial, Suspension, or Revocation

a. The Tax Collector shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refuse to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period, and that has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board

b. The licensing authority may deny, revoke, or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector, providing however, that written notice is given to the party and to the tax collector, as required by the applicable provisions of law, and that the party is given a hearing, to be held not earlier that fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation, or suspension. Any findings made by the licensing authority with respect to such license denial, revocation, or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation, or suspension. Any license or permit denied, suspended, or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all municipal charges, payable to the municipality as of that date of the issuance of that certificate.

c. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and with validity of said license or permit shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provision of law.

d. The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers, or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

e. This By-Law shall apply to all local licenses or permits except the following: Open burning (c. 48 §. 13); bicycle permits (c. 85 §11A); sales of articles for charitable purposes (c. 101 §33); children's work permits (c. 149 §69); clubs, associations dispensing food or beverage (c. 140 §. 21E); dog licenses (c. 140 §137); fishing, hunting or trapping licenses (c. 131 §12); marriage licenses (c. 207 §28); and theatrical events, public exhibitions (c. 140 §181) and certificates of occupancy. *ATM 6/22/92, ATM 5/3/04 posted 7/26/04,*

3.6 Fees

To require the Town Clerk and Collector of Taxes to forward all fees collected by virtue of their elected offices to the Town Treasurer for deposit in the Town Treasury, effective July 1, 1986. *ATM 5/5/86, STM 10/27/03*

3.7 Minutes of Meetings *ATM 5/3/04 posted 7/26/04*

All elected and appointed boards, committees, commissions, and trustees shall create and maintain minutes of all posted and emergency meetings in accordance with the provisions of G.L. c. 39, § 23B, the Open Meeting Law, and of G.L. c. 66, the Public Records Law. All governmental bodies, with the exception of the School Committee, shall submit to the Town Clerk within two weeks of approval copies of minutes of open meetings held in accordance with G.L. c.39, §23B. Copies of executive session minutes shall be forwarded to the Town Clerk forthwith after publication will no longer defeat the purposes of the executive session.

3.8 By-law Article Submissions *STM 10/27/14*

The Town Clerk is authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Board of Selectmen, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

ARTICLE 4
FINANCE COMMITTEE

4.1 Committee Members
The Finance Committee shall consider any and all municipal questions for the purpose of making reports or recommendations thereon to the voters of the town. Such committee shall consist of seven (7) voters who shall serve without pay, none of whom during their service on such committee shall hold any regular elective, or appointed town office, having to do with the expenditures of town money. *AG-7/7/70*
STM-10/28/91 (Deleted word "nine")

4.2 Submission of Budgets
It shall be the duty of the Finance Committee to inform themselves concerning those affairs and interests of the Town, the subject matter of which is included in the Warrant for its town meeting, and the Selectmen, the School Committee, and departments not under their supervision, and all other town officers be required to furnish to said Committee, in writing, not later than February 1st of each year, in as much detail as possible, their report of the previous year with their estimates and recommendations of the amounts necessary to be appropriated for the support of their several departments for ensuing year. The Finance Committee shall then investigate the estimates and recommendations so presented and give opportunity to said various boards and officers to be heard and explain such estimates and recommendations. The Finance Committee shall inform all town officers, boards and department heads in writing of recommended changes in submitted budget estimates prior to the preparation of the town budgets to be acted upon at the Annual Town Meeting. *ATM 3/11/67*

The Committee shall also hold public meetings and invite any town officer, citizen or person to attend, and to give such information as he may have that will assist the Committee in any matter coming before it for consideration.
*ATM-5/3/75**STM-12/2/76*

4.3 Budget Recommendations
The Committee shall, prior to each annual business Town Meeting or when necessary prior to a Special Town Meeting, prepare a budget showing in detail the anticipated income and expenditures of the Town for the then current year, together with its advice and recommendations with reference to the various appropriations of the town funds, and other municipal matters coming before such Town Meeting. The Finance Committee shall at each annual Town Meeting present and explain such budget with its advice and recommendations and it shall also at each Special Town Meeting give its advice and recommendations with reference to any appropriations of the town funds or other municipal matter coming before such meeting. *ATM-5/3/75*

ARTICLE 5
COUNCIL ON AGING *ATM 3/6/71 , ATM 5/6/02*

5.1 Purpose
The Board of Selectmen shall appoint a Council on Aging for the purpose of co-ordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, § 73 of the General Laws.

5.2 Appointments
The Board of Selectmen shall appoint the Council on Aging consisting of seven (7) members. Upon acceptance of this by-law, the Board shall appoint three (3) members for three (3) years, two (2) members for two years and two (2) members for one (1) year. Thereafter, each member shall be appointed for a three (3) year term. Members can be re-appointed for concurrent terms. The members of the Council shall serve without pay.

5.3 Vacancy
Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

5.4 Election of Officers
The Council on Aging at its first annual meeting and thereafter, annually in April of each year, shall elect from its membership, A President, 1st Vice President, 2nd Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

ARTICLE 5 (cont.)

5.5 Annual Report
The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

ARTICLE 6
SOIL REMOVAL – SOIL CONSERVATION BOARD
Soil Removal by-laws accepted by vote of the Town at the ATM 3/10/56, ATM 5/3/75

6.1 Members
A Soil Conservation Board is hereby established in the Town of Freetown for the purpose of regulating the removal of earth minerals from land within the town and in enforcing the provisions of this by-law. The Soil Conservation Board shall adopt rules and regulations relative to the issuance of permits for the removal of earth minerals and quarry operations. The affirmative vote of at least three (3) members shall be required for the granting modification, revocation or removal of any permit authorized hereunder. *(ATM 6/4/2012)*

The members of the Board shall consist of the Board of Selectmen, one member of the Planning Board to be selected by such Board, one member of the Conservation Commission to be selected by such Commission. *(STM 10/25/76, STM 10/22/01)*

The Planning Board and Conservation Commission shall annually in June submit to the Board in writing the names of their respective members who will serve on the Soil Conservation Board for the term of the forthcoming fiscal year. *(STM 10/25/76)*

6.2 Removal of Earth Minerals
The stripping or removal of earth minerals from any parcel of land not in public use in the Town of Freetown, except as hereinafter provided is prohibited, unless a written permit therefor is obtained from the Board after a public hearing of which due notice is given.

A. **Denial to Remove** - After permission for a earth mineral permit has been denied by the Board, no operator or owner shall be allowed to reapply for a period of one (1) year.

6.3 Continuous Operation
Whenever the Board is satisfied that the removal of any earth minerals had previously been undertaken in a particular location and was in continuous operation, at the time when notice of the warrant for the Town Meeting at which this by-law was adopted was given, a permit for the further continuance of such operation with the same territorial limits shall be issued without a hearing; but such permit may be issued subject to conditions in the same manner as other permits.

6.4 Issuing Permit – Conditions
In issuing a permit under this By-Law, the Board may impose such conditions not specifically provided for herein as it may deem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board shall require a bond for the compliance with said conditions as evidence of good faith for the completion of any proposed construction. The Board shall after a public hearing on proof of violation of any condition, revoke any permit so issued. No permit shall be issued under the provisions of said By-Law for a period of more than three (3) years, provided that such permits may be renewed by the Board, without further public hearing, at a duly-noticed open meeting of the Board. No revocation shall endure for less than thirty (30) days. *(ATM 6/4/2012)*

6.5 Authorization & Conditions Continued
Earth minerals may be removed from any parcel of land within the town only after a permit authorizing such removal has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental, injurious or hazardous to the neighborhood; provided further that the Board shall impose reasonable conditions as to the method of removal, the maintaining or re-establishment of ground levels and grades, and the planting of the area to suitable cover, as it may deem necessary. The Board may also designate the Town roads over which such earth minerals may be transported in the process of removal. Removal of earth minerals under authority of this section shall be further subject to the provision of Section 6.3 and 6.4.

ARTICLE 6 (cont.)

6.6 Transfer of Earth Minerals Over Owner's Land

No permit shall be required by an owner of real estate for the transfer of earth minerals from one part of his own premises to another part thereof for the improvement of his own premises, nor shall any permit be required for removal of earth minerals in connection with the improvement or construction of any road over his premises provided such earth minerals so removed are used on said premises to improve the same and is not contrary to the regulations of this by-law as adopted. No permit shall be required by quarries operating at the time this by-law is adopted so long as the sale of earth minerals is not involved.

6.7 Organization of Board

No person interested in the application for a permit for the removal of earth minerals, shall be eligible to participate in the action of the Board with reference to such permit. Replacement of any member or members so disqualified shall be determined by the other members of the Soil Conservation Board. A majority of the Board shall constitute a quorum. The Board shall elect its own Chairman and Secretary. Its Secretary need not be a member of the Board. The Secretary shall keep a true record of the proceedings of the Board, which shall be public record.

6.8 Penalties

The penalty for violation of this article shall be for the first offense, $50.00; for the second offense, $100.00; and for each subsequent offense, $200.00

6.9 Definition "Earth Minerals"

"Earth Minerals" are defined in this by-law to include all forms of soil without limitation, specifically including loam, sand, gravel, clay, humus, peat, hardpan or rock, iron, coal, etc. *ATM 3/3/75*

6.10 Definition "Removal"

"Removal" is defined as stripping, digging, excavating, or blasting of earth minerals from a lot for the purpose of removing or clearing it away from the lot. *ATM 3/3/75*

6.11 The Soil Conservation Board may establish reasonable fees for Soil Removal Permits and Soil Removal Operations. Such fee schedule may be implemented after a public hearing, the time, date, and place subject of which must be published seven (7) days in advance in at least one newspaper of general circulation. *STM 10/22/01*

ARTICLE 7

CONSERVATION COMMISSION *ATM 5/6/71, **ATM 5/03/75**, ATM 5/5/80, **ATM 5/05/03***

Town of Freetown Wetlands Protection Bylaw

7.1 Purpose

The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Freetown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control and prevention, fisheries, land containing shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw"). The Conservation Commission has the authority to adopt rules and regulations for the use of conservation land (G.L. Ch. 40 §8C). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth.

ARTICLE 7 (cont.)

7.2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas:

1) within one hundred feet (100') of any of the following:

   - freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; flats; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and

2) lands abutting any of the aforesaid resource areas as set out in Section 7.1 "Purpose" (collectively the "resource areas protected by this bylaw"), or

3) within 200 feet of any perennial river or stream.

Said resource areas shall be protected whether or not they border surface waters. This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) hereunder.

ARTICLE 8
DISABILITY FUNDS

8.1 Firefighters Disability Funds

$5,000 Raised to establish a call firefighters' disability fund. Payments from this fund shall be made in instances where a call firefighter is disabled because of injury or incapacity sustained in the performance of duty and is unable to perform the usual duties of his/her regular occupation at the time such injury or in-capacity was incurred. The call firefighter shall receive from the call firefighter disability fund, for the period of such injury or incapacity, a sum equal to seventy-two (72%) per-cent of the compensation payable to the entry level of a permanent firefighter less any related insurance payments made to him/her. Such payment shall not exceed his/her compensation from his/her regular occupation.

The period for which such compensation is authorized shall not exceed a total of one hundred four (104) weeks provided, however, that no payments shall be made under this section after said call firefighter has been retired or pensioned in accordance with M.G.L., Chapter 32, § 85h, or after a physician designated for such purpose by the fire chief has determined that such incapacity no longer exists.

All amounts payable under this section shall be paid at the same time and same manner as if he/she were a permanent firefighter and for all purposes shall be deemed to be the regular compensation of such firefighter.
ATM 5/5/86

8.2 Reserve Police Officer's Disability Fund

$500.00 voted to establish a Reserve Police Officer's Disability Fund. Payments from this fund shall be made in instances where a Reserve Police Officer is disabled because of injury or incapacity sustained in the performance of duty and is unable to perform the usual duties of his/her regular occupation at the time of such injury or incapacity was incurred. The Reserve Police Officer shall-receive from the Reserve Police Officer Disability Fund, for the period of such injury or incapacity, a sum equal to seventy-two (72%) percent of the compensation payable to the entry level or if applicable, Step 2 to prevent the reduction of the Reserve Police Officer's pay rate, of a permanent police officer less any related insurance payment made to him/her. Such payment shall not exceed his/her compensation from his/her regular occupation. Payment shall not commence until the injured/incapacitated party signs the Reimbursement Agreement.

ARTICLE 8 (8.2 cont.)

The period for which such compensation is authorized shall not exceed a total of ONE HUNDRED FOUR (104) weeks, provided, however, that no payments shall be made under this section after said Reserve Police Officer has been retired or pensioned in accordance with M.G.L. 32, §85H, or after a PHYSICIAN designated for such purpose by the Board of Selectmen has determined that such incapacity no longer exists. All amounts payable under this section shall be paid at the same time and same manner as if he/she were a permanent police officer and for all purposes shall be deemed to be the regular compensation of such police officer.
ATM 5/6/96

ARTICLE 9
TOWN CONTRACTS *ATM 5/9/77, ATM 5/5/80, STM 1/6/86, STM 3/12/90, ATM 5/6/02*

9.1 Authorization
The Officer or Board authorized to make the contract, may, on all contracts other than purchase contracts, require a suitable performance bond, the obligation of such bond to be secured by sureties acceptable to such officer or board.
ATM-5/9/77

9.2 Filing of Contracts
Every officer of the town who makes or executes a contract on behalf of the town shall furnish the contract or an executed copy thereof to the Town Clerk within one week after its execution and the Town Clerk shall keep such contract or copy on file for public inspection during business hours. All allowances under and additions and extras to such contracts shall be filed with the Town Clerk together with a sworn statement of the officer, board or committee making such allowance or additions that the same are correct and in accordance with the contract.

ARTICLE 10
PERSONNEL CLASSIFICATION AND COMPENSATION PLAN *STM 6/15/2015*

10.1 General Provisions

A) **Authorization** - Pursuant to the authority contained in Section 108A and 108C of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, there shall be established plans which may be amended from time to time by vote of the Town at the Town Meeting:

1) classifying positions in the service of the Town, other than those filed by popular election, those under the direction and control of the School Committee, the position of Town Counsel and certain positions for which the compensation is on a fee basis or the incumbents of which render professional intermittent or casual service and which do not appear in Section 10.8 following and those positions covered by contracts with the Town, into groups and classes doing substantially similar work or having substantially similar responsibilities;

2) authorizing a compensation plan for positions in the classification plan;

3) providing for the administration of said classification and compensation plans, and

4) establishing employee selection standards, work policies, and benefits for employees occupying positions in the classification plan.

B) **Definitions** – As used in these by-laws, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth of Massachusetts:

"Administrative Authority", the elected or appointed official or board having jurisdiction over a function or activity;

"Appointing Authority" – the elected or appointed official or board having the authority to appoint the employees within a given Town department;

ARTICLE 10 (10.1B cont.)

"Anniversary Date", one year from the date of appointment, the date of the last step increase or the date of promotion whichever is applicable;

"Board", the Board of Selectmen;

"Class", a group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity;

"Classification", class title- plus class specifications which are to be on file with the Board of Selectmen and which are incorporated by reference;

"Compensation Grade", a range of salary or wage rates appearing in Section 10.9;

"Continuous Employment", uninterrupted employment (either full-time or part-time), except for required military service and for authorized vacation or other leave of absence;

"Department", any department, board, committee, or other agency of the Town subject of these by-laws;

"Employee", an employee of the Town occupying a position in the classification plan;

"Exempt Employee" – an employee who is exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA");

"Full-time Employment", an employee who is regularly scheduled for 35 hours a week, fifty-two weeks per annum minus legal holidays and authorized leave of absence including vacation, sickness, bereavement or other reason;

"Group" or "Occupational Group", a group of classes designated by occupation as appearing in Section 10.4;

"Increment", the dollar difference between step rates;

"Maximum Rate", the highest rate in a range, which an employee normally is entitled to obtain;

"Minimum Rate", the lowest rate in a range, being normally the hiring rate of a new employee;

"Part-time Employment", an employee who is regularly scheduled for less than full-time weekly employment;

"Permanent Position", a full time or part-time position in the Town service which has required or which is likely to require the services of an individual in continuous employment for a period of fifty-two calendar weeks per annum;

"Position", an office or post of employment in the Town service with duties and responsibilities calling for the full-time, part-time or seasonal employment of one person in the performance and exercise thereof.

"Promotion", a change from a position of lower class and/or compensation grade to a position with greater responsibilities in a higher class and/or compensation grade;

"Range", the dollar difference between minimum and maximum rates;

"Rate", a sum of money designated as compensation for personal services on a hourly, daily, weekly, monthly, annual or other basis;

ARTICLE 10 (10.1B cont.)

"Seasonal Employment", employment on a seasonal rather than a year round basis;

"Step Rate", a rate in a range of a compensation grade;

"Temporary Position", a position in the Town service which requires or is likely to require the services of an individual for a period less than fifty-two calendar weeks in continuous employment;

"Town", the Town of Freetown

C) **Personnel Policy**

It is the declared personnel policy of the Town of Freetown that:

1) Employment in the town government shall be based on merit and fitness, free of personal and political consideration, free of discrimination because of age, sex, race, national, or ethnic origins, or religion, and free of discrimination against the physically handicapped;

2) Just and equitable incentive and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of town government;

3) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis;

4) Appointments, promotions and other actions requiring the application of merit shall be based on qualifications, performance and evaluation;

5) High standards of morale shall be maintained by the fair and equitable administration of this policy and by every consideration of the rights and interests of all employees consistent with the best interests of the public and of the Town;

6) Continuity of employment with the Town shall be subject to good behavior, the satisfactory performance of work, the necessity for the performance of work, and the availability of appropriated funds.

10.2 Administration and Amendment

A. **Administration**

1) The Board of Selectmen, referred to herein as the Board, shall be responsible for the administration of the classification and compensation plans and these by-laws. The Board shall establish such procedures as it deems necessary for the proper administration of said plans and by-laws. The Board may employ assistance and incur expenses as deemed necessary subject to the appropriation of funds therefore.

2) Adequate personnel records of all employees occupying positions subject to the classification and compensation plans shall be maintained by and held in the custody of the Board.

3) The Board from time to time of its own motion, shall investigate the work the work features and rates of salaries or wages of any or all positions subject to the provisions of these by-laws. Such reviews shall be made at such intervals as determined to be necessary and to the extent to which the Board considers practicable.

4) The Board shall maintain written job descriptions or specifications of the classes in the classification plan, each consisting of a statement describing the essential nature of the work and the characteristics that distinguish the class from other classes. The description of any class shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying, or in any way affecting the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, to direct and control the work of any employees under the jurisdiction of such authority.

ARTICLE 10 (10.2 cont.)

5) Upon the recommendation of a department head, supported by evidence in writing or special reasons and/or exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for such a position, or may deny a step rate increase, or such other variance in the compensation plan as it may deem necessary for the proper functioning of Town services. No variance shall become effective unless, or until the necessary funds have been appropriated therefore.

B. Amendment of the Plans

1) The classification plan and/or the compensation plan and/or other provisions of these by-laws may be amended by vote of the Town at a town meeting in the same manner as other by-laws of the Town may be amended.

2) A proposed amendment, other than one originating with the Board, shall be filed with the Town Clerk, who shall record same and submit three copies thereof to the Board. The Board shall hold a public hearing to consider any such proposed amendment, after having given at least ten days written public notice thereof.

3) The Board, of its own motion, may propose an amendment to the classification plan, compensation plan, or other provisions of these by-laws after having held a public hearing on the proposed amendment according to the procedure outlined in the preceding sub-section.

4) The Board shall report for its recommendations on any proposed amendment to the Finance Committee for its consideration and shall make known its recommendations with regard to any amendment at the Town Meeting at which such amendment is to be acted upon.

10.3 Classification Plan

1) All positions in the Town service, except those excluded in Section 10.1(A), are hereby classified by titles appearing in the "Classification Plan" which may be amended from time to time by vote of the Town at a town meeting and which is to be on file with the Board of Selectmen and which is incorporated by reference.

2) The title of each class, as established by the classification plan, shall be title of each incumbent of a position so allocated and shall be used on payrolls, budget estimates, and other official records pertaining to the position.

3) Whenever a new position is established by the fixing of compensation thereof, or the duties of an existing position are so changed that, in effect, a new position is created, and upon presentation of substantiating data satisfactory to the Board, the Board shall allocate such new or changed position to its appropriate class.

4) No position may be reclassified until the Board shall have determined that such reclassification is consistent with the classification plan.

10.4 Compensation Plan

A. General Provisions

1) The compensation plan shall consist of pay schedules, entitled "Compensation Plan Employees", which provide minimum and maximum rates of pay for individual compensation grades. The initial starting rate for any position listed in Section 10.9 shall be established by a vote of the Board of Selectmen upon the filling of the position. The initial rate will be entered as Step 1 in the compensation plan for that position. Such schedules may be amended from time to time by vote of the Town at a Town Meeting.

2) No appointing authority shall fix the compensation of any employee in a position in the classification plan except in accordance with the compensation plan.

ARTICLE 10 (10.4 cont.)

3) An employee in continuous employment shall, subject to the provisions of Section 10.2(A)(5) become eligible to receive the step increase between his or her present step and the next higher step for the grade level for his or her position upon reaching the number of years of service that are applicable to said step as set forth in Section 10.9. Step increases for eligible employees shall become effective on the July 1st that follows the date on which the employee became eligible for the increase. Any employee who will have attained more than twenty years of creditable service with the Town upon retirement and who has given advanced notice to the Board of not less than one year, nor more than three years of their intention to so retire shall receive, in addition to such steps as they are otherwise entitled, a pre-retirement step increase. Such pre-retirement step shall become effective on the first day of the next calendar year, or on the first day of the next fiscal year, following such notice, whichever shall come first. An employee who has not retired three years after having given advance notice of intent to retire shall revert to such pay step as they would have been had they not received the pre-retirement step.

4) The step rate adjustments provided in this section shall be subject to the availability of appropriated funds and shall be tied to satisfactory work performance as provided for in applicable provisions of Section 10.6 (G) (H).

5) The prescribed rates of compensation provided for in this section shall not include allowances for official travel or other expenditures incurred on behalf of the Town. Employees shall be reimbursed for such expenditures in accordance with Section 10.6 (F).

6) Annually, the Board of Selectmen shall determine what, if any, annual cost of living increase shall be applied to the Compensation Plan Schedules effective for the next Fiscal Year.

10.5 Employee Selection

A. Recruitment

1) In order to attract competent employees to fill vacancies in the Town service, the Board shall cause notices for job vacancies to be publicly advertised on the Town's website.

2) Applicants for vacancies will not be limited to residents of the Town, but priority consideration shall be given to Town residents whenever possible.

3) All applicants for job vacancies shall be required to complete a standardized employment application form which shall be filed with the appointing authority and made part of the personnel records of the Town.

4) The appointing authority may cause character reference checks to be made of all applicants for positions coming under their jurisdiction, and the "findings thereof shall be made part of the personnel records of the Town."

5) All applicants shall be interviewed by the appointing authority or its designee to determine level of skills, training and performance.

B. Appointment

1) Before appointment to a position included in the classification plan of the Town which requires continuous employment, whether full-time or part-time, a candidate may be required to pass a physical examination satisfactory to the Board. The examining physician shall be designated by the Board and the examination shall be conducted at the expense of the Town . The examining physician shall advise the Board as to whether or not, in his professional judgment, the applicant is physically qualified to perform the duties of the position being sought.

2) Appointment to a position on the classification plan shall be the responsibility of the appointing authority having jurisdiction over the duties of that position.

3) The administrative authority shall be responsible for orienting new employees to their jobs, work policies of the Town, and performance standards expected of them. In addition, the administrative authority shall provide necessary supervisory and on-the-job training and assessment training needs to establish necessary training programs.

ARTICLE 10 (10.5 cont.)

C. **Promotions**

1) Vacancies in positions above the entrance level shall be filled by promotion whenever, in the judgment of the appointing authority, it is in the best interest of the Town service to do so. Promotions shall give appropriate consideration to the applicant's qualifications, record of work performance and seniority.

2) Notice of vacancies in such positions shall be made known to all affected employees within the classification group.

10.6 Work Policies

A. **Work Week**

The work week for positions in the classification and compensation plans shall be established and maintained by the Board of Selectmen based on the needs of the Town.

B. **Overtime Compensation**

All non-exempt employees shall be compensated at one and one-half times their regular rate for hours worked in excess of 40 hours in a week in accordance with the provisions of the FLSA. Police Department and Fire Department personnel shall be paid in accordance with the standards and exceptions contained in the FLSA.

C. **Paid Holidays**

1) The following days shall be recognized as legal holidays within the meaning of these by-laws and employees shall be excused from all duty except those of an emergency nature as determined by the appropriate administrative authority of those required to maintain essential Town services:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veterans' Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

2) A full-time employee shall be entitled to these designated paid holidays on the following terms:
   a) If paid on an annual basis, he/she shall be granted each holiday without loss of pay.
   b) If paid on an hourly basis, he/she shall receive one day's pay at his/her regular rate based on the number of hours regularly worked on the day on which the designated holiday occurs.

3) A part-time employee in continuous employment shall be entitled to these designated paid holidays on the following terms:
   a) This benefit shall be limited to employees whose work each year is not less than 1,000 hours. (Based on 50 working weeks each year, it would be a minimum of 20 hours per week.)
   b) Compensation paid for such holiday shall be equal to the pay received by the part-time employee in continuous service for the average of hours worked per week for the base period divided by five. The Base Period shall be the ninety (90) day period immediately preceding the Holiday.

4) An employee in seasonal employment or in other than continuous employment status shall not be entitled to the paid holiday benefits set forth in this section.

ARTICLE 10 (10.6 cont.)

D. Vacation Policy

1) A permanent full-time employee commencing employment shall be granted five (5) working days' vacation without loss of pay in the first year. During the second year, a full-time employee shall be granted ten (10) working days' vacation without loss of pay. Thereafter, a full-time employee shall be granted ten (10) days' vacation without loss of pay per year. After five years of continuous employment, each employee will receive fifteen (15) days' vacation, and after ten (10) years of continuous employment each employee will receive twenty (20) days' vacation, and after fifteen (15) years of continuous employment, each employee will receive one (1) additional day of vacation for each year worked up to twenty (20) years. In no instance shall an employee receive pay for more than fifty-two weeks in any year. To attract experienced, qualified individuals to positions covered under this personnel plan, the Board of Selectmen may grant more than five (5) days' vacation in the first and subsequent years, but no more than fifteen (15) days.

2) A permanent part-time employee in continuous employment who is regularly scheduled for a minimum of 20 hours per week during any year shall be granted five (5) working days' vacation without loss of pay in the first year. Such vacation pay shall be determined and based on the average part-time weekly rate of pay for that position. During the second year, a part-time employee in continuous employment status shall be granted ten (10) working days' vacation without loss of pay which shall be based on the average part-time weekly rate of pay for the position. Thereafter, a part-time employee in continuous service shall be granted (10) working days' vacation without loss of pay per year. Said pay shall likewise be based on the average weekly rate of pay for the position. After seven (7) years of continuous employment each employee will receive fifteen (15) days' vacation and after ten (10) years of continuous employment each part-time employee will receive twenty (20) days' vacation. All vacation time shall be taken during each year, and in no instance shall any employee receive pay for more than fifty-two (52) weeks in any one year.

3) An employee in seasonal employment or in other than continuous employment status shall not be entitled to the paid vacation benefits set forth in this section.

4) Upon the death of an employee who is eligible for vacation under these rules, payment shall be made to the spouse or to the estate of the deceased in an amount equal to the vacation allowance as earned up to the employee's dearth but which has not been taken.

5) Employees who are eligible for vacation under these rules and who separate from Town employment shall be paid an amount equal to the vacation allowance as accrued but not taken up to such separation of employment.

E. Paid Leave

1) A permanent full-time employee shall be entitled, in each year, to one day leave with pay, to be used for illness or accident, for each month of continuous employment during that year. If such leave is not used in any year, then that unused portion may be accumulated for use in subsequent years. Leave for illness or accident in excess of one hundred (100) days shall be granted only in unusual circumstances and only with the approval of the administrative authority and the Board.

UNUSED SICK LEAVE REIMBURSEMENT – The total unused sick leave a permanent full-time employee may accumulate is one (100) days. All sick leave accumulated over one hundred (100) days shall go into such Employee's retirement sick leave reimbursement account. At retirement or death, such Employee shall be paid for all unused sick leave days in the Employee's retirement sick leave reimbursement account up to a maximum amount of sick leave days to be accumulated of one hundred fifty (150) days. The rate of pay for these days shall be one (1) day's pay for every three (3) days so accumulated up to a maximum of fifty (50) days' pay. At the death of an employee, payment shall be made to his or her surviving spouse, if any, or in the absence of a surviving spouse, to his or her estate. In all cases such leave days shall not include Saturdays, Sundays, or holidays as defined in Section 10.6 (1). In the event of illness or accident during an employee's vacation period the vacation duration shall not be increased or altered in any way.

ARTICLE 10 (10.6E cont.)

2) A permanent part-time employee who is regularly scheduled for a minimum of 20 hours a week in continuous service shall be entitled, in each year to one day leave with pay, to be used for illness or accident, for each month of continuous employment during that year. If such leave is not used in any fiscal year, then the unused portion may be accumulated for use in subsequent years, up to a maximum of 30 days' leave. Leave in excess of 30days shall be subject to the unused sick leave reimbursement provisions of subsection (1) above.

3) An employee shall be entitled to leave with pay for illness or accident only, if, when, and as such leave is earned. In no event shall earned days for illness or accident be construed as additional vacation allowance. In the event of termination of employment for any reason, there shall be no compensation paid by the Town for any days accumulated but not actually used by the employee.

4) Leave with pay may be granted to permanent full-time and permanent part-time employees in continuous service who are regularly scheduled for a minimum of 20 hours a week for death in the immediate family, for jury duty, for military training with a National Guard or reserve unit, or for other unavoidable absence from assigned duty as may be determined by the Board. All such leaves shall be subject to Board approval.

5) Up to three (3) days of accrued sick leave each year may be utilized in cases of emergency or critical illness in employee's immediate family or for other personal reasons which require absence with the approval of the Department Head.

F. **Reimbursable Expenses**

1) Employees shall be reimbursed by the Town for use of private vehicle necessary for the official conduct of Town Business at a rate equal to that allowed by the Internal Revenue Service for business use or automobiles. Such mileage expense reimbursement shall be subject to the approval of the administrative authority.

2) Out-of pocket expenses incurred on behalf of the town shall be reimbursed to the employee subject to the approval of the administrative authority.

3) Out-of pocket tuition expenses in the amount of fifty percent (50%) shall be reimbursed for job related educational courses, upon successful completion or a passing grade of the course, not to exceed one course per year, subject to the prior approval of the administrative authority and the Board.

G. **Probation**

1) Employees subject to the provisions of the personnel-by-laws and classification and compensation plans, shall at the time of their original appointment, be subject to a period of probation. The normal period of probation shall be one year, provided that the Board acting upon the recommendation of the administrative authority may specify a longer probationary period in individual cases. No probationary period may be reduced to less than twelve months.

2) Continuous employment in the service of the Town shall be determined by satisfactory performance of work which shall be annually evaluated by the administrative authority. The work and conduct of probationary employees shall be subject to close scrutiny and if found to be below standards satisfactory to the administrative authority, the employees may be removed or demoted at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

3) An employee shall be retained beyond the end of the probationary period only if the administrative authority affirms in writing to the Board that the services of the employee have been found to be satisfactory.

ARTICLE 10 (10.6 cont.)

H. Separations

1) The tenure of every employee in continuous employment status shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspension, or permanently separated by resignation or dismissal.

2) Whenever there is lack of work or lack of funds requiring reductions in the number of employees in department or division of the town service, the required reduction shall be made in such job class or classes as the department head may designate provided that employees shall be laid off in the inverse order of their relative length and quality of service and determined by rules governing the evaluation of service. Within each affected job class all temporary employees shall be laid off before any employees in continuous service.

3) When in judgment of the administrative authority an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended for a period of time without pay. A suspended employee may not request a hearing before the Board unless the suspension is for more than fifteen working days, or unless the employee has already received a previous suspension within the six months immediately prior thereto.

4) An employee in continuous service may be dismissed or demoted whenever, in the judgment of the administrative authority, the employee's work or misconduct so warrants. When the administrative authority decides to take such action he shall file with the employee and the Board a written notification containing a statement of the substantial reasons for the action. The employee shall be notified in writing not later than two days before the effective date of the action. The notice shall inform the employee that he shall be allowed two calendar weeks from the effective date of the action to file a request for a hearing before the Board.

5) If the employee files a request for a hearing in writing within the prescribed period, the Board shall schedule a hearing within two calendar weeks. At the discretion of the employee, the hearing may be held in closed session or open to the public.

6) In conducting a hearing the proceedings shall be informal and it shall be assumed that the action complained of was taken in good faith unless proved otherwise.

7) If the Board finds the action of the administrative authority was in apparent violation of the Town Personnel Policy as expressed in Section 10.1(C). or that the administrative authority failed to follow the proper procedure outlined in (4) above, the employee shall be reinstated to his former position without loss of pay. In all other cases the Board may sustain or modify the action taken by the administrative authority.

8) An employee may resign his position at any time by notifying the administrative authority in writing. An employee resigning in good standing may be eligible for reinstatement within two years after the effective date of resignation.

9) An employee holding a position which is subject to periodic appointment and who has held continuous employment with the Town for three (3) years or more, shall, if he is denied reappointment to his/her position, be entitled to a hearing in the same manner as provided by this Section for employees who may be dismissed or demoted.

I. Employee Group and Retirement Benefits

1) The Town shall continue to pay that portion of the premium for group hospital, medical, surgical and life insurance, under the Bristol County Group Plan or any other group hospital, medical and surgical insurance made available for eligible employees, as is authorized under certain provisions of Chapter 32-B of the General Laws of the Commonwealth.

2) Eligible employees automatically become members of the Bristol County Contributory Retirement Plan and as such are covered by the retirement benefits of this plan.

ARTICLE 10 (10.6I cont.)

3) Eligible employees shall continue to be covered by Workmen's Compensation Insurance.

4) Any employee qualifying for coverage under the Town's health insurance coverage plan shall have the option to waive health insurance and receive a $1200.00 per fiscal year payment ($100.00 monthly), provided:

   a. The employee chooses not to participate in said plan;
   b. The employee provides the Department Head with written notice of the decision;
   c. The employee's spouse does not participate in said plan; and
   d. The employee submits to the Department head written documentation of the employee's alternative family health insurance plan.

   An employee shall have the capacity to opt back into health coverage without waiting periods if the employee loses alternative coverage without fault of his/her own. Any employee may opt back in at open enrollment sessions without limitation.

   The $1200.00 payment shall begin on July 1st of the fiscal year following the employee's submission of his/her written notice to opt out. If an employee enrolls the following year he/she shall not receive $1200.00, Payment of the waiver shall be made by separate check in the amount of $1200.00 payable with one of the December payrolls.

   In the event an employee opts back in due to the loss of alternative coverage with or without fault of his/her own, he/she shall pay the Town back any difference.

J. Longevity Policy *STM 10/22/2001, ATM 6/7/2010, ATM 6/16/14*
Permanent, full-time employees covered by these by-laws and the Library Director shall be entitled to longevity pay. Longevity pay shall be computed on the following basis:

After 5 years of service	$ 600.00
After 10 years of service	$ 700.00
After 15 years of service	$ 800.00
After 20 years of service	$ 900.00
After 25 years of service	$ 1,000.00

Payment shall be a lump sum payment made within thirty (30) days of the annual date upon which the employee becomes entitled to the longevity pay.

10.7 Effect of Partial Invalidity
The invalidity of any section of these by-laws shall not invalidate any other section or provision thereof.

10.8 Positions *STM 6/16/14*

1) Board of Health Agent
   Building Commissioner
   Call Fire Personnel (Pay schedule maintained by Fire Chief, but rates set by Board of Selectmen)
   Council on Aging Director
   Library Director
   Animal Control Officer
   Election Workers
   Emergency Management Assistance (EMA) Director
   Registrars
   Veterans' Agent
   Lock-up Attendant
   Seasonal Employees

ARTICLE 10 (10.8 cont.)

Said positions shall be eligible for periodic pay increases, when deemed appropriate. And further the holder of positions named above will not be involved in any negotiations with respect to salaries. *(ATM 5/7/01)*

2) **Fire Chief** - The Fire Chief's Compensation shall be 1.8 times the Step 3 Firefighter rate contained in the Firefighters collective bargaining agreement, together with all of the fringe benefits provided for under said collective bargaining agreement.

3) **Fire Regular Deputy Chief** – The Fire Regular Deputy Chief's compensation shall be ten (10%) percent above the Fire Captain's rate contained in the Firefighters' collective bargaining agreement, together with all of the fringe benefits provided for under said collective bargaining agreement.

10.9 Compensation Plan Employees – Pay Scale *(STM 10/27/2015)*

Pay Scale (Years)	**1**	**3**	**5**	**10**	**15**	**20**	**25**
Animal Control Officer	20.66	20.86	21.27	22.13	23.23	24.87	27.10
Asst. Animal Control Off.	14.21	14.35	14.64	15.23	15.99	17.10	18.65
Board of Health Agent	33.62	33.95	34.63	36.02	37.82	40.47	44.11
Building Commissioner	36.33	36.69	37.42	38.93	40.86	43.73	47.66
COA Director	25.26	25.52	26.02	27.07	28.42	30.41	33.15
Library Director	27.59	27.86	28.42	29.56	31.04	33.21	35.86

The Salary/Wages for the following positions shall be set by the Board of Selectmen on an annual basis:

Call Fire Fighters
EMA Director - Annually
Election Workers
Registrar
Lock-Up Attendant
Veterans Agent Annually
Seasonal Employees

TOWN OF FREETOWN
PROTECTIVE BY-LAWS as of 6/6/2016

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ZONING BY-LAWS *ATM 10/7/96, ATM 5/6/02*

11.1 PURPOSE: The purpose of this By-Law is to promote the health, safety, convenience, morals and welfare of the inhabitants of the town of Freetown. For its use in conjunction with this By-Law, the current Town of Freetown Zoning Map, signed by the Planning Board and filed with the office of the Town Clerk, together with all explanatory matter thereon, is hereby incorporated in, and made a part of this By-Law. *ATM 5/2/78, STM10/27/08*

11.2 DEFINITIONS: For the purpose of these by-laws certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular includes the plural, the plural includes the singular; the word "used" includes the words "designed", "arranged", "intended" or "offered" when in conjunction with occupancy or how something is to be used; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; the word "shall" is always mandatory and not merely directory; the word "may" is intended to be permissive; the word "person" includes corporations, trusts, estates, partnerships, or other entities as well as an individual. Terms and words not defined herein but defined in the State Building Code or By-Laws of the Town of Freetown shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the Merriam Webster Dictionary, Home and Office Edition. Uses listed in the Table of Use Regulations under the classes Business and Industrial Uses shall be further defined by the current Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget. *STM 10/27/08*

Accessory Apartment: An accessory Apartment is a second dwelling unit located within a structure originally designed, constructed and occupied as a detached single-family dwelling unit, subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a single-family home. *STM 3/24/97*

Accessory Building or Use: A building or use customarily subordinate to and incidental to and located on the same lot with the principal building or use, except that if more than 30 percent of the lot area is occupied by such building or use, it shall no longer be considered accessory. *STM 5/1/89*

Adult Entertainment Establishments shall include and be defined as follows: *STM 3/24/97*

1) **Adult Bookstore:** An establishment having greater than ten percent (10%)of its stock in trade printed matter, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, § 31.

2) **Adult Motion Picture Theater:** An enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, § 31.

3) **Adult Paraphernalia Store:** An establishment having greater than ten percent (10%) of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, § 31.

4) **Adult Video Store:** An establishment having greater than ten percent (10%) of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, §31.

5) **Adult Live Entertainment Establishments:** Establishments which displays live nudity for its patrons. An establishment which provides live entertainment for its patrons which includes the display of nudity, as that term is defined in M.G.L. Chapter 272, § 31.

Agriculture: The use of land, buildings or structures for agriculture and farming including floriculture, aquaculture, horticulture and viticulture: farming in all its branches and the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, floriculture or horticultural commodities; the raising of livestock, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur bearing animals; and any practices, including any forestry or lumbering operations performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined.

Alteration: A change or modification of a building or structure or the service equipment thereof, that affects safety or health and that is not classified as an ordinary repair, so as to provide no increase in its height or gross floor area.

ARTICLE 11 (11.2 cont.)

Banquet/meeting/reception hall: A public or private meeting facility which may also include on-site kitchen/catering facilities. A banquet/meeting/reception hall usually serves as a location for activities such as weddings and other such gatherings by appointment only. Banquet/meeting/reception halls have limited hours of operation and usually are not open on a daily basis. *STM 10/27/08*

Biohazards: Biohazards are infectious agents or hazardous biological materials that present a risk or potential risk to the health of humans, animals or the environment. The risk can be direct through infection or indirect through damage to the environment. *ATM 06/07/2010*

Bio-hazardous materials: include certain types of recombinant DNA; organisms and viruses infectious to humans, animals or plants (e.g. parasites, viruses, bacteria, fungi); and biologically active agents (i.e. toxins, allergens, venoms) that may cause disease in other living organisms or cause significant impact to the environment or community. *ATM 06/07/2010*

Building: See Definition for "Structure". *STM 5/1/89*

Building, Attached: A building having any portion of one or more walls in common with the adjoining buildings. *STM 3/24/97*

Building Coverage: That percentage of the lot area covered by the horizontal projection of the largest single floor area of the principal building plus all accessory buildings and impervious areas including accessory structures not on permanent foundations and above ground swimming pools. *STM 5/1/89, STM 10/27/08*

Building, Detached: A building having open space on all sides. *STM 3/24/97*

Building, Principal: A building in which is conducted the principal use of the lot on which it is located. *STM 3/24/97*

Duplex House: A free standing building exclusively for residential uses by two families but not more than two families.

Dwelling: A building designed or used exclusively as the living quarters for one or more families. *STM 5/1/89*

Dwelling, Single family detached: A single unit providing independent living facilities for one household, including permanent provisions for living, sleeping, cooking, eating and sanitation.

Dwelling Unit: A single independent housekeeping unit with permanent provisions for living, sleeping, eating, cooking and sanitation, occupied or intended for occupancy by one separate family. *STM 5/1/89*

Gross Floor Area: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thicknessof interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. *ATM 6/6/2016*

Hotel or Motel: A building or group of buildings providing accommodations for compensation on a transient basis.

Industry: Extraction, developing, manufacturing, assembling, processing or treatment of raw or processed materials, parts, or assemblies using other than manual power. A ***Light Industry*** is one using quiet motive power and processes which do not generate more noise, odor, smoke, fumes, vibrations, glare, electrical or magnetic interference, or hazard of fire, explosion or pollution of ground water than could be expected of any of the other permitted uses in that location. A ***Heavy Industry*** is one generating one or more of the above neighborhood impacts.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006. *ATM 6/6/2016*

Lot: An area of land in one ownership with definite boundaries recorded in the Registry of Deeds or in Land Court in accordance with State Statute, Chapter 183, § 6A. *STM 5/1/89*

ARTICLE 11 (11.2 cont.)

Lot Line, Front: The property line between a lot and the street or the line defining the limit of a right of way set aside for road purposes. On a corner lot the owner shall designate one street line as the front line for the purpose of determining what line will be designated as the rear line. *STM 10/27/08*

Lot Line, Rear: The lot line opposite the front lot line. *STM 3/24/97*

Lot Line, Side: Any lot line not a front or rear lot line. *STM 3/24/97*

Manufacturing: Fabrication, assembly, finishing, packaging, processing or research.

Mobile Home and/or "Trailer Coach": Any vehicle or object on wheels having no motive power of its own but which is drawn by or used in connection with a motor vehicle, and which is so designed and constructed, or re-constructed or added to by means of such accessories, as to permit use and occupancy thereof for human habitation whether resting on wheels, jacks, or other foundation. *ATM 3/6/71, STM 5/1/89*

Mobile Home Park: Any lot, track, or parcel of land used or intended to be occupied by two or more mobile homes for a period of over three weeks in any calendar year. A park shall be one unit per 40,000 square feet, excluding water and public land. *ATM 3/6/71, STM 5/1/89*

Non-Conforming District Use: A building or land lawfully occupied at the time of the adoption of this By-Law or of amendments thereto by a use which does not conform to the adopted regulations of the district in which it is situated.

Parking Bay: A parking facility unit that has two (2) rows of parking stalls and a central aisle. *ATM 6/6/2016*

Recreational Vehicle: A vehicle or vehicular attachment which is designed for sleeping or living quarters for one or more persons, with or without utilities, flush toilets, or bath facilities, is used for recreational purposes, is not a residence and including among other items, a travel trailer, a pick-up camper; a tent trailer, beach buggy, and a motor home. *ATM 3/6/71, STM 5/1/89*

Setback, Front: A front setback shall be measured from the front lot line to the closest point of the structure. Excluding: Decorative trim, gutters, fascia, soffit, bulkheads, and unenclosed stairways. *STM 5/1/89, STM 3/24/97, ATM 5/3/04*

Setback, Rear: A rear setback shall be measured from the rear lot line to the closest point of the structure. Excluding: Decorative trim, gutters, fascia, soffit, bulkheads, and unenclosed stairways.

Setback, Side: A side setback shall be measured from the nearest side lot line to the closest point of the structure. Excluding: Decorative trim, gutters, fascia, soffit, bulkheads, and unenclosed stairways. *STM 5/1/89, STM 3/24/97, ATM 5/3/04*

Special Permit: A written authority granted after a duly advertised public hearing to locate, build, or use structures or land in accordance with the provisions of this By-Law, for certain uses, including the expansion or alteration of existing non-conforming uses and buildings.

Street:
(a) A public way or a way which the Town Clerk certifies is maintained and used as a public way, or
(b) A way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or
(c) A way in existence when the subdivision control law became effective in Freetown, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. *STM 5/1/89*

Structure: Any combination of materials attached to or requiring a fixed location on or in the ground. Includes, but not limited to, a principal building or a shed, garage, stable, greenhouse, bridge, trestle, tower, framework, stadium, reviewing stand, platform, in-ground swimming pool, or other accessory building. *STM 5/1/89, STM 3/24/97*

ARTICLE 11 (11.2 cont.)

Trailer: A vehicle without motive power, designed to be towed by a passenger automobile or other powered vehicle of similar size but not designed and intended for human occupancy, such as utility trailers, boat trailers, and horse trailers. *ATM 3/6/71, STM 5/1/89*

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

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. *STM 3/27/97*

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this by-law. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this by-law shall be considered an accessory use.

Use, Substantially Different: A use by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the use to which it is being compared.

11.3. Lot Sizes & Setback Requirements

A. **Lot Size –Area:** Land laid out into lots for any purpose after the adoption of this By-law shall have a minimum frontage on a street or way of 175 feet and a minimum area of 70,000 square feet, a minimum of 52,000 square feet of which must be of non- resource area (as defined by M.G.L. Chapter 131, §40); 30,000 square feet of this non- resource area must be contiguous. Newly created lots shall accommodate a one hundred foot diameter circle that touches the required frontage and is entirely within the lot being created. *ATM 3/7/59, ATM 3/6/71, ATM 3/10/73, STM 9/22/86, ATM 5/3/04, STM 11/8/04*

*For purposes of this by-law, a street or way shall mean:

a) A public way, or a way which the Clerk of the Town certifies is maintained and used as a public way, or
b) A way shown on a plan heretofore approved and endorsed in accordance with the protective By-Laws; or
c) A way in existence when subdivision control law became effective in the Town having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

B. **Frontage**: Frontage on a street or way shall be measured from its intersection with one side lot line to its closest intersection with another side lot line of the same lot, with the following exceptions and limitations:

(a) Lots that have frontage on two or more streets shall utilize any one frontage length but not include more than one in computation of total frontage.
(b) Lots that have more than one length of frontage on the same street shall utilize any one frontage length but not include more than one in computation of total frontage.
(c) Where a curve defines the intersection of two street layouts, the measurement of frontage on any one street shall extend along the curve to the mid-point.
(d) Lot Orientation and Access from Frontage:
The selected frontage shall serve as the basis for determining applicable building setbacks. The selected frontage shall be suitable for the development of an access route or driveway to the building site. *ATM 3/7/59, ATM 5/5/80, ATM 5/26/81, STM 9/22/83, STM 10/27/08*

C. **Lot Sizes Minimum Requirements:** No existing lot shall be reduced in frontage or area below the aforesaid minimum requirements. *ATM 3/10//73, ATM 5/5/80*

D **Lot Sizes –Existing Lots:** Nothing in these By-Laws shall prohibit the construction of a single-family dwelling on existing lots smaller than 70,000 square feet and 175 feet of frontage or on existing lots containing wetland areas providing: ***ATM 3/10//73, ATM 5/5/80, ATM 5/26/81, ATM 5/5/86,STM 9/22/86***

(a) The lot was a legally created lot shown on a plan of land approved by the Planning Board and duly recorded with the Register of Deeds prior to any increases in minimum area and frontage approved by town vote.
(b) The lot was not held in common ownership with any adjoining land of the same owner.
(c) Construction of dwellings on such undersized lots must conform to current State and Local Health Regulations applicable to the type of structure proposed.

ARTICLE 11 (11.3cont.)

(d) Existing lots containing wetlands shall be subject to review of the Freetown Conservation Commission and its rulings and conditions, if any.

E. **Lot Coverage**: Maximum percentage of land covered by structures. Residential District: 30%, Village Residential District: 65%, Village Business District: 70%, General Use District: 50%, Business Use District 80%, Industrial and Industrial/2 Districts: 80%. *ATM 5/3/04, STM 10/27/08*

F. **Additional Dwelling Units-Minimum Requirements**: No single family dwelling shall hereafter be constructed or placed upon a lot having less than 175 feet frontage and 70,000 square feet, a minimum of 52,000 square feet of which must be of non-resource area as defined by M.G.L. Chapter 131, §40. An additional attached dwelling unit is allowed to create a duplex unit providing there is a minimum of an additional 50 feet of frontage and 40,000 square feet of non-resource area. *ATM 3/10//73, ATM 5/5/80, ATM 5/26/81, STM 9/22/86, STM 10/27/08*

G. **Setback Requirements:** *STM 5/26/81, STM 9/22/86, STM 5/1/89, STM 11/1/94, STM 3/24/97*

1) **Single family and Duplex Structures on pre-existing lots**: Single family and duplex structures on pre-existing non-conforming lots with less than 175 feet of frontage and less than 70,000 square feet of area legally created and recorded prior to 09/22/86, in non-industrial zones and not held in common ownership:

Principal Building:	30 feet from the street line 20 feet from rear and side property lines
Accessory Buildings	30 feet from street line 6 feet from rear and side property lines

2) **Setbacks for all other circumstances**: *STM 05/01/1989, STM 10/27/2008, ATM 06/07/2010, STM 11/8/2010*

INDUSTRIAL/ INDUSTRIAL 2 DISTRICT *ATM 06/07/2010, STM 11/08/2010*

Height and Setback Requirements for Industrial and Industrial/2 districts for structures over forty (40) feet in height: The maximum height of any principal or accessory building within **the** Industrial or Industrial/2 district shall be determined according to its distance from the nearest street or from any General or Residential Districts. The maximum height shall be seven (7) floors or eighty (80) feet at two hundred (200) feet of setback.

	SETBACKS FROM PROPERTY LINES		
USE	**SIDE**	**REAR**	**FRONT**
GENERAL USE DISTRICT			
Single family or duplex, Principal building	20'	20'	50'
Multi-family Principal building	100'	100'	100'
Residential accessory building greater than 300 square feet in area	10'	10'	50'
Residential accessory building less than or equal to 300 square feet in area	6'	6'	50'
Business principal building	40'	40'	50'
Business, accessory building	40'	40'	50'
Retail fuel station canopy	20'	20'	20'

ARTICLE 11 (11.3G cont.)

USE	SETBACKS FROM PROPERTY LINES SIDE	REAR	FRONT
RESIDENTIAL DISTRICT			
Single family or duplex, Principal building	20'	20'	50'
Multi-family Principal building	100'	100'	100'
Residential accessory building greater than 300 square feet in area	10'	10'	50'
Residential accessory building less than or equal to 300 square feet in area	6'	6'	50'
Public Utility Structure Including water/sewer infrastructure	10'	10'	10'
VILLAGE RESIDENTIAL DISTRICT			
All principal uses	10'	10'	10'
Accessory uses	6'	6'	10'
VILLAGE BUSINESS DISTRICT			
All Principal Uses	10'	10'	10'
Accessory uses	6'	6'	10'
BUSINESS DISTRICT			
Business principal building	50'	40'	50'
Business, accessory building	50'	40'	50'
Retail fuel station canopy	50'	20'	20'
Public Utility Structure Including water/sewer infrastructure	6'	6'	10'
INDUSTRIAL/ INDUSTRIAL 2 DISTRICT *ATM 06/07/2010, STM 11/8/10*			
Industrial structure: Less than or equal to three (3) floors or forty (40) feet in height	50'	40'	50'
Greater than three (3) floors or forty (40) feet in height	50'	40'	200'
Accessory structure	50'	20'	50'
Research laboratory	50'	40'	50'
Dry cleaning plant	50'	40'	50'
Uses accessory to permitted scientific research and development, whether or not located on the same lot as the principal permitted use	50'	40'	50'

ARTICLE 11 (11.3G cont.)

USE	SETBACKS FROM PROPERTY LINES SIDE	REAR	FRONT
Commercial tower And/or antenna. See also Article 11, Section 11.17	1.5x tower height	1.5x tower height	1.5x tower height
Wind Turbine See also Article 11 Section 11.24	3x blades highest point	3x blades highest point	3x blades highest point
Adult Entertainment Establishments	150'	150'	150'
Public Utility Structure Including Water/sewer infrastructure	6'	6'	10'
Large-scale ground-mounted Solar photovoltaic installations	20'	25'	50'

3) No building, structure, including accessory buildings or structures erected or placed upon a lot for a specific use shall be changed to or used for a different use, unless the building or structure complies with the setback and district use requirements for the new use.

4) Construction of new structures, additions, or expansions of existing structures within these setbacks will require a variance or special permit from the Board of Appeals.

H. **Residential Parking Requirements:** All single family and duplex dwellings shall be provided with a minimum of two off-street parking spaces per dwelling unit that shall conform to the same setbacks as are applicable to single family and duplex structures. *STM 9/22/86*

I. **Lots created prior to May 5, 1980:** The frontage and area requirements of Section 11.3D and 11.3F shall not apply to a lot for single family residential use which on May 5, 1980 was not held in common ownership with any adjoining land and contained at least 30,000 square feet of area and 150 feet of frontage. *ATM 5/26/80*

11. 4 Permits: No building or structure shall be erected or enlarged in the Town without a permit from the Board of Selectmen or their appointed agent upon application therefore accompanied by a plan or sketch, substantially to scale, showing the lot lines and dimensions and the location of the proposed building or structure.

11. 5 Administration:

A. Special Permit Granting Authority: *STM 10/27/08, ATM 6/7/10*

1. The special permit granting authority will issue permits in accord with the procedure and provisions of § 9 of chapter 40A.
2. Each application for a special permit shall be filed by the petitioner with the town clerk and a copy of said application, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the special permit granting authority.
3. Zoning by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.
4. Unless otherwise specified in this By-Law, the Special Permit Granting Authority is the Planning Board.

ARTICLE 11 (11.5 cont.)

B. Board of Appeals: There is hereby established a Board of Appeals of three (3) members and two (2) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in Chapter 40A of the General Laws. *ATM 5/3/76*

The Board of Appeals shall have the following powers: *ATM 5/1/78*

1. To hear and decide appeals in accordance with §8 of Chapter 40A.
2. To hear and decide petitions for variances in accordance with §10 of Chapter 40A.
3. To hear and decide applications for those uses for which approval of the Board of Appeals is required in accordance with the provisions of this By-Law and for special permits when not otherwise specified, including the power to grant variances for use, Chapter 40A § 10, Chapter 808 of the Acts of 1975. *STM 10/28/02*
4. To hear and decide applications for expansion of non-conforming uses. *STM 10/27/08*

The Board of Appeals shall not grant approval for enlargement or extension unless it shall find that such extension shall not be substantially more detrimental to the neighborhood than the existing non-conforming use. *STM 10/27/08*

In exercising the powers granted by this section, the Board of Appeals shall act in accordance with the provisions of § 11, 14, 15 and 16 of Chapter 40A of the General Laws. *ATM 5/3/76*

11.6 Special Permit Use – Multi-unit Dwellings of Three Units or More Including Apartments, Townhouses, Condominiums, etc. *STM 9/22/86*

A. Purpose: To protect the public interest in preservation of groundwater resources, wetlands, to assure traffic safety, protect and promote land values and to generally provide guidelines that will allow development of multi-family structures without detrimental effect upon the neighborhood in which they are located.

B. Special Permit: Except as provided otherwise in this By-Law no multi-family structure shall be USED, CONVERTED, CONSTRUCTED OR RECONSTRUCTED without the issuance of a Special Permit from the Planning Board. ***STM 10/27/08***

C. Special Permit Requirements: Application for special permits for multi-family structures shall be on such forms or in such manner as the special permit granting authority may specify and in accordance with its rules and regulations and shall be submitted together with all required exhibits and site plans.

The plans shall include, but not be limited to pertinent information in regard to the following: lot boundaries, names of abutting owners, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, sewage disposal, parking, ponds, wetlands, known permanent monuments and other cross-sections, profiles and contour maps required to describe the proposal. These plans shall be prepared by a registered engineer. The site plan shall show existing, intermediate and final ground levels with those of adjacent properties and shall indicate natural surface water flows and drainage ditches, if any.

The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning and correct land use and that the applicant has the means to implement the proposal if a special permit is granted. Applicants may be required, as a condition to special permit, to guarantee that all conditions and features of the plan are completed by posting a suitable bond or deed covenant.

No special permit for the construction of multi-family structures shall be granted unless the special permit granting authority finds the proposal is not contrary to the best public interest of the inhabitants of the Town of Freetown and conforms to the specific requirements as outlined in the following regulations.

Once the plans are formally accepted for consideration by the special permit granting authority they will be accepted or rejected within 120 days. Copies of the plan will be referred to the following Boards or individuals within fourteen days for their review and input:

Conservation Commission
Building Inspector/Zoning Enforcement Officer
Fire Chief
Board of Selectmen/ Town Administrator
Highway Department/Public Works Department/Highway Surveyor
Board of Health
Chief of Police
Water Commission
Sewer Commission

ARTICLE 11 (11.6C cont.)

Comments from these officials must be received by the special permit granting authority within thirty (30) days of the plans' distribution or else the special permit granting authority will assume their acceptance of the plan. Failure

of any of these town officials to report on the proposal does not in any way exempt the applicant from compliance with the rules and regulations administered by those boards or individual officials.
A public hearing will be held after the time allowed for review by town officials and before a vote relative to approval of the plan. Publication and notices to abutters of the public hearing and costs of conducting the hearing will be borne by the applicant. *STM 10/27/08*

D. **Density**:
   a. The minimum lot area requirement for each apartment building shall be 70,000 square feet for the first unit and 40,000 square feet for each additional unit.
   b. The minimum lot area shall be exclusive of all streets and ways, wetland and swamp area as defined by M.G.L.W. Ch. 131, § 40.
   c. Buildings designed for this use shall have a maximum of two stories for living space and a maximum height of 30 feet.

E. **Frontage:**
175 feet for the first unit and an additional 50 feet for each additional unit.

F. **Minimum Setbacks:**
   a. From street frontage: 100 feet.
   b. Side yard: 100 feet minimum.
   c. Rear Yard: 100 feet minimum.
   d. Distance between proposed buildings: 100 feet.

G. **Access and Parking:**
   a. Driveways shall not be less than 20 feet wide and more than 200 feet in length unless approved by the Planning Board.
   b. Parking areas, adequately lighted, shall be provided at the minimum rate of two autos per dwelling unit and located a minimum of 100 feet from any existing street line and at least 50 feet from any lot line and shall be at least 30 feet from first floor windows unless screened from headlight glare. Parking areas shall be screened from view from town roads.
   c. Driveways, parking areas and storm drainage shall be constructed and paved according to the rules and regulations of the Planning Board governing the subdivision of land as adopted under the subdivision control law. No such driveway or parking area will be allowed to shed water upon town ways.
   d. Additional guest parking areas may be required at the discretion of the Planning Board.
   e. All street level apartments shall be provided with wheelchair access for the handicapped.

H. **Outside Use and Recreational Space Requirements:**
   a. There shall be a minimum of 15 times the residential floor space area developed as graded, open-lawn area for the purpose of general space.
   b. Natural features of the remaining landscape shall be maintained where possible.
   c. An indoor recreational area shall be provided, adequate for the purpose of group or guest entertainment by the residents of the building.

I. **Private Water Supply and Sewerage Disposal System:**
A private water supply and sewage disposal system shall follow the regulations and recommendations of the Freetown Board of Health. (Bonds or other financial guarantees may be required to assure maintenance)
   1) **Waste Disposal**: There shall be satisfactory design and location of collection points for the disposal of solid wastes/rubbish.

J. **Fifty-foot Buffer Zone:** Fifty-foot buffer zones are required adjacent to side and rear lot lines. These areas shall be densely planted with evergreen screen plants and such additional requirements, as the permit granting authority deems necessary to protect the privacy of the abutting properties.

K. **Traffic Study:** A traffic study shall be required when more than fifty units are proposed for the purpose of assessing the impact on traffic safety on town ways.

ARTICLE 11 (11.6 cont.)

L. **Certification by a Registered Professional Engineer:** Certification by a Registered Professional Engineer that construction has been completed in accordance with applicable regulations will be required prior to release of bond or deed covenant, if any, and final inspection by the Building Inspector for the issuance of occupancy permits. The costs of inspection and certification are to be borne by the applicant.

M. **Utility Provisions:** All existing and proposed utilities shall be installed underground at the time of initial construction of apartment development.

1. **Accessory Use Buildings**: Accessory use buildings, garages, storage sheds, maintenance buildings, additional recreational facilities shall conform to the same setback and height restrictions as the apartment dwelling units.

N. **Ability of Special Permit Authority:** Nothing in these by-laws shall limit the ability of the special permit granting authority to impose additional reasonable requirements in order to protect the health and welfare of the future tenants of the structure, the abutters and other inhabitants of the Town.

O. **Invalidity:** The invalidity of any section or provision of this By-Law shall not affect the validity of any other section or provision thereof.

11.7 Trailer Parks *STM 10/17/77, ATM 3/6/71, STM 10/27/08*

Trailer parks shall not be allowed in any part of the town except that the Board of Selectmen may in specific cases, after public notice and hearing and subject to appropriate conditions and safeguards, and only after approval by 2/3 vote at a special or annual town meeting, permit the establishment of a trailer park upon determining that the establishment of such a park will substantially serve the public conveniences and welfare, will not be obnoxious or detrimental to the neighborhood and will be in harmony with the general purpose and intent of the protective By-Law. Once the plans are formally accepted for consideration by the Board of Selectmen they will be accepted or rejected within 120 days. Copies of the plan will be referred to the following Boards or individuals within fourteen days for their review and input:

Conservation Commission
Building Inspector/Zoning Enforcement Officer
Fire Chief
Sewer Commission
Board of Health
Chief of Police
Water Commission
Planning Board
Highway Department/Public Works Department/Highway Surveyor

Comments from these officials must be received by the Board of Selectmen within thirty (30) days of the plans' distribution or else the special permit granting authority will assume their acceptance of the plan. Failure of any of these town officials to report on the proposal does not in any way exempt the applicant from compliance with the rules and regulations administered by those boards or individual officials.

A public hearing will be held after the time allowed for review by town officials and before a vote relative to approval of the plan. Publication and notices to abutters of the public hearing and costs of conducting the hearing will be borne by the applicant.

A. No person shall park, store or occupy a mobile home except:

(1) By non-paying guests of the owner or occupant of a lot subject to the issuance of a permit by the Board of Selectmen or its agent prior to the occupancy of the lot by the mobile home and only for a period not to exceed three weeks in any calendar year. A permit may be granted by the Board of Selectmen or its agent for only one additional three week period for the same mobile home in any calendar year. In such granting, such permits the Board of Selectmen shall determine whether or not there shall be any detriment to the neighboring areas.

ARTICLE 11 (11.7 cont.)

(2) As a temporary office or dwelling incidental to construction on the lot which the mobile home is located provided that a building permit for said construction has been issued by the Town; that occupancy of the mobile home does not exceed a period of twelve months; that the mobile home shall be equipped with running water and connections to a septic tank or sanitary sewer in a manner approved by the Board of Health and in accordance with all laws and regulations with respect to health and sanitation as applied to said mobile home; and that a permit shall have been issued to the owner of the lot by the Board of Selectmen or its agent.

B. Overnight occupancy of mobile homes or recreational vehicles, on public roads, ways or beaches shall be prohibited except in areas designated for that purpose by the Board of Selectmen.

1. Overnight occupancy of a recreational vehicle by non-paying guests of the owner or occupant of a lot shall be permitted for a period not to exceed 72 hours without a permit or for a period not to exceed three weeks with a permit from the Board of Selectmen, or its agent.

C. Trailers and unoccupied recreational vehicles defined herein shall be permitted to be parked or stored on any lot.

D. Mobile homes placed or located on any premises at the time of passage of this by-law in conformance with a valid permit issued by the Board of Selectmen shall thereafter be governed as a prior non-conforming use.

11.8 Construction For Which a Building Permit was Legally Issued: Any construction or use for which a building permit was legally issued prior to the first publication of notice of the Planning Board hearing respecting this By-Law or any amendment thereto shall be permitted, notwithstanding non-compliance with the requirements of this By-Law or amendments thereto, provided such construction was commenced within six (6) months after the issuance of the permit and, in cases involving construction, such construction was continued through to completion as continuously and expeditiously as is reasonable.

A. **Exempted Uses**: Nothing in this By-Law shall prohibit, regulate or restrict the use of land or structures in any district for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.

B. **Accessory Use:** In all districts activities accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right, may be permitted upon approval of the Board of Appeals as provided in Section 11.5.

C. **Non-conforming Use:** When a non-conforming use is discontinued or is abandoned for a period of more than two (2) years, it shall not be re-established, unless a permit for a longer period of time has been granted by the Board of Appeals in conformance with § 14 and 15 of Chapter 40A, and any future use shall be in conformance with this By-Law, provided that this section shall apply to use for agriculture, horticulture or floriculture only as provided in §3 of Chapter 40A of the General Laws.

D. **Enforcement:** If the Inspector of Buildings is requested in writing to enforce the provisions of this By-Law and the Inspector of Buildings declines to act, he shall notify in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within fourteen (14) days of receipt of such request.

E. **Violation of the provisions of the bylaws:** Any person who shall violate any of the provisions of these By-Laws, shall be subject to a penalty of not more than $100.00 dollars for each offense, except as otherwise provided by law, and all such money so collected shall be paid into the treasury of the town. Each day that such violation continues shall be a separate offense.

F. **Invalidity:** The invalidity of any section or provision of this By-Law shall not affect the validity of any other provision thereof.

ARTICLE 11 (cont.)

11.9 An Appeal to the Board of Appeals: An appeal to the Board of Appeals as established under Article 11, Section 11.5 of the By-Laws of the Town of Freetown above may be taken by any person aggrieved by reason of his inability to obtain a permit from the Board of Selectmen or its agent under the provisions of the above Sections 11.7 and 11.8.A, B, C, D inclusive. *ATM 3/7/59*

11.10 Swimming Pools: Permitted accessory use: Swimming Pools are a permitted accessory use. If having a depth of four feet or more and a capacity of four hundred cubic feet or more, they are considered structures, and must comply with regulations of the Board of Health regarding minimum standards for residential swimming pools. *STM 9/2/75, ATM 5/1/89, STM 10/27/08*

11.11 Floodplain Overlay District: *ATM 5/5/80, STM 10/27/2008, ATM 6/1/2009, ATM 6/16/14, ATM 6/15/15*

A. Statement of Purpose

The purposes of the Floodplain District are to:
1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility networks and impact regions of the community beyond the site of flooding;
5. Eliminate the costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

B. Floodplain District Boundaries and Base Flood Elevation and Floodway Data

1. Floodplain District Boundaries and Base Flood Elevation Data

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Freetown designated as Zone A, AE, and VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Freetown are panel numbers 25005C0258F, 25005C0264F, , 25005C0267F, 25005C0268F, 25005C0269F, 25005C0286F, 25005C0288F, 25005C0357F, 25005C0359F, 25005C0376F, 25005C0377F, 25005C0378F, and 25005C0381F dated July 7, 2009; panel numbers 25005C0254G, 25005C0261G, 25005C0262G, 25005C0263G, and 25005C0266G dated July 16, 2014;and panel numbers 25005C0287G, 2500C0289G, 2500C0291G and 2500C0293G dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Building Commissioner, Town Clerk, and Conservation Commission.

C. Base Flood Elevation and Floodway Data

1. Floodway Data. In zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

D. Notification of Watercourse Alteration

In a riverine situation, the Town of Freetown Board of Selectmen shall notify the following of any alteration or relocation of a watercourse:

Adjacent Communities
NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 800
Boston, MA 02114-2104

ARTICLE 11 (11.11D cont.)

NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

E. Use Regulation

1. Reference to existing regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2. Other Use Regulations

a. In Zone AE, along watercourses that have a regulatory floodway within the Town of Freetown as designated on the Bristol County FIRMs, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. All subdivision proposals must be designated to insure that:
i. Such proposals minimize flood damage;
ii. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
iii. Adequate drainage is provided to reduce exposure to flood hazards, (Existing contour intervals of site and elevations of existing structures must be included on plan proposal).
c. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
d. All new construction within Zone VE must be located landward of the reach of mean high tide.

F. Permitted Uses

The following uses, which are of low flood damage potential and cause no obstructions to flood flows, are permitted provided they are allowed in the underlying district and they do not require structures, fill or storage of materials and/or equipment:
1. Agricultural use such as farming, grazing, truck farming, horticulture, etc.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

G. Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The Zone may be designated as Zone A or AE.
BASE FLOOD means the flood having a one-percent chance of being equaled or exceeded in any given year.
DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
DISTRICT means floodplain district.
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program (NFIP).
FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

ARTICLE 11 (11.11G cont.)

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood related erosion hazards.
FLOODWAY means the Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.
MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
MANUFACTURED HOME PARK OR SUBDIVISON means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.
ONE-HUNDRED YEAR FLOOD – see BASE FLOOD
REGULATORY FLOODWAY – see FLOODWAY
SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, shown on a FHBM or FIRM as Zone A, or AE.
STRUCTURE means, for floodplain management purpose, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.
SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.
ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.
ZONE X is an area identified in the community Flood Insurance Study as an area of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.
ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

ARTICLE 11 (cont.)

11.12 Planning Board:

A. **Associate Member**: The Freetown Planning Board, when acting as the SPGA is authorized in M.G.L. Chapter 40A, §9, to create an Associate Planning Board Member. This Associate Member will be chosen by majority vote of the Board of Selectmen and the Planning Board, each person having one vote, and will have a 3-year term. This Associate Member may sit on the Planning Board for the purpose of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board. *STM 3/24/97, STM 10/27/03, STM 10/27/08*

11.13 Hazardous Waste Facilities:

The operation of hazardous waste facilities, including the operation of such facilities at commercial dump sites or sanitary landfills is prohibited within the Town of Freetown. *STM 1/24/83*

11.14 Private or Commercial Dump: *STM 3/9/87*

That the operation of a private or commercial dump or sanitary landfill, refuse transfer station, refuse incinerator or compacting or treatment station is prohibited in the Town of Freetown.

11.15 Home Occupations:

Voted to approve a By-Law permitting home occupations not currently permitted under Chapter 40A within residential structures on legally created pre-existing, non-conforming lots. Home occupations shall be defined as: A home occupation is a use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, and is clearly incidental and secondary to residential occupancy and does not change the character thereof and constitutes no more than twenty-five (25%) percent of ground floor area. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity involving any building alterations, window display, construction features, equipment, machinery, or outdoor storage, any of which is visible from off the lot on which such use is located. Any proposed business or occupation, which in the opinion of the Building Inspector exceeds the limitations defined herein, shall be subject to the review, approval, and conditions of a special permit issued by the special permit granting authority.

11.16 Special Permits- Home Occupations:

Voted to allow the Zoning Board of Appeals to issue special permits for home occupations which do not comply with Article 11 (Section 11.15). Such permits may be granted after the filing of an application for special permit and a public hearing held in accordance with Chapter 40A of Massachusetts General Law. Any permits issued may also impose conditions, safeguards, and limitations on time, use, or ownership. Other conditions that may apply include but are not limited to the following:

The proposed use is appropriate to the specific site in question. Adequate and appropriate facilities will be provided for the proper operation of said use.

There will be no hazard to pedestrians or vehicles.

There will be no nuisance or adverse effect upon the neighborhood. Setback requirements of front, side, or rear yards may be greater than the minimum otherwise prescribed by existing By-Law.

Requirements of screening of service or parking areas of the site by walls, fence, planting, or other approved means.

11.17 Height Limitations: *STM 11/01/1994, STM 10/27/2008, ATM 06/07/2010, STM 11/08/2010*

Building heights in the General Use, Residential Use, Village Residential Use, Village Business, and Business Use districts shall not exceed three (3) floors or forty (40) feet in height. For structures located in Industrial and Industrial/2 Districts over three (3) floors or forty (40) feet in height: the maximum height for any non-accessory building within the Industrial (I) and Industrial/2 (I/2) district shall be determined according to its distance from the nearest street or from any General or Residential districts. Height requirements for antennas, water tanks, chimneys, towers, spires, and the like as well as other structural features not used for human occupancy that are in excess of one hundred feet shall require the granting of a special permit by the Planning Board. A projection erected that shall exceed the height shown above may be authorized by special permit providing the special permit granting authority finds the proposal is not contrary to the best interest of the inhabitants of the Town of Freetown and is in accordance with Article 11, Section 11.5A.

ARTICLE 11 (cont.)

11.18 Zoning Districts: *ATM 5/7/01, ATM 06/07/2010, STM 11/08/2010*

A: **Purpose:** The purpose of this By-Law shall be to promote the welfare of the inhabitants of the Town of Freetown; to conserve the value of land and buildings; to encourage the appropriate use of land throughout the town; to preserve and increase its amenities; and to provide for the Town the protection authorized by the General Laws, Chapter 40A, as amended.

B. **Scope:** This By-Law will not apply to buildings, structures and uses of land lawfully begun or in existence at the time this By-Law is adopted; but all new construction, relocation, expansion, alteration, or change of use shall conform to the provisions of this By-Law.

C. **Minimum Provisions**: The provisions of this By-Law shall be deemed to be minimum requirements adopted for the purposes stated in Section 11.18A. Whenever any other By-Law of the Town of Freetown or any law or regulation of the Commonwealth of Massachusetts imposes greater restrictions than this By-Law, such other By-Law, law or regulation shall prevail to the extent of such greater restrictions. *STM 10/28/02*

D. Establishment of Districts:

1) **Types of Districts:** For the purpose of this By-Law, the Town of Freetown is hereby divided into the following types of use districts: *STM 03/24/1997, ATM 05/07/2001, STM 10/27/2008, ATM 06/07/2010*
   a) R – Residential
   b) I – Industrial
   c) I/2 - Industrial/2
   d) B - Business
   e) G - General Use
   f) Open Space & Recreation
   g) VR – Village Residential
   h) VB – Village Business

2) **Location of Districts:** The sections of the Town to which these By-Laws are applicable and the boundaries of the districts above referred to are hereby established as shown on the map entitled "Zoning Map Town of Freetown," dated September 17, 2008 and on file with the Town Clerk, which accompanies and is hereby declared to be a part of these By-Laws

E. Industrial Districts (I), (I/2)

In an industrial district buildings and structures may be constructed, altered, enlarged, reconstructed and used and land may be used for manufacturing, processing, fabrication, assembling, research and development and bio-technology activities, information and information processing, data collection and data storage, records keeping, instructional and training facilities, telecommunications, public distribution and maintenance facilities not otherwise prohibited by law or ordinance and uses ancillary thereto excluding research or use of radioactive, biohazardous or explosive materials. Retail sale shall not be permitted, except that retail sales of products manufactured on the premises are permitted but shall be limited to an area which is 5 percent of the gross floor space, or 1,000 square feet, whichever is less. The uses permitted under this section are subject to the following provisions:

(1) All operations are conducted and all materials used in such operations or held in storage are contained within enclosed buildings or enclosed by a solid wall, fence or planting of such nature and height as to conceal such operation or materials from view from any public way or area or neighboring premises.
(2) Waste materials produced by such operations are either disposed of, stored in buildings or enclosed as specified in (1) above.
(3) Dust, smoke, fumes, gas, glare, noxious odors, noise and vibrations are limited so as not to be injurious to the public health or to the use of neighboring property as provided by the laws of the Commonwealth.
(4) No more than eighty (80) percent of the lot is covered by improvements, meaning buildings, parking areas, driveways and access road, and outside storage and assembly areas.
(5) Buildings housing manufacturing operations shall be set back at least fifty feet (50') from any street and side lot line and at least forty feet (40') from any rear lot line. The setback areas shall be left in a natural unimpaired state or landscaped.

ARTICLE 11 (11.18E cont.)

(6) Structures greater than three (3) floors or forty (40) feet in height shall maintain a setback of at least two hundred feet from the nearest street or from any General or Residential districts.
(7) Adequate provision is made for the off street accommodation of all vehicles including those of employers, employees, customers and visitors.
(8) Illumination of buildings, yards and signs shall not constitute a hazard to auto drivers and the light sources of such illumination shall be shielded from adjacent residential districts and streets. Flashing, moving or intermittent illumination shall not be permitted.

F. VR - Village Residential and VB - Village Business

1. **Purpose:** It is the intent of the Village Residential District and the Village Business District to preserve the architectural and historic character of Assonet Village and East Freetown Village. A mix of limited commercial and residential uses is permitted to allow development keeping with the look and feel of Freetown's historic villages. Additionally, the Town of Freetown's intent for the Village Residential District and Village Business District is:
   a. To encourage rehabilitation of existing structures and development of new buildings with high architectural standards that is compatible with the historic development pattern that gives Assonet Village and East Freetown Village their special character. New development/redevelopment in Assonet Village and East Freetown Village should meet the following design guidelines: Any extension, alteration or reconstruction of existing buildings should reflect the original design insofar as practical. New construction should reinforce the architectural style of existing buildings in terms of building design, siding, material and texture, color and bulk, and should result in a harmonious blend of the new and old. Use of brick, clapboard, shingle, masonry or non-reflective materials is encouraged. Sheet metal, reflective materials or similar siding lacking texture is strongly discouraged.
   b. Uses allowed by-right and by special-permit are encouraged, but not required, to meet these policy goals.
      1. To maintain the historic village scale and mix of residential, commercial, and community land uses in Assonet Village and East Freetown Village.
      2. To attract new investment and help create new jobs in Assonet Village and East Freetown Village.
      3. To improve the safety and comfort for pedestrians in Assonet Village and East Freetown Village.
      4. To encourage village commercial uses that will primarily serve the needs of the people of Freetown and the surrounding communities and, secondarily attract visitors to utilize these villages.

2. **Density Regulations**
   a. The lot requirements for the Village Residential District shall be the same as the Residential District; the lot requirements for newly created lots in the Village Business District shall be the same as the Business District. No lot shall be developed or redeveloped under this bylaw unless it meets the State's Title V septic requirements or connects to a public sewer system.
   b. No more than one (1) principal building shall be located on a lot.

3. **Uses permitted by right, by special permit and prohibited** are delineated in Section G.1 the Table of Use. Development that does not require a Special permit within a Village should meet the following performance standards:
   a. **Design guidelines**: The design guidelines listed in Section 11.18.E.1.a, paragraph 2 have been met to the greatest extent feasible.
   b. **Nuisance:** The proposed use(s) will not create a noise, dust, odor or vibration nuisance to abutting properties.
   c. **Parking:** The number of parking spaces to be provided shall be as noted in Section 4, Off Street Parking and Loading requirements of the Rules and Regulations of the Planning Board as Special Permit Granting Authority.
   d. **Pedestrian access**: Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction and redevelopment of buildings and parking areas. New construction should improve pedestrian access to building, sidewalks and parking areas and should be completed with considerations of pedestrian safety, handicapped access and visual quality.

ARTICLE 11 (11.18F cont.)

e. **Landscaping:**
   1. A landscaped buffer strip may be required adjacent to adjoining residential uses. This buffer strip shall be planted with a combination of grass, appropriate shrubs and shade trees.
   2. Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings, fences and other methods compatible with the goals of this regulation.

General performance standards for special permits are found in the Rules and Regulations of the Planning Board as Special Permit Granting Authority. Approval criteria for issuing special permits are found in sub-section H of this zoning bylaw.

G. District Regulation: *STM 10/27/08*

1) **Existing Uses and Non-Conforming Uses:** The lawful use of any structure or land existing at the enactment or subsequent amendment of this By-Law may be continued although such structure or use does not conform to the provisions of this By-Law, subject, however, to the following exceptions:

a.) **Reconstruction of Non-Conforming Structure:** In event that a non-conforming structure is destroyed by fire or other natural cause, the same may be reconstructed or repaired at the same location for the same non-conforming use, provided the new structure would not exceed in size and square footage the original structure and that such construction is commenced not later than 24 months from the occurrence of such natural cause.

b.) **Abandonment:** A non-conforming use which has been abandoned for a period of 24 months shall not be re-established. Any further use shall conform to the current district standards.

c.) **Expansion, Alteration or Change of Use of One or Two Family Residential Non-Conforming Uses**: Existing one or two family residential structures which are non-conforming uses, may expand or be altered without a Special Permit from the Planning Board if the expansion or alteration meets the setback, height, and lot coverage standards of the zoning district in which the residential use is located.

d.) **Expansion, Alteration or Change of Use of Non-Conforming Uses Other Than One or Two Family Residential Uses:** Non-Conforming uses other than a one or two family residential use may be expanded, altered or changed to another non-conforming use only by Special Permit granted by the Planning Board. The Planning Board shall not issue a Special Permit unless the Board finds that the expansion, alteration or change shall not be substantially more detrimental to the neighborhood than the existing non-conforming use.

H. Uses: A use listed in the table in Section 11.18, G-1 is permitted in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this, or other, By-Law. If designated in the Table by the letters "SP" the use may be permitted as an exception only if the Special Permit Granting Authority so determines and grants a Special Permit, subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. The letter "N" shall designate that the use is not permitted.

ARTICLE 11.18 cont.

1. Table of Use Regulations:

R - Residential, B - Business, I - Industrial, I/2 - Industrial 2, G – General, OSR – Open Space & Recreation, VB - Village Business and VR - Village Residential *STM 3/24/97, ATM 5/7/07, STM 10/27/08, ATM 6/1/09, ATM 06/07/2010, ATM 6/4/2012, ATM 6/3/13, ATM 6/6/2016*

USE	DISTRICT							
	R	B	I	I/2	G	OSR	VR	VB
Single-family detached dwellings	Y	SP	N	N	Y	N	Y	Y
A duplex house	Y	SP	N	N	Y	N	Y	Y
Multi-Family	SP	SP	N	N	SP	N	SP	SP
Accessory Apartments	SP	N	N	N	SP	N	SP	SP
Dwelling units located above a first-floor non-residential use	N	SP	SP	N	SP	N	SP	SP
Home Occupations that comply with Section 11.15	Y	Y	N	N	Y	N	Y	Y
Home Occupations that do not comply with Section 11.15 to subject to Section 11.16	SP	SP	N	N	SP	N	SP	SP
Hotel or Motel	N	Y	Y	Y	N	N	N	N
Bed and Breakfast, up to 6 guest rooms	SP	Y	Y	Y	Y	N	SP	SP
Rooming house	N	N	N	N	N	N	N	N
Agriculture including the care, feeding or sheltering of farm animals, including the raising of crops- indoors or outdoors on parcels 5 acres or greater	Y	Y	Y	Y	Y	Y	Y	Y
Religious, educational, or municipal use by the Town of Freetown	Y	Y	Y	Y	Y	Y	Y	Y
For Profit Education	N	SP	SP	N	SP	N	N	SP
Museum or Art Gallery less than 2,500 sf	SP	Y	SP	SP	Y	N	SP	SP
Museum or Art Gallery of 2,500 sf or greater	N	Y	SP	SP	SP	N	N	SP
Retail or wholesale business or service less than 10,000 sf. not involving manufacture on the premises	N	Y	SP	SP	Y	N	N	Y

ARTICLE 11.18 cont.

USE	DISTRICT							
	R	B	I	I/2	G	OSR	VR	VB
Retail or wholesale business or service of 10,000 sf. or greater not involving manufacture on the premises	N	SP	SP	SP	SP	N	N	SP
Business or professional office less than or equal to 10,000 sf.	N	Y	Y	Y	SP	N	N	SP
Business or professional office 10,000 sf. or greater	N	Y	Y	Y	SP	N	N	SP
Restaurant less than or equal to 2,500 sf	N	Y	Y	Y	Y	N	N	Y
Restaurant of 2,500 sf or greater	N	Y	Y	N	Y	N	N	SP
Restaurant with drive-through	N	SP	SP	SP	N	N	N	N
Banquet Facilities less than or equal to 15,000 sf	N	Y	Y	N	Y	N	N	N
Banquet Facilities 15,000 sf or greater	N	SP	Y	N	SP	N	N	N
Theater, bowling alley or other commercial amusement provided all business is conducted within the structure	N	Y	SP	SP	N	N	N	N
Motor vehicle sales, rental, or repair shop	N	Y	Y	Y	SP	N	N	N
Veterinary office, animal hospital, kennel, or animals sales	N	SP	Y	Y	SP	N	N	N
Drive-through facilities associated with any commercial use (bank, drug store, etc.)	N	SP	SP	SP	N	N	N	N
Scrap or junk yards	N	N	Y	Y	SP	N	N	N
Earth removal for commercial purposes	**See: Protective By-laws, Article 6 Soil Removal**							
Bus or railroad terminal or passenger station	N	SP	SP	SP	SP	N	N	N
Hospital, convalescent or nursing home	N	SP	SP	N	SP	N	N	N

ARTICLE 11.18 cont.

USE	DISTRICT							
	R	B	I	I/2	G	OSR	VR	VB
Funeral parlor	N	Y	Y	Y	Y	N	N	N
Crematory	N	N	SP	SP	N	N	N	N
Cemetery	SP	N	N	N	Y	Y	SP	N
Golf Course	SP	SP	SP	SP	SP	N	N	N
Recreational or sports facilities including day or seasonal camp for children	SP	SP	SP	SP	SP	Y	N	N
Race track (outdoor)	N	N	N	N	N	N	N	N
Race track (indoor)	N	N	SP	N	N	N	N	N
Warehouse or facilities for distributing merchandise	N	Y	Y	Y	SP	N	N	N
Plant for manufacturing, processing, fabricating or assembly	N	SP	Y	Y	SP	N	N	N
Research Laboratory	N	SP	Y	Y	SP	N	N	N
Dry Cleaning plant	N	N	SP	SP	N	N	N	N
Retail or wholesale Fuel establishment involving storage and distribution	N	SP	SP	SP	SP	N	N	N
Hazardous waste facilities for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, or disposal of hazardous wastes	N	N	N	N	N	N	N	N
Commercial tower and/or antenna *See also Article 11, Section 11.17 of the Freetown Protective By-Laws	N	Y	Y	Y	Y	N	N	N
Adult Entertainment Establishments	N	N	N	SP	N	N	N	N
Any proposed shopping centers, retail establishments, and/or wholesale establishments that exceed 25,000 square feet of floor area as described in Article 11.22	N	N	SP	SP	N	N	N	N

ARTICLE 11.18 cont.

USE	DISTRICT							
	R	B	I	I/2	G	OSR	VR	VB
Adult Retirement Community Use	SP	N	N	N	SP	N	N	N
Continuing Care Retirement Community Use.	SP	N	N	N	SP	N	N	N
Commercial Composting/ Commercial production Of Mulch	N	N	SP	SP	SP	N	N	N
Commercial Recycling	N	N	SP	SP	SP	N	N	N
Registered Marijuana Dispensaries	N	N	N	Y	N	N	N	N
Medical Marijuana Treatment Center	N	N	N	Y	N	N	N	N
Landfill	N	N	N	N	N	N	N	N

ARTICLE 11 (11.18 cont.)

I. Special Permits: *STM 3/24/97, STM 10/27/08*
The Planning Board is designated as the Special Permit Granting Authority for the purpose of granting special permits as cited in the Table of Use Regulations. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The Special Permit Granting Authority shall have the power to impose reasonable conditions and modifications, including limitations of time and use, as a condition of a Special Permit, and may secure compliance of performance by requiring the posting of a bond or other safeguards. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

1) **Application:** Application for Special Permits shall be on such forms or in such manner as the Special Permit Granting Authority may specify and in accordance with its Rules and Regulations, and shall be submitted together with all required exhibits and site plans.

2) **Special Permits -Table of Use Regulations:** All applications for Special Permits from the Planning Board shall be subject to the procedural requirements established by that Board. Special Permits shall only be issued for uses which are in harmony with the general purpose and intent of this By-Law and subject to its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met:

- **a.)** **The use is not noxious**, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.
- **b.)** The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the Special Permit were denied.
- **c.)** The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- **d.)** The design and layout of the proposal assures the protection of adjoining premises against detrimental or offensive uses on the site, including compliance with all dimensional requirements set forth in this bylaw and provisions of adequate landscaping, including the screening of adjacent residential uses, this includes provision of street trees, landscape islands in the parking lots and a landscaped buffer along the property lines.
- **e.)** The requested use will not create un-mitigated traffic congestion or safety issues and provides enhanced pedestrian mobility.
- **f.)** The design of the proposal provides an adequate amount of spaces and for the proper layout of parking and loading areas.
- **g.)** The proposal provides suitable methods of disposal for sewage, refuse and other wastes.
- **h.)** The proposal provides an onsite drainage system that protects adjoining properties, wetlands, water courses and water bodies.
- **i.)** The proposal provides and follows a soil erosion plan that addresses the re-grading of the site, stabilization of slopes during and after construction and the protection of adjoining properties, wetlands, water courses and water bodies.
- **j.)** The proposal provides adequate lighting within the site while protecting adjoining properties from glare and light pollution.
- **k.)** The requested use will not impair the integrity or character of the district or adjoining properties, nor be detrimental to the health, morals, or welfare of the town's residents.

All special permit applications shall be reviewed by the Special Permit Granting Authority for conformance with the Special Permit Rules and Regulations. The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.

J. Special Permits for Adult Entertainment Establishments: *STM 3/24/97, STM 10/27/08*

1. **Authority:** This by-law is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, as defined and designated herein, because of their deleterious effect in generating crime and blight. The Board of Selectmen is the Special Permit Granting Authority for adult entertainment establishment special permits.

ARTICLE 11 (11.18Jcont.)

2. **Purpose:** It is the purpose of the Industrial/2 District to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown in numerous studies to include increased crime, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Freetown and its inhabitants.

3. **Minimum Provisions:** The provisions of this by-law have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this by-law to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this by-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials. In addition an application for a special permit for Adult Entertainment shall conform to the following conditions:

a.) **May not locate within five hundred feet of each other:** Special permits for Adult Entertainment Establishments may not be located within Five Hundred (500) feet of each other and of any residential zone, single or multiple dwelling, church, park, school, day care facility, or any establishment licensed under the provisions of M.G.L. Chapter 138, §12.

b.) **Shall not be granted to persons convicted of violating provisions:** Special permits for Adult Entertainment Establishments shall not be granted to any person convicted of violating the provisions of M.G.L. Chapter 119, § 63 or Chapter 272, § 28.

c.) **Issued after a public hearing:** Special permits for Adult Entertainment Establishments shall only be issued following public hearings held within 65 days after filing an applications with the Special Permit Granting Authority, a copy of which the applicant shall give to the Town Clerk simultaneously.

d.) **Shall lapse within one year:** A Special permit for Adult Entertainment Establishments shall lapse within one year, including the time required to pursue or await the determination of an appeal filed pursuant to M.G.L. Chapter 40A§17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

e.) **Existing Adult Entertainment Establishments:** Any existing Adult Entertainment Establishments shall apply for such permit within ninety days following the adoption of said zoning by-law or by-law by a municipality.

4. **Compliance:**

a) No building permit shall be issued by the Building Department for any development subject to this section and no construction or installation of utilities or infrastructure shall be started, until a decision of the SPGA approving the plan has been filed with the Town Clerk.

b) An as-built plan, as specified under the Rules and Regulations of the Planning Board Governing the Subdivision of Land, certified by a registered professional land surveyor and/or engineer shall be submitted to the SPGA and Building Inspector before the issuance of an occupancy permit. The as-built plan shall attest to a development's conformity to its approved plans and conditions.

c) No occupancy permit shall be issued for any building subject to this section unless such building and all its related facilities have been completed according to the special permit decision.

d) Any changes in the approved plan or in the activity to be conducted on the site shall be submitted to the SPGA for review and approval.

5. **Appeals:** Any person aggrieved by a decision of the SPGA under Section 15 may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

6. **Invalidity:** The invalidity of any section, sentence or provision of this By-Law shall not affect the validity of any other section, sentence, or provision thereof.

ARTICLE 11

11.19 Accessory Apartment By-Law: *ATM 5/1/99, STM 10/27/2008, STM 10/27/15*

A. Purpose: It is the intent of this by-law to create additional living space to a single-family dwelling. Proposed expansion must maintain the appearance of the structure as a single-family home. It must not be detrimental to the surrounding neighborhood. The additional living space shall not be used as an apartment for rental, but only as a convenience for members of the owner's family.

B. Residential District/ Village Residential: The Zoning Board of Appeals, as a Special Permit Granting Authority, may issue a Special Permit authorizing the conversion and use of a portion of a single-family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said permit shall be valid only for the occupancy of said premises of the person for whom it is issued. For a Residential Zone, not more than 1,000 square feet of additional living space may be added to the existing single-family dwelling, must be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home, must provide two off-street parking spaces per unit, only one accessory apartment shall be allowed per single-family dwelling unit, and one of the two living units shall be owner occupied. Permit, if granted, is valid for five (5) years. Permits issued hereunder shall renew automatically in five years with the written approval of the Building Inspector. It shall be the obligation of the property owner to request such approval of the Building Inspector. No later than ninety days before the date of renewal, the Building Inspector shall deny the renewal if he should deem the use is no longer compliant with this Bylaw and/or the terms of the original special permit. If renewed, a public hearing will be held ten years from the original date of issue to ensure use is still the same, at which time a new permit may be issued. New permits issued after a ten-year hearing are subject to the five-year and ten-year renewal requirements that the original permit was subjected to in perpetuity.

C. General District: The Zoning Board of Appeals, as a Special Permit Granting Authority, may issue a Special Permit authorizing the conversion and use of a portion of a single-family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said Permit shall be valid only for the occupancy of said premises by the person for whom it is issued. For a General Use Zone, not more than 1000 square feet of additional living space may be added to the existing single-family dwelling, must be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home, must provide two off-street parking spaces per unit, only one accessory apartment shall be allowed per single-family dwelling unit, and one of the two living units shall be owner occupied. Permit, if granted, is good for five (5) years. Permits issued hereunder shall renew automatically in five years with the written approval of the Building Inspector. It shall be the obligation of the property owner to request such approval of the Building Inspector. No later than ninety days before the date of renewal, the Building Inspector shall deny the renewal if he should deem the use is no longer compliant with this Bylaw and/or the terms of the original special permit. If renewed, a public hearing will be held ten years from the original date of issue to ensure use is still the same, at which time a new permit may be issued. New permits issued after a ten-year hearing are subject to the five-year and ten-year renewal requirements that the original permit was subjected to in perpetuity.

11.20 Signs: *ATM 5/7/01, STM 10/22/01, ATM 5/6/02, STM 10/27/08*

A. Authority: This by-law is adopted pursuant to the authority conferred upon the town by MGL C. 40A, MGL C. 93, § 29, and MGL C 143, § 3. Nothing in this chapter shall be construed to abrogate the town's control under MGL C. 87 § 9, governing signs placed on shade trees enforceable by the Tree Warden or the town's control under MGL C. 85, § 8, governing signs placed within a public way enforceable by the Selectmen or under the Building Code.

B. Purpose And Scope: The sign by-law is designed to provide standards for the installation of signs so as to reduce traffic safety hazards, protect property values, promote economic development, and encourage the creation of an aesthetic appearance along the street frontages in the Town of Freetown. The sign bylaw, as set forth in this section, is designed to be both logical and equitable for the various uses and identification needs. These sign standards help to effectuate an aesthetic and safe street environment. Restrictions on type, location, and size of signs protect the public from hazardous and distracting devices.

C. Administration & Enforcement:

1. **Applicability:** All outdoor signs, banners, posters and window signs are subject to the regulations of this By-Law unless specifically excluded in Section 11.20D (13).

ARTICLE 11 (11.20C cont.)

2. **Building Inspector:** The Building Inspector shall administer and enforce all regulations contained in this By-Law. The Building Inspector shall give a written notice to any person or persons erecting new signs in violation of these regulations, to render compliance therewith within ten days or remove the sign by reason of failure to do so.

3. **Special Permit Granting Authority:** The Special Permit Granting Authority (SPGA) shall be the Planning Board for the purposes of this by-law.

4. **Application:** All persons desiring to erect a sign shall apply to the Building Inspector for a building permit, except that persons desiring to erect a sign in accordance with Sections 11.20D(2), 11.20D (4), 11.20D (5) with the exception of real estate signs, or 11.20D (2) need not apply for a permit. All applications for permits shall include, at least, a drawing showing the following:

   a.) The proposed sign with dimensions.
   b.) Sign specifications. The application shall also contain the following specific information on each proposed sign:
      1.) Construction of the proposed sign and supporting structure, indication dimensions and materials.
      2.) Color scheme.
      3.) Lettering or graphic style.
      4.) Illumination specifications.
      5.) Sign proportions.
      6.) Location of any proposed signs on a building.
      7.) The areas of any windows to be covered by window signs but need not specify the exact dimension or nature of every window sign.
      8.) Detail of all lighting and wiring.
      9.) All existing signs maintained on the premises.
      10.) Plot Plan. An accurate plot plan of the zoning lot, at such scale as the Building Inspector may reasonably require, illustrating the location of the proposed and any existing signs, buildings, parking lots, driveways, and landscaped areas on such zoning lot.
      11.) A sketch of the building façade indicating the location of each sign.

5. **Building Inspector Action:** The Building Inspector shall issue a building permit provided the proposed sign complies with this By-Law, the State Building Code, requirements of the Historic Commission (where applicable) and any applicable laws, by-laws, or regulations.

6. **Special Permits:** In particular instances the SPGA may issue Special Permits for more or larger signs than are provided herein or for signs of types or for purposes not provided herein and not specifically prohibited herein, including temporary signs, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. In granting such permission, the SPGA shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may be deemed to be in the public interest. Any applicant under this provision shall provide the information required in Section 11.20C (6) above and specific information in the form of perspectives, renderings, photographs or other representations sufficient to show the nature of the proposed sign, its effect on the immediate surroundings and the reasons for allowing it.

7. **Fees:** Each application for an individual sign permit or for approval of a common signage plan shall be accompanied by the applicable fees, which shall be established by the Board of Selectmen.

D. General Regulations: The provisions of Section 11.20D shall apply to signs in all zoning districts. Additional specific regulations for Residential, General Use, Business & Industrial districts are set forth in Sections 11.20C and 11.20D respectively.

1. **General Guidelines:** No sign shall be erected or maintained unless its subject matter relates exclusively to the premises on which it is located, or to products, accommodations, services, or activities on those premises.

ARTICLE 11 (11.20D cont.)

2. **Permitted Government or Special Signs:** Any sign owned and installed by a governmental agency, or required by any law, governmental order or regulation is not subject to this By-Law. Signs mounted on registered motor vehicles or carried by hand and not subject to this By-Law.

3. **Residences:** Two signs, up to four (4) square feet in area each, are permitted per residential building indicating the name and address of the occupants therein.

4. **Religious Institutions:** Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and the other of which may not exceed 10 square feet in area. One sign may be a standing sign used for notices and announcements of events at the religious institution.

5. **Temporary Signs:**
   a.) **Permitted Temporary Signs:** The following types of temporary signs are permitted: Signs banners, and posters covering social and holiday events as well as signs pertaining to a candidate for an elected local, county, state or national government office or a ballot question that will appear on the ballot at any local, county, state or national election. Signs pertaining to yard sales and fundraising events are permitted. A Real Estate sign advertising the sale or rental of the premises on which it is located is permitted. Real estate development signs may be erected on subdivisions of land solely to advertise the selling of land or buildings in said subdivision, but not more than one sign shall face the same street.

   b.) **Temporary Sign Limitations:** Signs shall not be erected sooner than Thirty (30) days before the event to which they pertain (i.e., the offering for sale or lease of the premises, the commencement of construction or the election) and shall be removed within seven (7) days after the conclusion of the event to which they pertain.
      (A.) No signs shall be lighted.
      (B.) All signs shall meet the standards as set forth in 11.20D.
      (C.) With the exception of Real Estate Development Signs, no sign shall exceed six (6) square feet in area, and shall not exceed forty (40) inches in length or thirty-six (36) inches in width, excluding supporting materials. Real Estate Development signs shall not exceed twenty (20) square feet in area and not more than 10 feet in any dimension.
      (D.) No mechanical or electrically powered signs or signs with moving parts shall be permitted.
      (E.) No more than Three (3) temporary signs per dwelling unit or per lot, whichever is greater, shall be erected at the same time.
      (F.) Signs must be firmly attached to a supporting device and present no undue hazard to the public.

6. **Directional Signs:** Directional signs not exceeding three square feet in area may be used without limitation where needed on private property.

7. **Illumination:**
   a.) No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m., except signs on premises open for business and then only upon issuance of a special permit by the SPGA.
   b.) Exterior illumination of signs shall be shielded, directed solely at the sign, and be steady and stationary.
   c.) No internal illumination of a sign is permitted except upon issuance of a special permit by the SPGA.
   d.) The illumination of any sign shall not exceed 150-foot lamberts.
   e.) Any sign which is externally illuminated shall be a minimum distance of 100 feet between the leading edge of the illuminated sign and the adjoining residential property line.

8. **Height:** No ground sign shall exceed 20 feet in height as measured from the ground level to the top of the sign.

ARTICLE 11 (11.20D cont.)

9. **Signs Cannot Interfere with Traffic:** No sign, including window displays, or their illuminators shall by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view or the effectiveness of any official traffic sign, traffic signal or traffic marking. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice of the Chief of Police, such lights would create a driving hazard.

8. **Construction:** No sign shall be painted or posed directly on the exterior surface of any wall. All exterior, attached signs, except awning signs, shall be painted, posted or otherwise securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth of projection of one fourth (1/4) of an inch. The construction of the sign shall comply with the State Building Code.

9. **Maintenance:** Every sign shall be maintained in good condition. If a sign shows corrosion or deteriorated paint over 25% of the area of one side or if damage to the sign causes the loss of 10% of its substance or if the sign suffers damage or deterioration which creates a risk of harm to the person or property of another, it shall be repaired or removed.

10. **Prohibited Signs:** The following types of signs are prohibited.

    A.) Neon, gas-filled tube type illuminated signs are not permitted. No sign shall produce glare or incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
    B.) Wind signs, including banners, pennants, spinners, streamers, and other wind activated components. However a single flag or banner, such as one containing advertising matter, for each establishment or business on the lot, may be allowed in a commercial zoning district provided that the flag or banner not exceed 3 x 5 feet. As provided in subparagraph 11.20D (1), a government flag is not subject to this provision.
    C.) String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
    D.) Signs erected so as to obstruct any door, open-able window or fire escape on a building.
    E.) Billboards or non-accessory signs.
    F.) Portable, platform-mounted, frame mounted or trailer-mounted signs.
    G.) Any sign emitting sound shall be prohibited. (Exception: Menu boards in conjunction with restaurant drive-through pick up are allowed a speaker through which orders may be placed and confirmed subject to the restrictions noted in this by-law.
    H.) Signs on Natural Features and Utility Poles are prohibited. No sign shall be permitted to be painted on, attached to, or maintained upon utility poles, trees, shrubs, rocks or other natural features, except that historical or commemorative plaques may be mounted in rocks and that "No Trespassing", "No Hunting", "Property Boundary", or "Ownership" signs may be mounted on trees, rocks, shrubs or other natural features.
    I.) Obscene Signs Prohibited. No sign shall contain words, statements, or graphic descriptions of an obscene or indecent nature.
    J.) Signs which interfere with official signs and traffic control devices.
    K.) Signs which prevent the driver of a vehicle from having a clear and unobstructed view, from an adequate safe distance, of any official sign or approaching or merging traffic.
    L.) Signs which when located in such a manner as to materially impede the view of any street or intersection.

13. **Signs Exempt from Permit and License Requirements:**
    a. Bulletin Board. A freestanding bulletin board or similar sign used for occasional commercial purposes, not exceeding 32 square feet in display area in connection with any church, museum, library, school or similar public structure is allowed without a permit.
    b. Balloon less than twenty-four (24) inches in diameter.
    c. Holiday decorations, including lighting, are exempt from the provisions of this by-law and may be displayed without a permit.

ARTICLE 11 (11.20D cont.)

d. Decals used to reference authorized services (e.g. credit or bank cards) when not exceeding 144 square inches in total display area per business.
e. Incidental sign – a sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone", "drive-up window", "cash machine" and other similar directives.
f. Open Flags. One non-illuminated "OPEN" flag may be displayed for each separate business unit in connection with commercial promotion. No name, logo or lettering other than the word "OPEN" may be displayed on such signs. OPEN flags may be displayed at the building during business hours and must be displayed at the building entrance.
g. Building markers and historic or commemorative plaques are exempt from a permit and a license.
h. Construction Signs – One (1) temporary freestanding construction sign or wall sign per project construction site is exempt from obtaining a permit and a license on each street frontage of the project, subject to the following conditions:
   (1) The construction sign shall not exceed thirty-two (32) square feet.
   (2) The construction sign shall be a maximum of six (6) feet in height for residential districts or 15 feet in height for other districts.
i. Flags, noncommercial.
j. Garage sale signs.
k. Home improvement/home construction/home remodeling signs are exempt from obtaining a permit and license provided:
   i. There shall be only one such sign not exceeding thirty-two (32) square feet in total surface area and four (4) feet in height for each lot.
l. Interior signs.
m. Murals.
n. Official signs and notices
o. Political Signs.
p. Public Utility Signs.
q. Real Estate signs are exempt from obtaining a permit and license, provided:
   ii. Real Estate Signs for Single or two-family Residential Dwellings or lots.
   iii. There shall be one (1) sign per street frontage up to a maximum of two (2) signs per lot.
   iv. Such sign shall be located on the lot for sale or lease.
   v. Such sign shall not exceed six (6) square feet.

Real Estate Signs for other uses:
General Provisions: The real estate sign shall be located on the site for sale or lease. The site may elect one (1) of the following options, subject to other provisions within this bylaw:
   (i) Incorporate the real estate sign into the permanent identification sign; or
   (ii) One real estate sign, not exceeding six (6) square feet, shall be permitted per street frontage up to a maximum of two (2) signs per site. The maximum height shall be six (6) feet.
   (iii) Real Estate signs shall be included as part of the square footage calculations for permanent signs.

r. Residential nameplates are exempt from obtaining a permit.
s. Warning signs. Signs warning of construction, excavation, underground utility pipes, or similar hazards, so long as the hazard exists, including any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
t. "No Trespassing", "No Parking", and other similar signs are also exempt.

E. Residential Districts: *STM 10/27/08*

1. **Multi-Family Dwelling Developments:** A sign not exceeding 12 square feet in area is permitted identifying developments in an R, VR or G district.

F. Village Business, General, Business & Industrial Districts: Accessory signs on business establishments in Village Business, General, Business & Industrial districts that comply with the following provisions are permitted.

ARTICLE 11 (11.20F cont.)

1) **Wall Signs:**

a. One principal wall sign is permitted on the front of the establishment to which it relates. The width of such a sign above the first floor of a building shall not exceed fifteen (15) feet.

b. A secondary wall sign may be installed marking a direct entrance on a parking lot or another street in addition to the front wall sign. There shall be not more than two such secondary wall signs. Said sign shall have a width no greater than 50% of the maximum permissible width for the principal wall sign.

c. No wall sign shall be more than three feet in overall height.

d. In buildings where the first story is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half of the area that would be permitted for a single sign.

e. In addition to the above signs each building may have one directory sign affixed to the exterior wall, window, or door of the building. Such directory sign shall provide not more than one square foot for each occupant of the building.

f. Wall signs shall either be affixed to a wall and parallel to it or affixed to the roof above a wall and be parallel to the wall. They shall not project more than twelve (12) inches from the face of such wall.

g. No wall sign shall project above the highest line of the main roof or parapet on the wall to which it is attached whichever is higher.

2) **Window Signs**: Removable signs on the inside of windows or transparent doors are permitted.

3) **Projecting Signs or Hanging Signs**: In particular instances the SPGA may issue Special Permits for projecting signs in accordance with Section 11.20C (8), if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. No establishment shall be permitted more than one projecting sign.

4) **Standing Signs:** The following standing signs are permitted:

a. Standing signs permitted under Sections 11.20D (2), 11.20D (3), and 11.20D (4).

b. During the construction of a building a standing sign may be erected on the premises identifying the building, the owner, the contractors, the architects and the engineers. Such a sign shall not exceed twenty (20) square feet in area or 10 feet in any direction. Such sign shall be removed promptly after the completion of the building.

c. In particular instances the SPGA may issue Special Permits for standing signs in accordance with Section 11.20C (8), if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. No establishment shall be permitted more than one standing sign other than signs directing traffic flow.

5) **Signs at Gasoline Filling Stations and Garages:** Gasoline filling stations and garages may divide the one wall sign affixed to the front wall of the building to which they are entitled as hereinabove provided, into separate wall signs indicating the separate operations or departments of the business, provided however, that the total of the widths of the separate signs shall not exceed the maximum width permitted under this By-Law for a single wall sign on such wall. In addition, one sign indicating the brand of gasoline being sold may be erected of such type, in such location, and in such manner as the SPGA may allow by special permit. The standard type of gasoline pump bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be a sign within the meaning of this By-Law.

In addition to the above signs the following standards shall apply to Gasoline Filling Stations and Garages.

a.) ***Service Area Canopy Sign*** – Maximum Size and Number of signs. Service area canopy signs are considered wall signs.

b.) ***Spandrel Sign*** – Maximum Size and Number of signs. The maximum sign surface shall not exceed two (2) square feet per dispensing station regardless of the number of hoses. The signage allowed per dispensing station may be combined into one (1) sign on the spandrel. Signage is permitted on only two sides of the spandrel.

c.) ***Pump Island Signs***. In lieu of the spandrel sign, the gasoline services station may elect pump island signs or "pump toppers". Pump Island Signs of two (2) square feet or less are allowed without permits. Pump Island signs greater than two (2) square feet are not allowed. Signage is permitted on only two sides of the pump island sign.

ARTICLE 11 (11.20F cont.)

d.) ***No pennants*** or other similar attracting or advertising devices shall be permitted except as noted in Section 11.20D (5), Temporary Signs.
e.) ***Signs on Perimeter Poles***. Signs placed on perimeter poles or other structures or those that are not expressly permitted in this Section shall be strictly prohibited.
f.) ***Operator Identification***. Operator Identification signs shall be located on the building only with a maximum dimension of six (6) square feet.
g.) ***Other Signs***. All other signs shall be located on the site of the use unless specified otherwise.

6) **Off Premises Signs:** Only signs pertaining to the premises on which they are located or to products, accommodations, services or activities on the premises shall be allowed, except that an off-premises directional sign designating the route to an establishment not on the street to which the sign is oriented may be erected and maintained at any intersection on private property. Such signs shall be authorized only upon the Building Inspector's determination that such sign will not endanger the public safety. At locations where directions to more than one (1) establishment are to be provided, all such directional information shall be incorporated into a single structure.

7) **Menu Boards:** Menu Boards in conjunction with restaurant drive through pick up activities may be allowed under the following restrictions:

a. Not more than one (1) such sign.
b. Twenty-five foot (25') setback from property lines.
c. Thirty (30) square foot maximum area. Menu size sign shall not count against the freestanding identification sign area for a property.
d. Six foot (6') maximum height.
e. May be freestanding or wall mounted.
f. Shall be facing away from a public street
g. Shall be screened from view from the public street.

G. Nonconformance of Signs: Signs legally existing on the effective date of this section may continue to be maintained, provided however, that no such sign shall be enlarged, have the principal wording changed or have a change in shape.

H. Violations: Any of the following shall be a violation of this zoning bylaw shall be subject to the enforcement remedies and penalties provided by this zoning by-law:

(1) Inconsistent with Plan or Permit. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.
(2) Failure to Obtain Permit. To install, create, erect, or maintain any sign requiring a permit without such a permit.
(3) Failure to Remove Sign. To fail to remove any sign that is installed, created, erected, or maintained in violation of this zoning code, or for which the sign permit has lapsed.
(4) Separate Violation Each Day. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this zoning code.
(5) Separate Violations. Each sign installed, created, erected, or maintained in violation of this zoning code shall be considered a separate violation when applying the penalty portions of this zoning code.

I. Invalidity: The invalidity of any section, sentence or provision of this by-law shall not affect the validity of any other section, sentence or provision thereof.

11.21 Drive Thru By-Law: *ATM 5/7/01, STM10/22/01*

A. Purpose: The drive-thru by-law is intended to reduce the negative impacts of drive-through facilities. These standards attempt to reduce the noise, lighting, and visual impacts of idling cars, voice amplification equipment, and queuing traffic on abutting uses, particularly on nearby residential uses. The standards are also intended to promote safe and efficient on-site vehicle and pedestrian circulation, and reduce conflicts between queuing traffic and traffic on adjacent streets.

B. All Drive-thru Facilities Shall Comply with the Following Standards:

(a) All drive-thru facilities shall require a use permit approved by the Special Permit Granting Authority (SPGA). The SPGA for the purposes of this by-law shall be the Planning Board. Drive-thou facilities may be allowed as conditional uses, subject to the provisions of this section, in those planned development

ARTICLE 11 (11.21B cont.)

zones adopted by individual by-law, if office, retail or industrial uses are permitted in the zone district. However, at no time, are drive-thru's allowed in Residential or General Use Zones.

(b) Drive-thru facilities may be approved only as accessory uses to a permitted use or facility. For example, a drive-thru window for a restaurant may be approved only as an accessory to a sit-down restaurant.

(c) Locations at or near major intersections with traffic congestion may be approved only if it is demonstrated that the drive-thru will not significantly contribute to carbon monoxide "hot spots". For the purposes of this document, "hot spots" are defined as areas having relatively high concentrations of carbon monoxide.

(d) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred feet from any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the SPGA determines that public safety and/or the efficiency of traffic circulation are not being compromised.

(e) Drive-thru stacking lanes shall be a minimum one hundred feet from any residential zone. The SPGA may modify or waive this if it determines that the impacts to nearby residences will be minimal.

(f) Speakers at drive-thru shall not be audible from adjacent residential uses or zones. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.

(g) Pedestrian walkways shall not intersect the drive-thru aisles, but where they do, they shall have clear visibility and safe access and egress with a review by the SPGA.

(h) Drive-thru aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.

(i) Drive-aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum six cars (approximately one hundred fourteen feet) and will not interfere with parking, parking access aisles or any public or private ways.

(j) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.

(k) Drive-aisles shall be delineated by a minimum six-inch high concrete or granite curbs or other suitable protective devices meeting SPGA approval.

(l) All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view. Landscaping shall screen drive-thru aisles from the public right-of-way and shall be used to minimize the visual impacts of reader board signs and directional signs.

(m) Menu board shall be a maximum of thirty square feet, with a maximum height of six feet, and shall face away from the street. Menu boards shall be screened from view from the public street.

(n) Drive-thru's shall be architecturally compatible with nearby structures and complement existing or planned streetscape elements such as light poles and fixtures, sidewalk pavers, street trees and benches. Additionally, drive-thru shall provide landscaping to buffer adjacent uses, and provide adequate lighting, which is shielded from adjacent properties.

C. **Invalidity**

The invalidity of any section, sentence or provision of this by-law shall not affect the validity of any other section, sentence or provision thereof.

11.22 Retail and Wholesale Establishments *ATM 6/4/2007*

A. Purpose: The retail and wholesale establishment by-law is intended to preserve the small-town character of the town of Freetown by limiting the sizes of retail establishments, wholesale establishments, and shopping centers. These standards attempt to reduce the noise, lighting, and visual impact of vehicles, structures, queuing traffic, potentially-necessary traffic signal lighting, and limited access traffic signaling on abutting uses; particularly, on nearby residential and environmental areas. It is also intended to reduce conflicts between queuing traffic and traffic on adjacent streets.

B. Definitions: (continued)

a. **Retail establishment or retail business**: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption.

b. **Wholesale business or wholesale establishment**: A business establishment engaged in the sale, rental, or lease of goods and services to the ultimate consumer for direct use or consumption, as well as indirect use or consumption.

c. **Shopping center**: Any concentration of two or more retail and/or wholesale stores or service establishments containing 25,000 square feet or more of gross floor space.

ARTICLE 11 (11.22 cont.)

C. **All Retail and Wholesale Establishments Shall Comply with the Following Standards:**

a. Notwithstanding any other provision of this by-law, no single retail business, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures or tenant spaces in an aggregate of structures, shall exceed 25,000 square feet of floor area. All adjacent retail or service establishments which share a common check stand, management, controlling ownership, or storage areas shall be considered a "single retail business" and their aggregate square footage of floor area shall be used to determine compliance with the standards of this by-law. This maximum floor area restriction shall apply to all new retail businesses and to all expansions of existing retail businesses.

b. Notwithstanding any other provision of this by-law, no single wholesale business, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures, shall exceed 25,000 square feet of floor area. All adjacent wholesale or service establishments which share a common check stand, management, controlling ownership, or storage areas shall be considered a "single wholesale business" and their aggregate square footage of floor area shall be used to determine compliance with the standards of this by-law. This maximum floor area restriction shall apply to all new wholesale businesses and to all expansions of existing wholesale businesses.

c. Notwithstanding any other provision of this by-law, no single shopping center that exceed 25,000 square feet of floor area, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures or tenant spaces in an aggregate of structures, shall exceed 25,000 square feet of floor area. All adjacent wholesale or service establishments which share a common check stand, management, controlling ownership, or storage areas shall be considered a "shopping center", and their aggregate square footage of floor area shall be used to determine compliance with the standards of this by-law. This maximum floor area restriction shall apply to all new wholesale businesses and to all expansions of existing wholesale businesses.

d. All retail establishments, wholesale establishments and shopping centers constructed after July 1, 2007, shall be situated on a parcel no fewer than 70,000 square feet in area, of which such retail or wholesale establishment or shopping center shall occupy no more than eighty percent of the land area, including all impervious areas, for example but not limited to pavement, accessory structures, sidewalks, etc.

e. Any proposed shopping centers, retail establishments, and/or wholesale establishments that exceed 25,000 square feet of floor area and are proposed to be located in either an Industrial (I) or Industrial /2 (I/2) zone may be permitted as an exception only if the Planning Board as Special Permit Granting Authority so determines and grants a Special Permit per Article 11.18, Section H. The Special Permit must be granted prior to the issuance of a building permit.

D. **Invalidity:** The invalidity of any section, sentence, or provision of this by-law shall not affect the validity of any other section, sentence, or provision thereof.

11.23 Site Plan Review *ATM 5/7/2007, ATM 6/6/2016*

A. Purpose

The provisions of this section are designed to assure that all development activities regulated by this section will be carried out so as to provide for and maintain:

1. Protection of neighboring properties against harmful effects of uses on the development site;
2. Convenient and safe access for fire-fighting and all public safety vehicles within the development site and in relation to adjacent streets;
3. Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;
4. Satisfactory methods for drainage of surface water to and from the development site;

ARTICLE 11 (11.23A cont.)

5. Satisfactory methods for storage, handling and disposal of sewage, refuse and other wastes resulting from the operations of the establishment(s) on the development site;
6. Convenience and safety of off-street loading and unloading of vehicles, goods products, materials, and equipment incidental to the operation of the establishment(s) on the development site; and,
7. Harmonious relationship to the terrain and to existing buildings in the vicinity of the development site.

B. Powers and Administrative Procedures

The Planning Board is hereby designated the Site Plan Review Authority (SPRA) for Site Plan approval. The SPRA shall adopt and may periodically amend rules and regulations relative to the issuance of Site Plan approval and file a copy with the Town Clerk. *Until such time that the SPRA adopts rules and regulations, the Planning Board's Special Permit Rules and Regulations shall also be considered the Site Plan Review Rules and Regulations.*

After notice and public hearing, if required, and after due consideration of the reports and recommendations of other town boards, commissions, and/or departments, the SPRA may grant such approval. Site Plan approval must be received prior to the issuance of any required building permit.

C. Applicability

Any project smaller than 2,500 square feet of gross floor area or generating less than 25 trips per day under peak operating conditions, according to the most current edition of the ITE Trip Generation Manual will not require Site Plan Review by the Planning Board. If no ITE use category applies to the proposed use, the Building Commissioner shall have the discretion to identify the most appropriate ITE use category to apply for purposes of evaluating trip generation. Subject to the foregoing exemptions, the following types of activities and uses require Site Plan Review by the Planning Board:

- Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, or industrial building, or multi-family building with three or more dwelling units.

- Construction or expansion of a parking lot for a municipal, institutional, commercial, or industrial building, or multi-family building with three or more dwelling units.

In order to determine applicability under Site Plan Review, the Planning Board shall aggregate all approved building permits, special permits and/or site plans made within the five (5) previous calendar years when computing the total gross floor area, total external changes, trip generation and increases in parking spaces of a site plan.

D. Minor Site Plan Review

Any proposed development that meets the following thresholds shall require Minor Site Plan Review:

1. New construction with a gross floor area (GFA) of less than 10,000 square feet;

2. Expansion less than 8,000 square feet of gross floor area (GFA);

3. The addition of an accessory building with a gross floor area (GFA) of less than 5,000 square feet;

4. Change of use that requires either:
   a. Five (5) or fewer additional parking spaces; or
   b. Increased impervious surfaces other than building footprint (for example, additional loading areas, access driveways, paved parking spaces, sidewalks) totaling less than 2,000 square feet;

5. Construction or expansion of a parking lot proposing five (5) or fewer new parking spaces.

For proposed projects that require Minor Site Plan Review, the Planning Board may waive, upon written request of the applicant, any of the requirements set forth in Section 11.23 and in the Site Plan Review Rules and Regulations deemed by the Planning Board to be not necessary for its review of the application, including the requirement for a public hearing.

ARTICLE 11 (11.23A cont.)

E. Pre-Application Review

The applicant is encouraged to request a zoning determination from the Zoning Enforcement Officer prior to submitting an application for Site Plan Review. The zoning determination is a review of the zoning bylaws that will apply to a proposed project and can promote a more streamlined project review. The zoning determination is advisory only and is not a final, appealable decision of the Zoning Enforcement Officer.

The applicant is also encouraged to contact the Planning Board office to arrange a review of the proposed site plan and the review process at a regularly scheduled Planning Board meeting, and/or with other pertinent Town departments, boards, and commissions during regular Town Hall business hours. The purpose of this pre-filing review is to give the applicant advice and comments prior to submitting a Site Plan Application and thus avoiding unnecessary time and cost to the applicant due to unforeseen problems and issues with a submitted site plan.

F. Procedure & Approval

uses and structures that require Site Plan Review shall be subject to the procedures and requirements set forth in Section 11.23. In the instance that a project requires both Site Plan Review and a Special Permit for which the Planning Board serves as the special permit granting authority, the SPGA shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto, provided that there shall not be constructive approval of any application for Site Plan Review.

The following items shall apply to all site plan review applications:

1. Applicants shall submit an application for Site Plan Review in accordance with the rules and regulations effectuating the purposes of this bylaw adopted and periodically amended by the Planning Board. Said application shall be deemed either complete or incomplete within seven (7) days of its receipt by the Planning Board's designee, in accordance with the required items for a completed application as outlined in the rules and regulations. A written notice outlining whether an application was determined completed or incomplete will be forwarded to the Applicant within three (3) business days of the determination date. Applicants who have submitted an incomplete application will be provided a list of items which were missing.

2. Upon receiving notice that the application of Site Plan Review is complete, the Applicant shall submit twelve (12) copies of the site plans, together with such information as the Board deems appropriate to the Planning Board for review and recommendations. Site plans shall be circulated by the Planning Board to the Board of Health, the Building Inspector, the Highway Surveyor, the Chief of Police, the Fire Chief, the Conservation Commission, and to such other municipal boards and officials as the Board determines within seven (7) days of the filing of the application. Failure of any such department, board, agency, or official to make recommendations within twenty-one (21) days of receipt of such notice shall be deemed lack of opposition thereto.

3. When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The fees of any professional consultants engaged by the Board to evaluate the project shall be borne by the applicant, pursuant to M.G.L. c. 40A, § 53G. Funds received by the Board pursuant to these regulations shall be made payable to the "Town of Freetown" and shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation, and shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. The grounds for such appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum

ARTICLE 11 (11.23F cont.)

qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

4. An application for either a special permit or a variance requiring site plan review under this bylaw, shall be accompanied by a site plan approved by the Planning Board; in the alternative, any special permit or variance granted for work set forth in Section 11.23.3 shall contain the following condition: "The work described herein requires the approval of a site plan by the Planning Board pursuant to Article 11.23 of the Freetown Zoning Bylaw. Any conditions imposed in such a site plan approval shall also be conditions of this permit/variance."

5. Where the Planning Board approves a site plan "with conditions", and said site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be deemed incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

6. The applicant may be required to post a bond or cash surety for compliance with said conditions in a form and an amount satisfactory to the Planning Board.

7. A site plan approval from the Planning Board shall be obtained by the applicant prior to the issuance of a building permit. A copy of said approval shall be filed by the Planning Board with the Building Department and Zoning Enforcement Officer. An occupancy permit shall not be issued without certification signed by the Planning Board's designee that the project is compliant with any conditions put forth as part of the approval by the Board.

8. For a site plan review application that does not require a Special Permit from the Planning Board, the Board shall review and act upon the site plan, with such conditions as may be deemed appropriate within ninety (90) days of the date such application was filed with the Town Clerk.
The Planning Board and the applicant may agree in writing to extend the deadline for action. Such agreement shall be filed with the Town Clerk.

G. Impact Statements

The Planning Board may require narrative assessments and/or quantitative studies of the on-site and off-site impacts of the proposed project. Impact statements shall be filed by the applicant in accordance with the specifications set forth in the Site Plan Review Rules and Regulations.

H. Design Standards

The following design standards, in addition to any standards prescribed elsewhere in this Bylaw, shall be utilized by the Board in considering all site plans. These standards are intended to provide general guidelines for the applicant in the development of site plans:

Landscape – The landscaping should be designed to enhance the aesthetic relationship between the building and the surrounding parking area, neighborhood and streetscape. The proposed development should maximize and retain open space; be integrated into the natural landscape; minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas; and minimize tree, vegetation, and soil removal, and grade change. Both landscaped and usable open space should be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

Circulation – Site plans should provide clearly marked, safe and attractive circulation patterns for both vehicles and pedestrians. The proposed development should be designed to minimize hazards to public health and safety as a result of traffic; provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; reduce the traffic impacts of the proposed development on the area and the Town; and minimize the impact on natural resources.

ARTICLE 11 (11.23H cont.)

Surface Water Drainage – The removal of surface water should not adversely affect adjoining properties, streets or storm drainage systems; nor, obstruct circulation of vehicles and pedestrians. The proposed development should include adequate provisions or measures to prevent pollution of surface or groundwater; minimize erosion and sedimentation and mitigate the potential for flooding.

Building Location and Design – Proposed buildings and structures should be integrated with existing building locations, setbacks from the street, and the existing landscaping and terrain. The design of proposed buildings, structures and additions should complement the roof lines, arrangement of openings, colors, exterior materials, proportion and scale of existing buildings in the vicinity and should be compatible with the natural and built environment in the area and the surrounding neighborhood.

Parking – Parking areas should be designed to minimize the visual impact from adjacent land uses and public ways; promote efficient flow within the lot so as not to create conflicting movements; and to provide for the safety of vehicles and pedestrians. Parking areas should be located to the rear or side of buildings; incorporate adequate lighting; and have appropriate signage. Parking and Loading shall comply with section 11.31 Off-Street Parking and Loading Regulations of the Town of Freetown Zoning Bylaws.

Lighting – The proposed development should not produce lighting so as to unreasonably interfere with the use and enjoyment of the adjacent or nearby properties. Lighting practices and systems should reduce light pollution, light trespass and glare; conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and preserve the night sky to enhance nighttime enjoyment of property within the Town.

Noise – The proposed project should not produce noise so as to unreasonably interfere with the use and enjoyment of the adjacent or nearby properties. The proposed development should be designed to limit the noise impact onto others due to the proposed use and activities anticipated to occur on the site.

I. Maintenance

All access ways, parking areas, fences, walls, landscaping, lighting, drainage, and waste disposal areas shall be adequately maintained by the property owner or the lessee and repaired or replaced wherever and whenever necessary to insure continued compliance with the approved site plan. Landscaped materials shall survive for a minimum of one complete growing season following installation. In the event any plant material dies within such period it shall be replaced as soon as practical. The Zoning Enforcement Officer, pursuant to M.G.L. c. 40A, § 7, shall have the authority to enforce the elements of this section.

J. Decision

In evaluating and rendering a decision on a proposed development plan which requires Site Plan Approval, the Planning Board shall consider the degree to which the proposed development achieves the following objectives and may require conditions or modification to the proposed site plan to ensure the objectives are fulfilled:

1. Protects neighboring properties against harmful effects of uses on the development site;

2. Provides convenient and safe access for fire-fighting and all public safety vehicles within the development site and in relation to adjacent streets;

3. Provides convenient and safe vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;

4. Provides satisfactory methods for drainage of surface water to and from the development site;

5. Provides satisfactory methods for storage, handling and disposal of sewage, refuse and other wastes resulting from the normal operations of the establishment(s) on the development site;

6. Provides convenient and safe off-street loading and unloading of vehicles, goods products, materials, and equipment incidental to the normal operation of the establishment(s) on the development site;

ARTICLE 11 (11.23J cont.)

7. Provides a harmonious relationship to the terrain and to existing buildings in the vicinity of the development site;

8. Complies with all applicable requirements of this Bylaw and the Rules and Regulations of Site Plan Review unless explicitly waived by the Planning Board.

K. Recordation of Site Plan
A site plan, or any extension, modification or renewal thereof shall not take effect until it is recorded in the Bristol County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The applicant shall notify the Board in writing upon recordation, and present evidence thereof.

L. Lapse
Site plan approval shall lapse after two (2) years from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this two (2) year period.

In the case of plans which call for the phases of development to last more than two (2) years, a schedule shall be included in the application showing the proposed times within which each section of the development may be started. The proponents of a phased development shall include assurances that each phase can be brought to completion in a manner which would not result in an adverse effect upon the Town as a result of termination at that point.

M. Compliance
Before the issuance of a permanent occupancy permit, the Planning Board's designee shall verify compliance with the approved site plan and an as-built, certified by a registered professional land surveyor or engineer shall be submitted to the Planning Board and Building Inspector. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

N. Modification to Approved Site Plan
Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any aspect of the previously approved plan shall be submitted to the Planning Board for review and approval. The applicant shall provide the Planning Board with:

1. A written statement, signed by the applicant and property owner, requesting such changes;
2. Twelve (12) prints of the original approved site plan with the changes drawn on said plan in red; and
3. Other documentation deemed necessary by the Board for its review of the proposed modification.

The Planning Board will evaluate the proposed changes against its previous findings under this section to determine if a particular modification warrants an additional public hearing. Such a determination shall be made only after the applicant has submitted the required information to the Planning Board. A determination that a modification will not require a public hearing shall be made by a majority vote of the Planning Board at a regularly posted meeting within twenty one (21) days of receipt of the written request and plans, and only after the Planning Board has found that the proposed modification is not significant and is consistent with the previously approved site plan. A copy of the determination and revised plan shall be filed with the Town Clerk and Building Inspector.

It shall be unlawful for any owner or person to alter or deviate from the conditions that are shown on an approved site plan without written approval from the Planning Board in accordance with the requirements of Section 11.23.

O. Appeals
Persons aggrieved by a site plan review decision may appeal to the board of appeals pursuant to the provisions of M.G.L. c. 40A, § 15: thereafter a person aggrieved by the board of appeals decision may appeal to a court having jurisdiction in accordance with the provisions of M.G.L. c. 40A, § 17.

ARTICLE 11 (11.23 cont.)

P. Invalidity
The invalidity of any section, sentence or provision of this by-law shall not affect the validity of any other section, sentence or provision thereof.

11.24 Land-Based Wind Energy Facilities *ATM 06/07/2010*

A. Purpose: The purpose of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this by-law shall take precedence over all other by-laws, when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

B. Applicability: This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

This section does not apply to offshore wind systems and private residential power systems.

C. Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning by-laws as well as state and federal law. As-of-right development projects that are consistent with zoning by-laws and with state and federal law cannot be prohibited.

Building Inspector: The inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building code.

Building Permit: The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR).

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Site Plan Review Authority: The Planning Board is hereby designated as the Site Plan Review Authority to review site plans.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Energy Facility: All of the equipment, machinery, and structures together utilized to convert wind to electricity. This includes, but is limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Zoning Enforcement Authority: The building commissioner is the person or board charged with enforcing the zoning by-laws within the Town of Freetown.

ARTICLE 11 (11.24 cont.)

D. General Requirements for all Wind Energy Facilities
The following requirements are common to all wind energy facilities to be sited in designated locations.

1. **Compliance with Laws, Ordinances and Regulations**
The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

2. **Building Permit and Building Inspection**
No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.

3. **Fees**
The application for a building permit for a wind energy system shall be accompanied by the fee required for a building permit.

E. Site Plan Review
No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review by the Site Plan Review Authority.

1. **General**
All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

2. **Required Documents**
Pursuant to the site plan review process, the project proponent shall provide the following documents:

a. A site plan showing:
   i. All property lines, physical features, existing and proposed topography at two (2) foot contour intervals of the site parcel;
   ii. A site plan at a scale of not greater than 1" = 40' and to include a north arrow and locus on the plan;
   iii. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels where practical, within 500 feet of the site parcel, including distances from the wind facility to each building shown;
   iv. Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment;
   v. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;
   vi. Any existing overhead utility lines;
   vii. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of 1.5 times the height of the wind turbine;
   viii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;
   ix. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
   x. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
   xi. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
   xii. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

ARTICLE 11 (11.24E cont.)

xiii. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
xiv. The name, contact information and signature of any agents representing the applicant; and
xv. A maintenance plan for the wind energy facility;

b. A locus map consisting of a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; submission of a copy of a zoning map with the parcel identified is suitable for this purpose;
c. Proof of liability insurance;
d. Certification of height approval from the FAA;
e. A statement that evidences the wind energy facility's conformance with Section 11.24, K, 6 listing ambient sound levels at the site and maximum projected sound levels from the wind energy facility; and
f. Description of financial surety that satisfies Section 11.24, M, 3

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

F. Site Control
The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed wind energy facility. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

G. Operation & Maintenance Plan
The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

H. Utility Notification
No wind energy facility shall be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Temporary Meteorological Towers (Met Towers)
A building permit shall be required for stand-alone temporary met towers. No site plan review shall be required for met towers.

J. Design Standards

1. **Appearance, Color and Finish**
Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.

2. **Lighting**
Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3. **Signage**
Signs on wind energy facilities shall comply with the Town's sign by-law. The following signs shall be required:
a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.

ARTICLE 11 (11.24J cont.)

b. Educational signs providing information about the facility and the benefits of renewable energy.

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

4. **Utility Connections**
Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the wind energy facility 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.

5. **Appurtenant Structures**
All appurtenant structures to wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

6. **Height**
The height of wind energy facilities shall not exceed 450 feet in height.

K. Safety and Environmental Standards

1. **Emergency Services**
The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquires or complaints throughout the life of the project.

2. **Unauthorized Access**
Wind energy facilities shall be designated to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of 8 feet above the ground. Electrical equipment shall be locked where possible.

3. **Setbacks**
A wind turbine may not be sited within:
   a. A distance equal to three times (3x) the height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;
   b. A distance equal to three times (3x) the height of the turbine from the nearest existing residential structure; or
   c. A distance equal to three times (3x) the height of the turbine from the nearest property line.

4. **Setback Waiver**
The Site Plan Review Authority may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.

5. **Shadow/Flicker**
Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

ARTICLE 11 (11.24K cont.)

6. **Sound**
   The operation of the wind energy facility shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10).

7. **Land Clearing, Soil Erosion and Habitat Impacts**
   Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility or otherwise prescribed by applicable laws, regulations, and by-laws.

L. Monitoring and Maintenance

1. **Wind Energy Facility Conditions**
   The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way.

2. **Modifications**
   All material modifications to a wind energy facility made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

M. Abandonment or Decommissioning

1. **Removal Requirements**
   Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
   a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
   b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
   c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation.

2. **Abandonment**
   Absent notice of a proposed date of decommissioning or written not of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the facility.

3. **Financial Surety**
   Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

ARTICLE 11 (11cont.)

11.25 South Main Street Corridor Overlay. *STM 2/25/2008*

A. Purposes.
This overlay district shall be called the South Main Street Corridor Overlay. The purpose of this overlay district is to maintain the integrity, viability, and safety of South Main Street, particularly as it relates to the Route 79/Exit 9 Highway corridor. As the town of Freetown grows and in order to protect the public interest, it is vital to ensure that the region encompassing the limited highway, public way, private way, and ancillary traffic resources adjacent to and contributing to traffic along South Main Street and the intersection of Rt. 24 and Rt. 79 is not over burdened, becoming an inoperable and unsafe "gateway" to our community and causing detriment to the public safety and harm to the existing businesses and residents currently within this district.

B. Special Permit Granting Authority.
The Planning Board of the Town of Freetown shall be the Special Permit Granting Authority (SPGA) for all approvals and special permits required under this Section.

C. Relationship to Other Districts.

1) This overlay district's regulations supplement the zoning regulations of the underlying zoning district. The overlay district is an additional zoning requirement that does not change the underlying zoning.

2) When the overlay district standards conflict with applicable standards of the underlying zoning district or with other regulations of this by-Law, the regulations of the overlay district always govern. When no special overlay district standards are specified, the base district standards and all other applicable regulations of this By-Law will govern.

D. Requirements

1) Traffic Impact Study – A detailed traffic impact analysis shall be submitted to the Planning Board for any application for a new development whose principal use or an existing development whose change in use or anticipated change in traffic volume would have an anticipated average daily peak hour trip generation in excess of 100 vehicle trips. This traffic impact analysis shall analyze access and egress from South Main Street and Rt. 79 and their correlation to the Rt. 24 highway access ramps where applicable.

1) Determination of Traffic impact. In determining traffic generation under this provision, the data contained in the most recent edition of The Institute of Transportation Engineers' publication "Trip Generation" shall be used.

   In the event that "Trip Generation" shall no longer be published, then its successor publication issued by the Institute of Transportation Engineers (or its successor organization) shall be used. In the event that there is no such successor publication, then the SPGA shall designate a successor publication or standard in its reasonable judgment, provided that such successor publication or standard is generally accepted by professional transportation engineers and the SPGA has made such determination in consultation with State and Federal transportation authorities.

2) The traffic impact analysis shall be prepared by a registered professional engineer experienced and qualified in traffic engineering. Such engineer shall be acceptable to the SPGA. The SPGA may require a second study to be performed by a registered professional engineer identified by the SPGA acting in its sole discretion. All costs of any such second study shall be borne by the applicant.

3) The traffic impact analysis shall be approved or disapproved by the SPGA by Special Permit. The SPGA must find that the traffic and any corresponding mitigation generated by the proposal will adequately protect the public interest and will not cause detriment to the public safety and harm to the existing businesses and residents within this district and the Town of Freetow

ARTICLE 11 (11.25D cont.)

2) Curb Cut Permit – All new curb cuts or proposed changes for existing curb cuts whose service use would have any anticipated average daily peak hour trip generation in excess of 100 vehicle trips shall require the receipt of a Special Permit from the Special Permit Granting Authority (SPGA.

a. Performance Guidelines:
   1. The SPGA shall base their decisions on the safety, design and expected performance of the proposed access/egress point as detailed in the aforementioned required traffic impact study.
   2. Joint or shared curb cuts with adjoining parcels are encouraged. When it will facilitate such an arrangement the SPGA may reduce the required side yard setback on the parcel.
   3. New curb cuts shall be no closer than 250 feet from a limited access highway ramp.
   4. Existing curb cuts whose serviced use will be changed in a proposed development must demonstrate that this use will not cause undue traffic and safety concerns to other existing curb cuts, public ways, private ways, pedestrian access, highway, or otherwise.
   5. Deleted (per AG 6/4/08)

3) Multiple Parcel Regulation – Where a proposed development encompasses more than one parcel, and where said parcels are of differing zoning classifications and/or dimensional and site plan requirements (i.e. setbacks, building caps etc), the proposed development shall be governed by the strictest dimensional and site plan requirements contained therein.

E. Description. The South Main Street Corridor Overlay shall apply to all land abutting the South Main Street and Rte. 24 layouts from the Assonet Burial Ground to the Fall River City Line and consist of a fifty (50) foot setback area from the South Main Street and Rte. 24 layouts, as shown on the overlay plan attached hereto. The South Main Street Overlay shall apply to any curb cut onto a road or way whose sole access to any public way is South Main Street and provided that the service use of such curb cut would have any anticipated average daily peak hour trip generation in excess of 100 vehicle trips onto South Main Street.

11.26 ADULT RETIREMENT COMMUNITY *ATM 6/1/09, ATM 6/7/10*

A. PURPOSE and SCOPE

This By-law is intended to allow an Adult Retirement Community (hereinafter 'ARC') use by Special Permit in order to encourage an alternative housing opportunity for persons aged fifty-five (55) years and older and to preserve common land for open space and recreation and provide an attractive residential environment suitable to the needs of people in their later years.

Notwithstanding any other provision of these By-laws, this provision, *Article 11.26,* shall apply to every ARC and shall supersede any requirements of this By-law which are inconsistent with them so that in the event of contradictory provisions within this By-law concerning ARC's, the provisions of this *Article 11.26* shall prevail.

For the purposes of this By-law, the Planning Board shall be the Special Permit Granting Authority.

B. DEFINITIONS

Adult Retirement Community (ARC): A residential community consisting of detached single-family dwellings and/or duplex dwellings that shall be constructed on permanent foundations in accordance with Massachusetts Building Code 780 CMR as it pertains to "One and Two Family Dwelling Code" and "Foundations and Retaining Walls". Each dwelling shall be shown on a site plan and shall be constructed expressly for and specifically limited to use and residency by persons who have met age requirement set forth in this By-law. Such developments shall comply in all respects with the requirements of M.G.L. Chapter 151B and the Federal Fair Housing Law.

ARTICLE 11 (11.26B cont.)

Common Facility: A developed common area, constructed solely for the use of ARC residents and their guests. The Common Facility or Facilities may include, but shall not be limited to, parking lots, sidewalks and access roads, buildings, pools, spas, cabanas, accessory structures or rooms housing activities and amenities such as entertainment, recreation, education, physical activities, games, sewing, library, exercise, locker rooms, etc. Facilities may also include outdoor activities and amenities such as swimming, gardening, walking, putting greens, etc. All Common Facilities shall be designed and maintained in conformance with Massachusetts standards for handicapped accessibility. These facilities shall not be used for commercial purpose and shall be reserved to and for the use of the residents and their guests.

Common Area: An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Common Area may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, swimming pools, streets, wooded areas, and Common Facilities. The Common Area shall not be used for a commercial purpose and shall be reserved to and for the use of the residents and their guests.

C. RESTRICTIONS

Special Permit: The Planning Board shall have jurisdiction to grant a special permit to allow an ARC use upon submission of a plan that is in conformance with the Town and Special Permit Granting Authority rules and regulations for special permits. The applicant shall also comply with the provisions set forth in *Article 11.6 (C), (I), (K), (L) and (M).*

Zoning: A special permit shall be available in the General Use (G) and Residential (R) zoning districts, but shall be prohibited in Business (B), Industrial (I), Industrial 2 (I2), Open Space and Recreation (OSR), Village Business (VB) and Village Residential (VR) zoning districts.

Age Limitation: Occupancy of any unit in an ARC development shall be limited to one (1) or two (2) primary resident(s) at least one of whom has reached the age of fifty-five (55) years. There shall be no more than two (2) primary residents in an ARC Unit. In the
event the primary resident(s) needs a full or part-time primary caregiver, then said caregiver may also reside in the unit. In the event the parents of the primary residents need to reside with a primary resident, then there may be more than two (2) residents in a unit, up to a maximum of two (2) residents per bedroom.

Lot Size Area: The minimum acreage for an ARC development shall be not less than ten (10) acres, a minimum two-thirds (2/3) of the overall acreage shall not consist of resource areas as defined under *Article 7.2* ("Freetown Wetlands Protection Bylaw").

Frontage: Every ARC project shall have a minimum of one hundred fifty (150) feet of frontage.

Setback Requirements: Every non-accessory building within the ARC shall be setback at least seventy-five (75) feet from all perimeter lot lines. The distance between proposed buildings shall be no less than forty (40) feet. Any and all perimeter setback areas may be required to contain densely planted evergreen screen plants and such additional requirements as the Special Permit Granting Authority may deem necessary to protect the privacy of abutting properties. Every accessory use building shall be setback at least thirty (30) feet from all perimeter lot lines.

Density: At least twenty (20%) percent of the total lot area shall be set aside as Common Land for use by the ARC residents and their guests. Not more than thirty (30%) percent of the required Common Land shall consist of resource area as defined in *Article 7.2* ("Freetown Wetlands Protection Bylaw"). No more than fifty percent (50%) of the total dwellings shall be duplex structures.

Dwelling Construction Type: Prohibited from being located or occupied within an ARC are trailers, mobile homes, and manufactured homes or other temporary dwellings or structures.

Height: The maximum height of any dwelling shall be the same height as a single family dwelling as set forth in *Article 11.17.*

Parking: The off-street parking space requirement for an ARC shall be a minimum of one (1) parking space for each unit contained therein. No other parking spaces shall be required as a result of other uses permitted to an ARC.

ARTICLE 11 (11.26C cont.)

No parking area or vehicular circulation space shall be nearer than thirty (30) feet to any lot line. If the ARC has a clubhouse or similar facility, clubhouse parking shall count toward the minimum parking requirement.

Accessory Uses: Accessory uses which are consistent with and supportive of the ARC and incidental to the principal uses indicated herein shall include, but not be limited to, administrative and professional offices required for operation of principal or accessory uses; swimming pool, exercise and locker facilities, lounge; snack bar and related facilities; adult and/or child day care facilities; places of public assembly, including auditorium and chapel facilities and a post office.

Any plans for the expansion or alteration of a building or use approved under an existing special permit shall require a filing for a modification of the special permit with a new public hearing with the SPGA and approval.

D. OPERATION

The ARC must have an entity, corporation or trust controlled by the owners of the ARC Units through a Homeowners Association Trust that consists of all the owners in the development. Every ARC shall establish by-laws or policies which describe the organization of the Homeowners Association, and establish authority and responsibility. Said bylaws must contain language which enforces the 55 and over age restrictions, together with other rules and regulations. If this requirement is deleted, then the special permit shall become null and void and the project shall come immediately into compliance with applicable zoning requirements.

The Common Area shall be conveyed at no cost to the Homeowners Association and shall be subject to a permanent conservation restriction. The developer shall be responsible for the maintenance of the Common Land and Common Facilities until such time as the Homeowners Association assumes responsibility, pursuant to the by-laws. Thereafter, the Association shall share the cost of maintaining the Common Land and the Common Facilities. The Association By-laws shall provide for adequate funding of the responsibilities. Before the special permit is granted, the Planning Board, with the advice and counsel of Town Counsel, shall approve the form of ownership and original documentation creating the Homeowners Association prior to issuance of a Special Permit. Evidence of the recording of the Homeowners Association Trust and all related instruments and restrictive covenants shall be recorded prior to issuance of any building permit or occupancy for the project.

11.27 CONTINUING CARE RETIREMENT COMMUNITY *ATM 6/1/09*

A. PURPOSE and SCOPE

This By-law is intended to allow a Continuing Care Retirement Community (hereinafter "CCRC") use by Special Permit in order to allow a greater flexibility in development from the guidelines otherwise permitted in the General Use (G) and Residential (R) zoning districts and to encourage the preservation of open spaces, while at the same time allowing a greater mixture of buildings, structures and uses, with special attention given to the concerns of the elderly and the ill in a campus-like setting.

Notwithstanding any other provision of these By-laws, this provision, *Article 11.27,* shall apply to every CCRC and shall supersede any requirements of this By-law which are inconsistent with them so that in the event of contradictory provisions within this By-law concerning CCRC's, the provisions of this *Article 11.27* shall prevail.

For the purposes of this By-law, the Planning Board shall be the Special Permit Granting Authority.

B. DEFINITIONS

Assisted Living Residence: Housing and support services operated by a legal entity, however organized, whether conducted for profit or non-profit, which meets all of the following criteria:

a. provides room and board;
b. provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control, Personal Care Services for three or more adults who are not related by consanguinity or affinity to their care provider; and,
c. collects payments or third-party reimbursements from or on behalf of residents to pay for the provision of assistance with Daily Living Activities.

ARTICLE 11 (11.27B cont.)

Bed Capacity: The capacity of a building to accommodate a bed and the necessary physical appurtenances in accordance with the applicable standards imposed as a condition of operation under state law.

Bedroom: An interior sleeping room within a living unit, assisted living unit or long term care facility having an area of at least one hundred (100) square feet and a window directly to the exterior.

Construction: The construction of a new health care facility; the alteration of, expansion of, making of major repairs to, remodeling of, renovation of, or replacement of an existing health care facility.

Continuing Care Retirement Community: A planned development containing a minimum of three (3) of the following four (4) uses: independent living residences, assisted living residences, long-term care facilities (i.e. nursing homes), and elderly housing, but not necessarily limited to those uses.

Daily Living Activities: Those tasks related to bathing, dressing/grooming, ambulation, eating, toileting, and other similar tasks related to personal care needs.

Determination of Need: The formal decision of the Department of Public Health as set forth in 105 C.M.R. 100.000 et seq., as from time to time amended, to determine need in
every instance where, under statutory authority, the Department of Public Health has jurisdiction to determine the need for any facility or any part or service of any such facility.

Elderly Housing: As defined in 651 C.M.R. 12.02 by the Department of Elder Affairs, as any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the Secretary of Elder Affairs, and which was never licensed under M.G.L. Chapter 111, as from time to time amended.

Independent Living Residence: Any residential premises available for lease by approved individuals, comprised of efficiency, single bedroom, double bedroom or triple bedroom living unit for which no assistance is required.

Long-Term Care Facility: Any institution which is maintained for the express or implied purpose of providing three or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons, as more particularly set forth in 105 C.M.R. 150.000 et seq, as from time to time amended.

Manager: The individual or entity responsible for general administrative charge of the facility.

Owner: The individual or entity who owns the CCRC. Prior to construction, unless otherwise set forth, the owner shall be the record title-holder of the land upon which the proposed CCRC is to be built.

Personal Care Service: The assistance with one or more of the Daily Living Activities, either through physical support or supervision. Supervision shall include reminding and/or observing Residents while they perform activities.

Residency Agreement: The contract between the CCRC and a Resident or adult who seeks to reside in such CCRC on either a temporary or more permanent basis, which clearly describes the rights and responsibilities of the CCRC

Resident: An adult who resides in a CCRC and who receives housing and/or Resident Services.

Resident Services: Assistance with Daily Living Activities or other similar services, but not including concierge services, recreational or leisure services. Assistance is through either physical assistance or supervision.

Transfer of Ownership: Transfer of a majority interest in the Owner of a CCRC. In the case of an individual, transfer of ownership; in the case of a corporation, transfer of a majority of the stock thereof; in the case of a partnership, transfer of majority of the partnership interest; in the case of a trust, change of trustee or majority of trustees; and in the case of a non-profit corporation, transfer of a majority of corporate membership and/or directors. A transfer of ownership shall also be deemed to have occurred where foreclosure proceedings have been consummated by a mortgagee in possession of the premises.

ARTICLE 11 (11.27B cont.)

Unit: A portion of an Independent Living Residence, Elderly Housing or an Assisted Living Residence designed for and occupied pursuant to Residency Agreements by approved individuals as the private living quarters of such individuals with a locking entry and bathing capacity (room equipped with a showerhead and/or bathtub to enable one person to take a shower or bath) and cooking capacity (refrigerator, sink and heating element) or the availability of a common dining facility.

C. RESTRICTIONS

Special Permit: Application for a CCRC shall require submission of a plan to the Special Permit Granting Authority, in conformance with the Town Rules and Regulations for Special Permits. Applicant shall also comply with the provisions set forth in *Article 11.6 (C), (I), (K), (L) and (M).*

Zoning: A "Continuing Care Retirement Community" shall be allowed by Special Permit (SP) within the General Use (G) and Residential (R) zoning districts, but shall be prohibited in Business (B), Industrial (I), Industrial 2 (I2), Open Space and Recreation (OSR), Village Business (VB) and Village Residential (VR) zoning districts.

Age Limitation: Occupancy of Independent Living Units shall be limited to one (1) or two (2) primary residents, at least one of whom has reached the age of fifty-five (55) years. Additional individual(s) may reside with the primary resident(s) upon approval by the management. Nothing in this provision shall prevent management from determining that a disabled person of any age is appropriate and suitable for the CCRC.

Lot Size Area: The minimum acreage required for a special permit shall be thirty (30) acres, of which a minimum two-thirds (2/3) of the total acreage shall not include a resource area as defined in *Article 7.2* ("Freetown Wetlands Protection Bylaw").

Frontage: Every CCRC project must have at least seventy-five (75) feet of frontage.

Setback Requirements: Every non-accessory building within the CCRC shall meet the following setbacks: front setback of two hundred (200) feet from street; side and rear setback of one hundred (100) feet from property lines. Every accessory use building within the CCRC shall have a thirty (30) foot setback from all property lines. The distance between proposed buildings shall be no less than thirty (30) feet. Notwithstanding the foregoing, all buildings may be connected by a covered or enclosed walkway, whether or not elevated, within the areas separating buildings. Every accessory use building shall be setback at least thirty (30) feet from all perimeter lot lines.

Any and all such setbacks may be required to contain densely planted evergreen screen plants and such additional requirements as the Special Permit Granting Authority may deem necessary to protect the privacy of abutting properties.

Density: The maximum bed capacity shall be twenty (20) independent living units per acre on average, and the calculation of maximum density shall not include any assisted living units, nursing home units or medical beds, or any other uses that may be contained within the CCRC.

Height: The maximum height of any non-accessory building within the CCRC shall be determined according to its distance from the nearest lot line. The maximum height shall be thirty-five (35) feet at one hundred (100) feet of setback. For every additional thirty (30) feet of setback, the allowed height shall increase ten (10) feet, to a maximum height of seventy-five (75) feet.

Parking: The parking space requirement for a CCRC must be adequate for its intended uses according to generally accepted industry standards and as the Special Permit Granting Authority shall deem necessary. No parking area or vehicular circulation space shall be nearer than thirty (30) feet to any lot line.

Accessory Uses: Accessory uses which are consistent with and supportive of the CCRC and incidental to the principal uses indicated herein shall include, but not be limited to, administrative and professional offices required for operation of principal or accessory uses; lounge; snack bar and related facilities; beauty parlor; barber shop; pharmacy; laundry services; transportation; adult and/or child day care facilities; facilities for the sale of services and merchandise; places of public assembly, including auditorium and chapel facilities. Nothing in this Article shall

ARTICLE 11 (11.27C cont.)

prevent the inclusion of a religious or educational use on the CCRC campus, provided said use(s) does not comprise more than twenty-five percent (25%) of the lot area.

Any plans for the expansion or alteration of a building or use approved under an existing special permit shall require a modification of the special permit with a new public hearing by the SPGA and approval.

Authority: The Owner, or its representative, shall comply with all requisite federal and state laws. The Owner may not commence construction unless and until a favorable Determination of Need, as required, is issued from the Department of Public Health.

D. OPERATION

Every CCRC shall designate a qualified manager and shall establish by-laws or policies which describe the organization of the facility, establish authority and responsibility, and identify programs and goals. The CCRC shall comply with all applicable state and federal guidelines.

Assisted living units shall include private bathroom facilities and common dining facility services shall be available to their occupants.

The CCRC shall provide for its residents, and may make available to its staff, a comprehensive system of outdoor recreational facilities such as gardens, seating areas, path networks, and game areas, which shall not exceed more than twenty-five (25%) percent of the lot area.

Upon transfer of ownership, written notice of said transfer, identifying the subsequent owner and contact information, shall be filed with the Special Permit Granting Authority within thirty (30) days thereof.

11.28 Large-Scale Ground-Mounted Solar Photovoltaic Installations *ATM 06/07/2010*

A. Purpose

The purpose of this by-law is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

B. Applicability

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

C. Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning ordinances or by-laws. Projects cannot be prohibited, but can be reasonably regulated by the building inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or by-law.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or by-law charged with the enforcement of the zoning ordinance.

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

ARTICLE 11 (11.28 cont.)

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

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

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

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

Site Plan Review Authority: For purposes of this by-law, Site Plan Review Authority refers to the Town of Freetown Planning Board.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or by-laws.

D. General Requirements for all Large-Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

1. **Compliance with Laws, Ordinances and Regulations**
   The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

2. **Building Permit and Building Inspection**
   No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3. **Fees**
   The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

E. Site Plan Review

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

1. **General**
   All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. **Required Documents**
   Pursuant to the site plan review process, the project proponent shall provide the following documents:
   a. A site plan showing:
      i. Property lines, access roads, site features and existing and proposed topography at two (2) foot contour intervals, for the project site;
      ii. A site plan at a scale not greater than 1" = 40';
      iii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
      iv. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

ARTICLE 11 (11.28E cont.)

v. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
vi. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
vii. Name, address, and contact information for proposed system installer;
viii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
ix. The name, contact information and signature of any agents representing the project proponent; and

b. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
c. Proof of liability insurance; and
d. Description of financial surety that satisfies Section 11.28,M, 3.

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

F. Site Control
The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

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

H. Utility Notification
No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Dimension and Density Requirements

1. **Setbacks**
For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
   a. **Front yard**: The front yard depth shall be at least fifty (50) feet.
   b. **Side yard**: Each side yard shall have a depth at least twenty (20) feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the side yard shall not be less than fifty (50) feet.
   c. **Rear yard**: The rear yard depth shall be at least twenty-five (25) feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the rear yard setback shall not be less than fifty (50) feet.
2. **Appurtenant Structures**
All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

ARTICLE 11 (11.28 cont.)

J. Design Standards

1. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign by-law. A sign consistent with a municipality's sign by-law shall be required to identify the owner and provide a 24-hour emergency contact phone number.

3. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

K. Safety and Environmental Standards

1. Emergency Services

The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation.

2. Land Clearing. Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and by-laws.

L. Monitoring and Maintenance

1. Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance should include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

2. Modifications

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

M. Abandonment or Decommissioning

1. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 11.28, M, 2 of this by-law shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

ARTICLE 11 (11.28M cont.)

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. **Abandonment**
Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

3. **Financial Surety**
Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally – or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Section 11.29 Planned Mixed-Use Overlay District *ATM 6/4/2012*

A. Purpose.
The intent of this Planned Mixed-Use District is to promote a lively, prosperous village that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile. This by-law may encourage development of harmonious, efficient and convenient neighborhoods by promoting variety in land use, residential density and site design through clustering of buildings and preservation of unique natural features. The intent, furthermore, is to encourage interaction among activities located within the Planned Mixed Use Development, to enhance business vitality, reduce vehicular traffic, provide employment opportunities for residents close to home, ensure the compatibility of the commercial, industrial and residential uses, ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located. This Planned Mixed-Use District (PMUD) is also established to fulfill the following additional intents:

1. To provide an opportunity to comprehensively plan a large tract of land in a pedestrian friendly, campus-like setting, around a public green.
2. To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides an environment with safety, convenience and amenity.
3. To ensure any potential traffic impacts of the planned mixed-use developments are properly mitigated and in keeping with the character of the Town of Freetown.
4. To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.
5. To accommodate the needs of a sustainable community by providing a framework for regional growth while creating employment opportunities that maximize the economic benefits of transit investment, minimize sprawl development and preserve the natural assets of the south coast for future generations.

B. Applicability.
The area known as the PMUD shall be designated as an overlay district as shown on the official Town of Freetown Zoning Map dated March 15, 2011 or as amended. The provisions of Section 11.23 Site Plan Review shall apply to land within a PMUD overlay district on the zoning map, as amended from time to time. As such, all zoning rules of the underlying zone shall remain in full force and effect, except when an applicant chooses to apply the requirements of the PMUD Overlay District and vary uses or dimensional requirements as set forth herein, in which case the terms and conditions of the PMUD Overlay District shall control.

ARTICLE 11 (11.29 cont.)

C. Special Permit Granting Authority.
The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for an applicant seeking a mixed-use project within the PMUD overlay district. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and/or departments, the SPGA may grant a higher density for residential uses than allowed by-right. The SPGA may also impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including, but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. In reviewing a request for a special permit under this section, the SPGA may properly consider the design, capacity and adequacy of public ways serving the proposed site. The applicant may also be required, as a condition to special permit, to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA. All such conditions shall be imposed in writing.

D. Multiple Review Procedures.
In the instance that a project requires both a Site Plan Review and Special Permits for which the Planning Board serves as the special permit granting authority, the SPGA shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto. If multiple special permits are required for a project, the SPGA shall consolidate the review processes for all special permits into one review procedure.

E. Process:
A planned mixed-use development is a two-step process, which allows the town and an applicant greater flexibility in the development of the Industrial (I) and General Use zones within the PMUD overlay district. In addition to compliance with this by-law, all applicants shall comply with the requirements set forth herein and as may be amended from time to time.

1. **Step 1:** The applicant files a ***Development Concept Plan*** for a phase or combination of phases for land within the PMUD overlay district. The area for each phase must include at least five (5) contiguous acres within the PMUD overlay district. Additional land can be added to or substituted within a phase, from time to time; provided the total acreage of the project is not greater than forty-four (44) acres and that a revised ***Development Concept Plan*** is filed. The Plan shall contain the overall road network, roadway drainage, locations of the village green, bike and pedestrian ways, lots and proposed uses by phase.

2. **Step 2:** The applicant files a Special Permit Application and Design Plan with the SPGA, for a phase showing all elements. An element may be a single use or group of uses within a phase of the overall project. The Design Plan must include at least the following:

    - Building footprints and setbacks, total floor space area in square feet, building use or uses and their corresponding percentages of area within each mixed use building. Building heights measured from post-construction grades to the top of the highest structure must be included.
    - All ways providing for vehicular access and egress for each building as well as walks and handicap ramps are to be shown. Parking layouts with all designated residential spaces being clearly indicated and the number of parking spaces in each area labeled.
    - All roads necessary for access to the phase(s), beginning at South Main Street or the nearest existing public or private roadway, must be shown with sufficient detail to allow the SPGA to determine their adequacy for serving the purpose proposed.
    - Drainage serving the site and roadways.
    - Buffer zones.
        - Sufficient plan detail and other documented information must be presented with the application to assist and enable the SPGA in determining compliance with the requirements of this section of the By Law.

F. Allowed Uses.
In the PMUD overlay district, all of the uses allowed by right in the underlying zone shall be allowed by right.

ARTICLE 11 (11.29 cont.)

G. Uses Permissible by Special Permit
In addition to the uses allowed by right in the underlying zone, the following uses may be allowed by special permit.

1. Any use permitted by special permit in the underlying zone in accordance with the provisions of each zone.
2. A mixed use building and/or buildings with dwelling units located above a first-floor non-residential use.
3. Stand-alone residential dwelling units.
4. Of the total residential dwelling units permitted for each project:
   - **a.** Residential Uses not to exceed five (5) dwelling units per acre.
   - **b.** At least Thirty (30) percent will be one (1) bedroom or less;
   - **c.** At least Twenty (20) percent of the units will be dedicated to people age 55+;
   - **d.** No greater than five (5) percent of the units can be 2 bedroom + den without a closet or door;
   - **e.** Three bedroom or greater units are not permitted;
   - **f.** A development can add two (2) units per acre if the additional units are restricted for age 55+ or considered assisted living or specialty nursing living units.
   - **g.** A developer may purchase the residential development rights of other parcels in the overlay district area and add these units to its own project.
5. Office
6. Banquet Facilities less than or equal to 15,000 square feet
7. Retail Restaurant less than or equal to 7,500 square feet, including drive-in establishments.
8. Museum or Art Gallery less than 2,500 square feet.
9. Theater, bowling alley or other commercial amusement provided all business is conducted within the structure.
10. Bank with or without drive thru.
11. Membership or wholesale club.
12. Bus or railroad terminal or passenger station.
13. Hospital, convalescent or nursing home, not to exceed *24 beds* per acre.
14. Continuing Care Retirement Community use.
15. Retail (including grocery store).

H. Density and Dimensional Requirements:
For any building(s) within the planned mixed-use development overlay district the following Density and Dimensional Requirements shall apply from interior roadways:

Table 1: Minimum Setbacks

Building Setbacks	***Minimum feet***
Village Green	5*
Front	6
Side	10
Rear	20

- Front setbacks for buildings facing the village green(s) may vary.

Table 2: Minimum Dimensional Requirements

Minimum Lot Area	5 acres
Minimum Frontage	175 feet
Maximum Height	45 feet
Maximum Number of Stories	3.5
Minimum Distance Between Buildings	20

ARTICLE 11 (11.29cont.)

I. Required Performance Standards:

1. Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Building entrances shall be oriented around the village green; however, uses that front on South Main Street, shall also have pedestrian-friendly orientation on entrance roadway and linear linkage.

2. The ratio of the gross floor area of the building(s) to the total lot area shall not exceed forty-five (45%) percent.
3. There is a maximum percentage of land area allowed by use within the planned mixed-use overlay district as shown in Table 3. ***As a requirement for the first phase for mixed use approval there must be a residential component and at least one of the following uses.***

Table 3: Use requirements

Use	Percentage of the Project Acreage*
Retail (including grocery store)	0% to 35% (see 4 and 5. Below)
Office/Research Medical	0% to 40%
Residential	0% to 25%
Nursing Home/Assisted Living/Continuing Care Retirement Community	0% to 40%
Recreation	0% to 30%
Hotel	0% to 10%
Municipal	Allowed by right

- Note that percentages do not add to 100% to allow flexibility when deciding upon mix of uses.

4. The total Retail Use within the PMUD overlay district shall be restricted to a maximum gross floor area of 200,000 square feet or 35% of the overlay district, whichever is more restrictive.
5. Individual retail establishments shall be limited to a maximum gross floor area of 55,000 square feet. An individual retail establishment may be increased up to 65,000 square feet where the SPGA finds that individual sections of the retail establishment front the village green with pedestrian access and windows or where the additional space is used as small retail uses lining the wall facing the village green of the large retail establishment.

J. Design Requirements:

1. **Village Green:** A Village Green shall be required for each phase of development within the PMUD overlay district. The Village Green should be centrally located and shall be a minimum of one-half (½) acre in size per project and shall be designed as a pedestrian friendly park and may be included in the calculations for open space area. The village green(s) shall be lighted and contain some combination of benches, tables, playground equipment, sidewalks, and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public. The total acreage of the green in each project may be used toward the land area calculations to determine allowable density for one of the uses within that project. A landscaping design shall be submitted to the SPGA for approval.
   a. A large retail establishment 55,000 square feet to 65,000 square feet shall either provide an entrance to the village green or side facade to the village green and shall be lined with uses to enhance the pedestrian activities and the use of the village green(s).
   b. Subject to approval by the SPGA, all areas designated as village green(s) shall be either placed under a permanent conservation restriction or deeded to the Town as a condition of special permit approval. If placed under a conservation restriction, said restriction shall be in a form approved by Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, that shall be recorded to ensure that such

ARTICLE 11 (11.29J cont.)

land shall be kept in an open state. Such restriction shall be submitted to the SPGA prior to approval of the project and recorded at the Registry of Deeds/Land Court with the issuance of the building permit.

c. **Maintenance of Village Green:** The Town shall be granted an easement to and over such village green sufficient to ensure its perpetual maintenance as recreation land. Such easement shall provide that in the event the owner fails to maintain the village green in reasonable condition, the Town may, in its discretion, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance or dilapidated condition. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. Such assessment shall be deemed a municipal charge for purposes of G.L. c40, §§57 and 58, and the Town may file a lien against the project property to ensure payment of such maintenance expenses.

d. **Monumentation**: Where the boundaries of the village green are not readily observable in the field, the SPGA may require placement of survey bounds sufficient to identify the location of the village green.

2. **Open Space Requirements:** A minimum of thirty percent (30%) of area within the project shall be contiguous open space. The village green area may be non-contiguous to the remaining open space areas and be included in the thirty percent requirement. Such open space may be separated by the road(s) constructed within the Step 1 plan without being considered non-contiguous. Not more than twenty-five percent (25%) of such minimum open space shall be wetland resource area, as identified in MGL c. 131, § 40.

   a. The required open space may only be used for conservation, historic preservation, education, outdoor education, non-motorized recreation, wildlife and plant habitat, aquifer recharge and protection, park purposes, agriculture, horticulture or for a combination of these uses, and shall be served by suitable access and parking for such purposes. The open space shall be arranged so as to achieve the preservation or other objective for which it is intended.

   b. The required open space shall remain un-built upon, except provided that up to ten (10) percent of such open space may be paved or built upon for structure accessory to the dedicated uses or uses of such open space, examples being pedestrian walks, bike paths, and agriculture.

   c. The open space shall be preserved in its natural state, insofar as practicable.

   d. The applicant shall provide an open space management plan that will conform to the PMUD Special Permit Rules and Regulations, to be adopted by the SPGA.

   e. Existing and proposed utility easements and other easements placed on the property prior to Step 1 submittal shall not be counted towards the minimum open space requirements.

   f. Stone or concrete bounds shall be used to define open space areas.

   g. The required open space shall be placed under a Conservation Restriction in accordance with the provisions of MGL. C. 184, § 31-33 as amended.

3. **Signage:** Free-standing signs are limited in number to one per structure.

   a. The top edge of any free-standing sign shall not be higher than twenty-five (25) feet vertical measured above the average level of the ground between the supports of each sign exclusive of base planters.

   b. For public safety, the whole of the signboard or display elements of any free-standing sign shall be either less than three (3) feet in height above the adjacent traveled way, or greater than seven (7) feet in height. above the adjacent traveled way. Such free-standing sign or its supports shall be located a minimum of twelve (12) feet from any lot line.

   c. No free-standing double-faced sign shall have a single face area for display or signs in excess of one hundred twenty (120) square feet, a total of two hundred forty (240) feet total for both sides, measured from the tops of the topmost display elements to the bottoms of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any sign size and not just the display area. There shall be no printing or display on the thickness dimension.

      - The maximum allowed thickness from face to face of a double-faced sign is twelve (12) inches, plus ten (10) percent of either the height or width, whichever is smaller.
      - The support members shall not extend beyond the vertical planes of the faces and ends of free-standing signs, except single-pole cantilever mounted signs wherein such pole shall not exceed twelve (12) inches in diameter.

ARTICLE 11 (11.29 cont.)

- All support members shall be rigidly secured in the ground at every point of contact with the ground.
- Protective bumpers or bases shall not exceed eighteen (18) inches from the surface of support members or from the plane between the faces of adjacent supporting members unless such base is of a built-in-place planter type. Such planter is not limited.

d. No sign shall be animated, digital, or otherwise moving, except as permitted in Section 11.20 Signs.

e. One sign is allowed at each South Main Street entrance to the development.
   - It may provide a list of businesses within the development.
   - The maximum size is to comply with this bylaw and Section 11.20 Signs.

4. **Pedestrian amenities:** Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. shall be provided and located along sidewalks, and in landscaped areas, open spaces and plazas.

5. **Crosswalks:** All cross walks shall be constructed to provide a change in color and/or-texture from the regular roadway surface. All crosswalks, sidewalks and walkways shall be ADA compliant.

6. **Lighting:** Lighting for interior roadways or streets shall be limited between 9 and 16 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical.

7. **Street Trees:** Street trees shall be planted by the developer along all public and private rights-of-way. Street trees shall be planted at intervals of no more than 50 feet. Tree species shall be selected that require minimal maintenance and are of native/naturalized origin. Trees shall be maintained pruned to provide proper headway for cars and pedestrians.

8. **Utilities:** All new utilities shall be placed underground.

9. **Stormwater Management:** Stormwater management shall be designed to incorporate Low Impact Development standards pursuant to the regulations of the Wetlands Protection Act Regulation 310 CMR 10.4.

10. **Architectural Details:** Architectural details of new buildings and additions, including the texture of walls and roof materials should reflect historical southern New England architecture. The mass, proportions and scale of the building, roof shape, roof pitch, and relationships between doors and windows should be harmonious among themselves.

    - **Commercial Uses:** The commercial uses on the first floor of the buildings may be placed close to the street or facing a transit station.
    - **Facades:** Long horizontal facades, greater than forty (40) feet, should be avoided by the incorporating of recesses and projections. Said recesses and projections shall be a minimum of ten (10) feet in width and two (2) feet in depth.
    - **Fenestration**: A minimum of forty-five percent (45%) of the ground floor of the building's street side façade(s) shall contain Fenestration.
    - **Complex roofs** are encouraged with secondary roofs smaller and lower than the main roofline. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.

11. **Traffic Impact Study:** Individual special permit applications shall file a traffic impact study as required in Section 11.25 South Main Street Corridor Overlay District. The projected traffic increase of the proposed uses to the local road(s) and South Main Street must be within the capacity of the existing road network, or the applicant's proposed traffic mitigation measures shall adequately address proposed increased traffic flow.

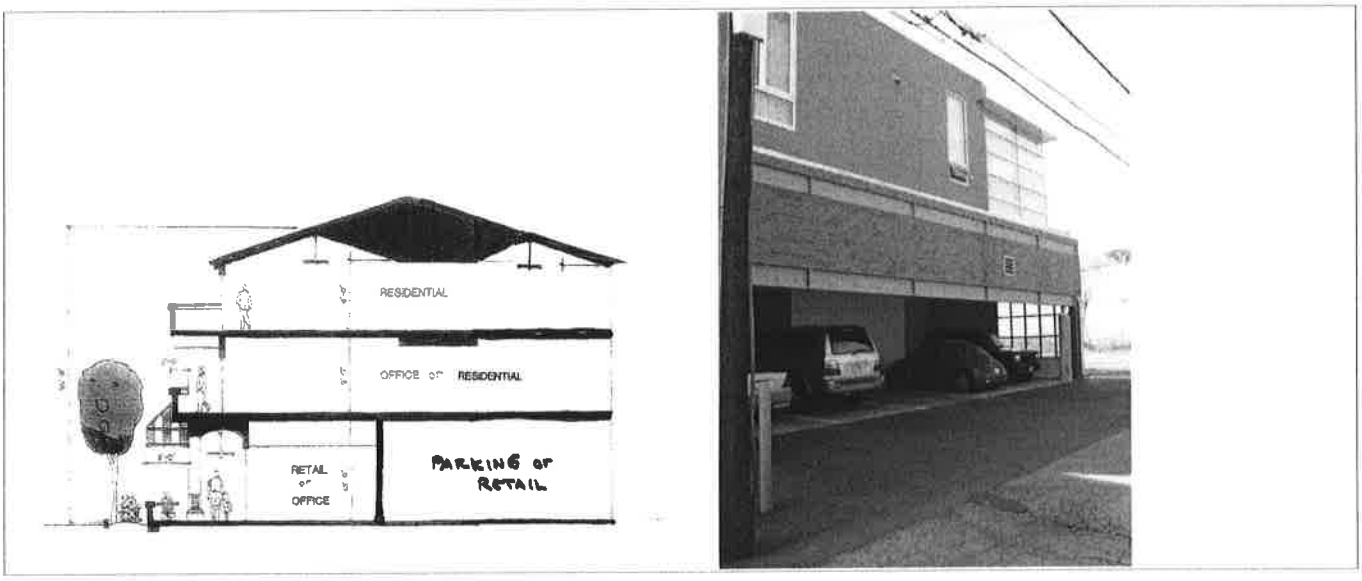
12. **Development Fiscal Impact Statement:**
    A Development Fiscal Impact Statement shall be required for all projects within the Planned Mixed Use Development Overlay District. The applicant shall furnish a narrative summary of the vital statistics and nature of the project.
    a. **Purpose:** To evaluate the fiscal and economic impacts of the proposed development on the Town.

ARTICLE 11 (11.29J cont.)

b. **Scope:** Projections of costs arising from increased demands for public services and infrastructure. Cost factors, at a minimum, include the following: Project effect on police and fire protection, highway, water, sewer, solid waste disposal facilities, educational services, recreation facility impact and health services and inspections. Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure shall be provided. Revenue factors include the following: Project effect on property taxes, vehicular taxes, licenses and fees, fines and miscellaneous taxes. Projections of the impacts of the proposed development on the values of adjoining properties shall also be provided. A five-year projection of Town revenues and costs resulting from the proposed development.

c. **Recommended:** Projected positive net fiscal flow for first five years after design year of occupancy

K. Parking Requirements:



- Mixed use buildings may provide both commercial space in the front and parking to the rear within the ground floor (available to residential units above).
- The majority of the parking shall be located to the rear and sides of buildings. Residential units shall have a minimum of 1.25 parking spaces for one bedroom units and 1.50 parking spaces for two bedroom units. Residential parking should be clearly marked or separated from the commercial or public parking and located within two hundred feet (200') of the residential building entrance. Bicycle racks shall be provided.
- When parking is provided within the ground floor it shall be limited to a maximum of 60% of the gross floor area first floor of the interior of a building.
- The entrance roadways within the mixed use portion of the overlay district may provide on-street parking lanes and shall provide a minimum six (6) foot wide sidewalk along property frontage.
- Appropriately designed view corridors of buildings from the roadways within the overlay district shall be allowed.
- Parking standards for commercial uses may be reduced by 15% when applicant provides SPGA information on the ability to share parking within the development on the adjacent property. However, in no case shall a parking requirement reduction exceed fifteen (15) percent of those parking spaces required under normal application of requirements for the non-residential uses proposed.
- The parking information shall include data on peak parking times by use. On street parking within 100 feet of the property may be counted towards the commercial parking requirement. Off street parking within 300 feet of the property may be counted towards the commercial parking requirement.
- All parking and loading areas shall be completely screened from South Main Street by a minimum 50-foot wide raised and landscaped buffer.
- Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-foot wide raised and landscaped buffer.

ARTICLE 11 (11.29 cont.)

L. Buffers and Screening:

1. A two hundred (200) foot landscaped buffer area shall be required for industrial uses and a one hundred (100) foot landscaped buffer for commercial uses that abut residential uses located on South Main Street or that abut residential zones. This buffer shall be left in a natural unimpaired state or be planted with a combination of grass, appropriate shrubs and shade trees.
2. A fifty (50) foot buffer zone and/or common land with landscaping for screening shall be required between a residential use and a commercial or industrial use within the PMUD. This does not apply to those residential uses that are within a mixed-use structure with residential uses located above a first floor commercial use.
3. Exposed storage areas, machinery, dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting uses and streets using plantings, fences and other methods compatible with the goals of this by-law.

M. Criteria for Review and Approval:
The SPGA shall review all plans and available data and make final determinations on the application for a Planned Mixed-Use Development to determine compliance of the proposal with the above requirements and the following criteria:
In order to approve the special permit, the SPGA shall also make a positive finding on each of the following criteria:

1. The development complies with the town's currently approved plans or reports such as but not limited to: Master Plan, Affordable Housing Plan, and the Open Space & Recreation Plan.
2. That the development specifically provides one or more of the following actions or benefits:
   a. The applicant provided valuable open space to the Town after consultation with the Conservation Commission;
   b. The applicant provided a larger than required village green or public common;
   c. The applicant enhanced the pedestrian/bike infrastructure of Freetown with off-site contributions which link into the development;
   d. The applicant has provided land and/or funding for a public facility such as but not limited to town offices, school, fire, police or public works uses.
3. The development provides water, wastewater and stormwater systems that meet DEP standards including low impact development methods, Title V, board of health and SPGA drainage requirements.
4. The design and layout of the development streets provides a network of multiple routes for vehicles, bikes, and pedestrians.
5. The design and layout of the parking and loading meets the requirements of the Rules and Regulations of the Planning Board as Special Permit Granting Authority.

N. Invalidity: The invalidity of any section or provision of this By-law shall not affect the validity of any other provision thereof.

N. **Exemption:** The SPGA shall have the right to waive strict compliance with the provisions of this by-law for municipal uses proposed within the Planned Mixed-Use Development overlay district.

Section 11.30 Science and Technology Overlay District *STM 10/27/14*

A. Purpose.
The intent of this Science and Technology Overlay District (STOD) is to promote technological, commercial, and light industrial development and employment opportunities. This by-law may encourage greater flexibility in the development of a variety of commercial sites, than is otherwise permitted in the underlying district. The intent, furthermore, is to enhance business vitality, and provide employment opportunities for residents close to home. The STOD is also established to fulfill the following additional intents:

1. Promote high value buildings and equipment that maximize tax revenues;
2. Promote and increase the visibility of Freetown as a community open to assisting appropriate commercial, technological, and industrial developments;
3. Accommodate for the increasing demand for corporate, technological, research and development sites;
4. Promote professional and technically skilled employment opportunities for our region.

ARTICLE 11 (11.30cont.)

B. Applicability.
The area known as the STOD shall be designated as an overlay district as shown on the official Town of Freetown Zoning Map, dated June 4, 2012, or as amended. The provisions of Section 11.30 shall apply to land within the STOD on the zoning map, as amended from time to time. As such, all zoning rules of the underlying zone shall remain in full force and effect, except when otherwise specified in this by law.

C. Special Permit Granting Authority.
The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for an applicant seeking a use that requires a special permit within the STOD. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. The SPGA may impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including, but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. In reviewing a request for a special permit under this section, the SPGA may properly consider the design, capacity and adequacy of public ways serving the proposed site. The applicant may also be required, as a condition to special permit, to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA. All such conditions shall be imposed in writing.

D. Multiple Review Procedures.
In the instance that a project requires both a Site Plan Review and Special Permits for which the Planning Board serves as the special permit granting authority, the SPGA shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto. If multiple special permits are required for a project, the SPGA shall consolidate the review processes for all special permits into one review procedure.

E. Allowed Uses
In the STOD buildings may be constructed, altered, enlarged, or reconstructed for one or more of the following specified single or mixed uses and uses customarily accessory to such uses:

1. Office of any kind
2. Educational
3. Manufacturing
4. Assembling
5. Packaging
6. Industrial research and development
7. Bio-technology
8. Processing
9. Fabrication
10. Warehousing
11. Wholesaling
12. Public or commercial parking lot
13. Distribution

F. Uses allowed by Special Permit
In a specific case, the SPGA shall, after a public hearing, grant a permit for the following uses unless in the opinion of the board, such use would be detrimental to the STOD and would not be in the best interest of the town of Freetown. The Planning Board shall be considered the SPGA unless otherwise noted.

1. To locate a display sign in a location or of a type different from those allowed in the underlying district.

ARTICLE 11 (11.30 cont.)

G. Density and Dimensional Requirements:
For any building(s) within the STOD the following Density and Dimensional Requirements shall apply from interior roadways:

Table 1: Minimum Setbacks

Building Setbacks	***Minimum feet***
Front	30
Side	20
Rear	20

Table 2: Minimum Dimensional Requirements

	Without municipal water and municipal	With municipal water and municip sewer
Minimum Lot Area	70,000 sq ft	10,000 sq ft
Minimum Frontage	175	100 ft
Maximum Height	55	55
Maximum Number of Stories	3.5	3.5
Maximum Impervious Coverage	80%	80%

H. District Regulations:

1. No structure shall be constructed, altered, reconstructed, raised up or moved so as to contain more than 3.5 stories, or so as to exceed in any part a height of 55 feet, except in the case of chimneys, ventilators, tanks, bulkheads, and other accessory features required above roofs, and also in the case of towers, spires, domes, and ornamental features of churches and other nonresidential buildings.

2. Banks, restaurants, and service and retail uses shall be permitted but shall be limited to an area which is 5 percent of the gross floor space, or 1,000 sq. feet, whichever is less, unless otherwise permitted by the SPGA.

3. No business activities shall be carried on in the overlay district that are injurious, obnoxious, or offensive to the neighborhood by reason of noise, vibration, smoke, cinders, odor, gas, fumes, dust, chemical, radio frequencies, explosive, and hazardous materials or other objectionable features.

4. Adequate provision is made for the off street parking provision of all vehicles including those of employers, employees, and visitors.

ARTICLE 11 (cont.)

11.31 Off-Street Parking and Loading Regulations

A. OFF-STREET PARKING AND LOADING REQUIREMENTS

In any district, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this regulation shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use.

B. ALLOWED REDUCTION

The number of spaces may be reduced to less than that stipulated below if, in acting on the Plan under Section 11.23 Site Plan Review, and/or as the Special Permit Granting Authority, the Planning Board determines that a smaller number would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users or user-sponsored demand reduction devices such as carpooling. Such a reduction is contingent upon evidence being provided to the Planning Board that the site has sufficient reserve area, suitable for conversion to graded, surfaced and drained paving areas, to meet the demands of the proposed use.

C. EXISTING SPACES

Parking or loading spaces being maintained in any district in connection with any existing permitted use on the effective date of this bylaw shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section, provided that this section shall not require the maintenance of more parking or loading spaces than is required according to the tables.

D. COMPUTATION OF SPACES

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half (1/2) shall require one space.

E. COMBINED FACILITIES

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Inspector, where it is evident that such facilities will continue to be available for the several buildings and/or uses.

F. LOCATION OF PARKING SPACES

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, except that the Planning Board may authorize provision of parking spaces on a separate lot if it determines that there is no reasonable alternative, provided that such parking spaces shall be located no further than two hundred feet (200') from the premises to which they are appurtenant.

ARTICLE 11 (11.31cont.)

TABLE OF OFF-STREET PARKING REGULATIONS

LAND USE	NUMBER OF PARKING SPACES PER UNIT
Single and two-family dwellings and Multi-Family	Two for each dwelling unit
Lodging House	One for each lodging unit.
Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities.	One for each three seats of total seating capacity.
New and used car sales and automotive service establishment and other retail and service establishment utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic.	One per 1,000 square feet of gross floor space. In the case of outdoor display areas, one for each 1,000 square feet of lot area in such use.
Other retail, service, finance, insurance, or real estate establishment.	One per each 300 square feet of gross floor space.
Hotel, motel, tourist court	One for each sleeping room plus one for each four seats of total seating capacity of the combined public meeting room and restaurant space.
Wholesale establishment, warehouse or storage establishment	One per each 1,000 square feet of gross floor space.
Manufacturing or industrial establishment	One per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
Hospital	Two per bed at design capacity.
Nursing Home	One per bed at design capacity.
Business, trade or industrial school or college	One for each 200 square feet of gross floor area in classrooms.
Other School	Two per classroom in an elementary and junior high school; four per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
Community facility (Town building, recreation, etc.)	One per each 400 square feet gross floor space.
Dormitory, fraternity, sorority, YMCA or similar use.	One for each sleeping room.
Public Utility	One for each 400 square feet of gross floor are devoted to office use. One for each 800 square feet of gross floor area per other use.
Public Transportation terminal establishment (including platform)	One for each 10 square feet of gross floor area, or one for every two forecasted riders twenty (20) years from the initial proposal whichever is greater.
Mixed Use	Sum of various uses computed separately.
Any use permitted by this regulation not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Inspector, or by the appropriate permit granting authority.

ARTICLE 11 (11.31cont.)

G. MINIMUM OFF-STREET LOADING AND UNLOADING REQUIREMENTS

TABLE OF OFF-STREET LOADING REGULATIONS

USE	NUMBER OF LOADING SPACES PER UNIT
Retail or wholesale business or service, plant for manufacturing, processing, fabrication or assembly, warehouse or facilities for distributing merchandise, and hospital establishment with over 5,000 square feet of floor area	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
Business or professional office, other services, religious, educational, or municipal use by the Town of Freetown, recreational or sports facilities or public utility establishment with over 5,000 square feet of gross floor area.	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet.

H. LOCATION OF LOADING SPACES

The Loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this regulation.

I. PARKING AND LOADING SPACE STANDARDS

All parking and loading areas containing over five spaces shall be either contained within structures, or subject to the following:

1. The area shall be effectively screened with suitable plantings or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District.
2. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The measures taken shall be to the satisfaction of the Building Inspector, or when applicable, to the satisfaction of the site plan and/or special permit granting authority, either of whom may require drainage plans and analyses stamped by a registered professional engineer and may further require that the applicant fund independent peer review of such plans and analyses. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
3. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, sidewalks and screening materials.
4. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
5. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
6. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved temporary building operations.
7. Parking spaces shall be eighteen feet (18') in length and ten feet (10') wide.
8. Parking spaces shall not be located within 15 feet of any lot line in any District.
9. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
10. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.

ARTICLE 11 (11.31 I cont.)

11. Any two driveways leading to or from a street to or from a single lot shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
12. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 40 feet.
13. An open air parking space shall be at least 5 feet from any building and 15 feet from any lot line.
14. All off-street parking and loading spaces, access ways and maneuvering area shall be laid out so as to provide for adequate drainage, snow removal, maneuverability and curb cuts. A minimum 24 foot aisle width for two lanes is required. Access drives connecting parking areas with the street shall be clearly delineated by the use of curbing; directional signs (if applicable), landscaping or other means and shall be located in a manner which provides motorists with an unobstructed view of approaching traffic.
15. There shall be no paving within fifteen feet (15') feet of any lot line or five (5) feet of any building line, except that paved access ways shall be permitted, and that such access ways shall be generally perpendicular to any lot line. Paving to any building line shall be permitted for off-street loading docks or doors.
16. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.

J. HANDICAP ACCESSIBILITY

All parking and loading areas shall conform to the most current Americans with Disabilities Act and Massachusetts Architectural Access Board Rules and Regulations.

K. BUFFER ZONES

A fifteen foot (15') landscaped buffer zone shall be provided along the front lot line and not less than the following along a side or rear lot line;

USE	DEPTH OF REQUIRED SIDE AND/OR REAR LOT LINE BUFFER
Multi- Family	20'
Business use in a "R", "B", and "G" district	40'
Business use in an "I" district	25'
Warehouse or facilities for distributing merchandise; Plant for manufacturing, processing, fabricating or assembly	40'

For all parking areas of uses or development requiring Site Plan Review or Special Permit, adequate screening will be provided in the side and rear landscaped buffer zones per the satisfaction of the Planning Board.

1. Earth berms, landscaping or screening shall be provided to control noise and dust, to prevent soil erosion, to provide shade, to screen from public view areas for waste disposal or outdoor storage, and to protect the visual character and natural resources of the town. Earth berms where used should vary in width and height throughout their length in order to achieve topographical relief and to appear to occur naturally.
2. All land located between the street line and parking areas as required by this regulation shall be provided with attractive and durable landscaped areas consisting of natural vegetation, shrubs, mulches, evergreens and such other vegetation. Such landscaped areas shall be located in a manner which provides unobstructed lines of sight for vehicles entering and exiting the premises.
3. Parking areas will be subdivided by medians containing trees and other landscaping material. One ten foot (10') wide median will be required for every two (2) bays of parking. Parking bays shall have a minimum width of 60 feet to accommodate for the two rows of parking stalls and central aisle.

ARTICLE 12

DEMOLITION DELAY BY-LAW *ATM 5/5/03, STM 10/27/03*

12.0 Freetown Historical Commission The purpose of Freetown's Demolition Delay By-law is to preserve and protect significant buildings and structures within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the town and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish or relocate them. To achieve these purposes the Freetown Historical Commission is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings and to delay demolition of such buildings and structures for 12 months. Generally, significant buildings and structures are those which are:

1. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or

2. Historically or architecturally important by reason of period, age, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

For the purposes of the by-law, this includes:

1. Properties listed on the State or National Register of Historic Places and the Inventory of Historic Assets of the Commonwealth for the Town of Freetown,

2. Properties in existence in or before 1903 (e.g. current date less 100 years)

Demolition Delay By-law Contents

12.1 Intent and Purpose

12.2 Definitions

12.3 Regulated Buildings and Structures

12.4 Procedure

12.5 Determination of Applicability

12.6 Emergency Demolition

12.7 Non-Compliance

12.8 Severability

ARTICLE 12 (cont.)

12.1 Intent and Purpose

This by-law is adopted for the purpose of preserving and protecting significant buildings within the Town, which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, relocate or restore such buildings rather than demolish them. To achieve these purposes the Freetown Historical Commission (herein after the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings.

12.2 Definitions

1. **Building** – Any combination of materials capable of being used as a shelter for persons, animals or property.

2. **Commission** – The Freetown Historical Commission.

3. **Building Inspector** – The Freetown Inspector of Buildings.

4. **Demolition Permit** – The permit issued by the Building Inspector as required by the state building code for the demolition or removal of a building or structure.

5. **Historically Significant Building or Structure** – Any building or structure which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, age, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

12.3 Regulated Buildings and Structures

1. A building or structure listed on, or is within an area listed on, the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or

2. A building or structure located within 200 feet of the boundary line of any federal, state or local historic district; or

3. A building or structure included in the Inventory of the Historic Assets of the Commonwealth, or designated by the Commission for inclusion in said inventory including those buildings listed for which complete surveys may be pending; or

4. A building or structure determined by vote of the Commission to be historically or architecturally significant in terms of period, style, and method of building construction based on the following criteria:

    - Properties listed on the National or State Register of Historic Places and the Inventory of Historic Assets of the Commonwealth for the Town of Freetown.

    - Properties in existence on or before 1903.

    - Properties that appear on the **1871 Map of Freetown**.

5. No demolition permit shall be issued for a regulated building or structure without full compliance with the provisions of this by-law.

ARTICLE 12 (cont.)

12.4 Procedure

1. The Building Inspector shall forward a copy of each demolition permit application for all regulated buildings or structures identified in section 12.3 of this section to the Commission within ***thirty (30) days*** after the filing of such application. No demolition permit shall be issued at that time.

2. Within ***sixty (60) days*** after the receipt of such application, the Commission shall determine whether the building or structure is historically significant.

3. **A.** If the Commission determines that the building or structure is not historically significant, it shall so notify the Building Inspector and the applicant in writing and the Building Inspector may issue a demolition permit. If the Commission fails to notify the Building Inspector and the applicant of its determination within the ***sixty (60) days*** after its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

   B. If the Commission determines that the building or structure is historically significant, it shall notify the Building Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit.

4. Within ***forty-five (45) days*** after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the Commission seven (7) copies of a demolition plan which shall include the following information: (i) a map showing the location of the building or structure to be demolished with reference to lot lines and to neighboring buildings and structures; (ii) photographs of all street façade elevations; (iii) a description of the building or structure to be demolished; (iv) the reason for the proposed demolition and data supporting said reasons, including, where applicable, data sufficient to establish any economic justification for demolition; and (v) a brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

5. The Commission (in conjunction with Planning Board) shall hold a public hearing, within ***forty-five (45) days*** of receipt of the demolition plan referenced in paragraph four, with respect to the application for a demolition permit, and shall give public notice of the time, place, and purposes thereof at least ***fourteen (14) days*** before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within ***forty-five (45) days*** after public hearing, the Commission shall file a written report with the Building Inspector on the demolition plan which shall include the following: (i) a description of age, architectural style, historic association and importance of the building or structure to be demolished (ii) a determination as to whether or not the building or structure should preferably be preserved. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the important contribution made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate, relocate or restore.

6. If, following the demolition plan review, the Commission does not determine that the building or structure should preferably be preserved, or if the Commission fails to file a report with the Building Commissioner within the time limit set out in subparagraph (5) next above, then the Building Inspector may issue a demolition permit.

7. If, following the demolition plan review, the Commission determines that the building or structure should preferably be preserved, then the Building Inspector shall not issue a demolition permit for a period of ***twelve (12) months*** from the date of the filing of the initial request for a demolition permit unless the Commission informs the Building Inspector prior to the expiration of such ***twelve (12) month*** period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate, relocate or restore the building or structure, or has agreed to accept a demolition permit on specific conditions approved by the Commission. During ***the twelve (12) month*** review period, the Commission shall invite the Applicant to participate in an investigation of alternatives to demolition.

ARTICLE 12 (cont.)

12.5 Determination of Applicability

An owner of a regulated building or structure may petition the Commission for a determination of applicability of the bylaw. Within ***sixty (60) days*** after the receipt of such application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she makes a timely request in writing to the Commission. The determination by the Commission of whether a regulated building or structure is historically significant shall be made in writing signed by the Commission and shall be binding on the Commission for a period of ***five (5) years*** from the date thereof.

12.6 Emergency Demolition

If the condition of a building or structure poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Building Inspector. If possible and as soon as practical after the receipt of such a request, the Building Inspector shall arrange to have the property inspected by a board consisting of himself, the Chairman of the Commission and the Chairman of the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building or structure and, to the extent possible, consultation with this Board, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to immediate demolition of the building or structure which would protect the public health or safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provision of this paragraph (12.5), they shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the Commission. Nothing in this paragraph (12.5) shall be inconsistent with the procedures for the demolition and/or securing of building and structures established by Chapter 143, section 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in paragraph (12.3) of this section, the Building Inspector shall request the Chairman of the Commission or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

12.7 Non-Compliance

1. The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

2. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of twenty-two months after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building is located.

3. Upon a determination of the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of section 12.7 (2).

4. Anyone who demolished a building or structure identified in paragraph 12.3 of this section without first obtaining, and complying fully with the provisions of, a demolition permit, shall be subject to a fine of **two hundred (200) dollars.**

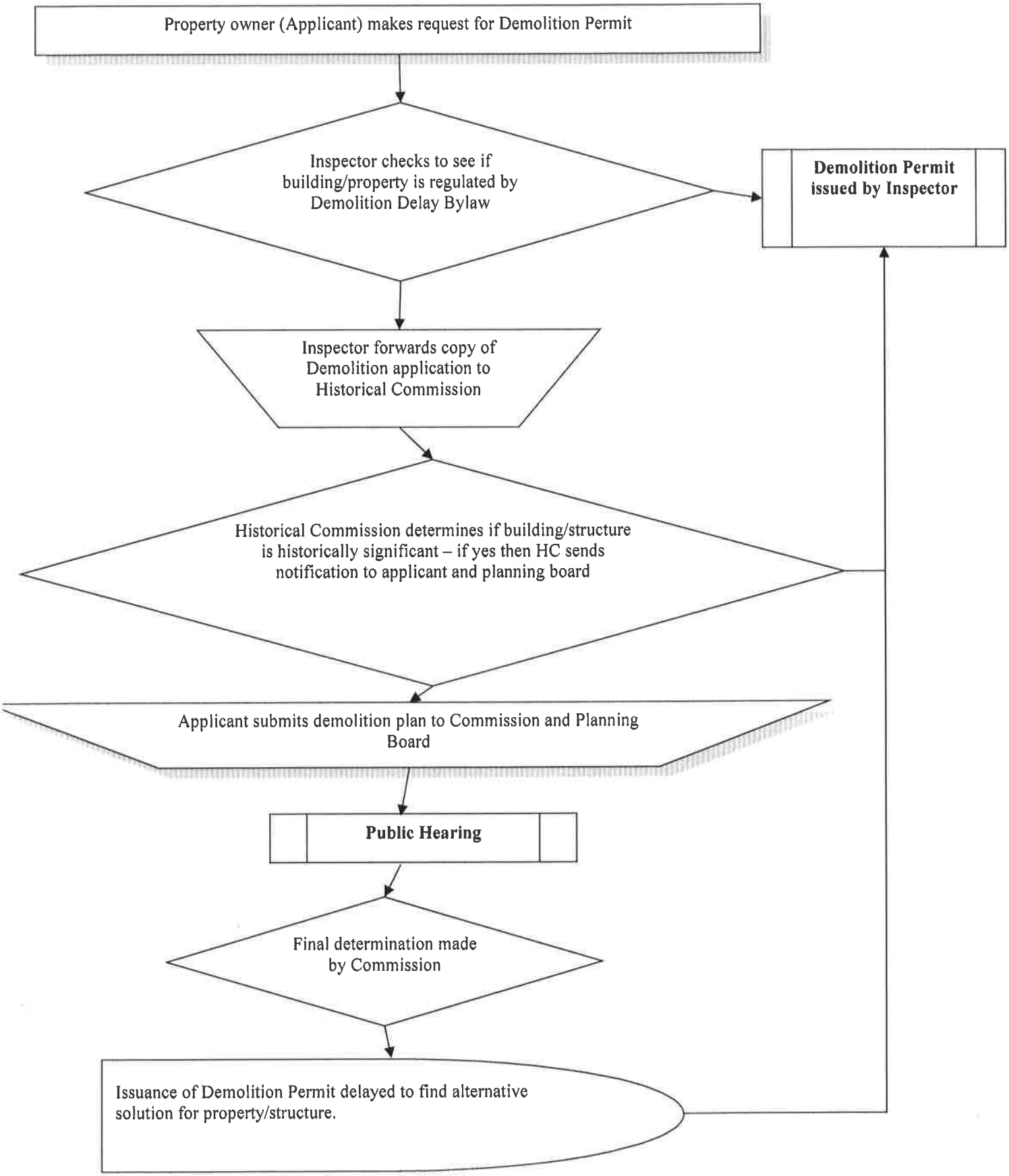
12.8 Severability

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by a court authority, every other section, paragraph and part shall continue in full force and effect.

(Planning Board Approves)

12.9 Demolition Delay Bylaw Flowchart

http://www.assonetriver.com/sites/freetown/fhc/demodelay.asp



ARTICLE 13
USE OF STREETS, SIDEWALKS, AND PUBLIC PLACES
ATM 5/6/00, STM 10/27/03

13.1 Use of Streets, Sidewalks, and Public Places *STM 7/15/76, STM 5/1/89, STM 1/25/93, ATM 5/6/96*
These rules are adopted with the intent to promote the safe passage of vehicles and pedestrians along the public ways within the Town of Freetown.

Each rule shall have force and effect separately and independently of every other insofar as by express reference or necessary implication, any rule or any part of a rule is made dependent upon another rule or part thereof.

13.2 Definitions
For the purpose of Article 13 the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

Bicycle. Any wheeled vehicle propelled by pedals and operated by one or more persons.

Bus. Every vehicle designed for carrying more than eight passengers and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

Bus Stop. An area in a roadway set aside for the boarding of or alighting from buses.

Caution Signal. A flashing yellow signal having the same general function as a warning sign.

Chief of Police. The appointed Police Chief of the Town of Freetown, or, in his absence, the designated acting Police Chief of the Town of Freetown, or, an officer designated by such chief or acting chief to act on their behalf.

Channelizing Island. A traffic island located to guide traffic streams along certain definite paths and to prevent the promiscuous movement of vehicles in what would otherwise be a widely extended roadway area.

Commercial Vehicle. Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

Construction Material. Material including, but not limited to gravel, sand, stone, asphalt, loam, wire, utility poles, pipes, conduits, tree limbs, tree trunks, and mulch, dumpsters or any other material deemed to be construction material by the Chief of Police.

Construction Vehicle. Any vehicle and/or trailer, whether attached or unattached to any construction vehicle, used in conjunction with, and engaged in, the loading, unloading, excavating, grading or spreading of construction material; the trimming or cutting of trees along a roadway; installation, maintenance or repair of driveways, sidewalks, asphalt, lighting, wires, cables equipment pipes and conduits.

Container. Any drum, barrel, cylinder, bag, carboy or other shipping vessel (other than a tank vehicle) used for the transportation of dangerous articles.

Crossover. An opening in a channelizing island that connects both sides of a divided roadway.

Crosswalk. That portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none then the footpath lines, and, at any place in a roadway, clearly indicated for pedestrian crossing by lines or markers upon the roadway surface.

Curb Marking. That portion of a curbing which has been painted by the Department.

Department. The Town of Freetown Department of Highways.

ARTICLE 13 (13.2 cont.)

Divided Way. A public way with separated roadways for traffic in opposite directions.

Emergency Vehicle. Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public service corporations as are commonly recognized as such.

Flag Man. Person or person(s), privately employed, who have received training in the direction of motor vehicles and pedestrian traffic upon ways, and who are equipped with such equipment as to adequately warn and direct such traffic.

Intersection. The area embraced within the extensions of lateral curb lines, or, if none, then the lateral boundary lines, of intersection ways as defined in M.G.L. c. 90, §1, including divided ways.

13.1 herein contained governing and restricting the movement of vehicles on public ways at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined.

Lane. A longitudinal division of a roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

Limited Access Highway. An express state highway with full control of access.

Officer. Any Freetown police officer, or any police officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Official Signs. Signals, markings and devices. All signs, signals, markings and devices installed or maintained by the Department.

One-Way Roadways. Roadways, designated by the Department as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

Parking. The stopping or standing of a vehicle whether occupied or not, otherwise than temporarily, except that a vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle forthwith.

Pedestrian. Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

Public Way. The entire width between property lines of any town way or lawful throughway designated by the Town.

Roadway. That portion of a public way between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Rotary Traffic. The counter-clockwise operation of a vehicle around an island or other structure in the roadway.

Sidewalk. That portion of a public way set aside for pedestrian travel.

Stop Signal. A Flashing Red Signal having the same function as a stop sign and erected by or under the control of the Department.

Street Marking. Any painted line, legend, marking or marker of any description painted or placed on any public way by the Department and which purports to direct or regulate traffic.

Tank Vehicle. Any tank type motor vehicle with cargo tank, portable tank or bulk pyramided cylinders, used for the transportation of liquids or gases.

Town. The Town of Freetown.

ARTICLE 13 (13.2 cont.)

Traffic. Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any public way for the purpose of travel.

Traffic Control Signal. A roadway traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by or is under the control of the Department.

Traffic Island. Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

Traffic Signals. Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by or is under the control of the Department.

U Turn. The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

Urban Area. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles, mopeds and scooters, when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

13.3 Parking *ATM 5/5/80, STM 10/24/11*

(1) Restricted Places. No person shall stand or park any vehicle in any public parking area, way or roadway under control of the Town and no person or entity shall allow, permit, or suffer any vehicle registered in his or her name to stand or park in any public parking area, way or roadway under the control of the Town in violation of any rule, regulation, or bylaw and in particular in any of the following places except in compliance with the direction or supervision of an officer or official traffic control sign or signal:

(A) Within an intersection.
(B) Upon a sidewalk.
(C) Upon a crosswalk.
(D) Upon any roadway where the parking or standing of a vehicle will obstruct the normal movement of traffic.
(E) Upon any public way or roadway within ten (10) feet of a fire hydrant.
(F) Upon any roadway within twenty (20) feet of an intersection.
(G) Upon any public way or roadway in front of any private road or driveway, blocking or limiting access to such private road or driveway, without the consent of the owner of such road or driveway.
(H) Upon any public way or roadway where the parking or standing of a vehicle will obstruct or hide from view any official traffic control sign or signal.
(I) Upon any bridge under the control of the Town.
(J) Upon the roadway side ("double parking") of any vehicle stopped or parked at the edge or curb of the roadway.
(K) Upon any roadway unless the right wheels of the vehicle are within twelve (12) inches of edge or curb of the roadway.
(L) Upon any public way or roadway in such a manner as to impede or obstruct the removal or plowing of snow or ice.
(M) Upon any public parking area, way, roadway, or part thereof, where the parking or standing of such vehicle has been prohibited by the board or officer in charge of such public parking area, way or roadway, provided that such public parking area, way, roadway, or portion thereof, has been marked or signed so as to acquaint a driver of such prohibition.

ARTICLE 13 (13.3 cont.)

(2) Emergency Repair. No person shall park a vehicle in any public way except upon the shoulder for the purpose of changing a tire or making emergency repairs, unless such vehicle is so damaged or disabled that it cannot be moved safely under its own power.

(3) Exemptions. The provisions of Section 13.3: Parking, shall not apply to emergency vehicles, vehicles owned by the Town, and vehicles owned by the commonwealth of Massachusetts.

13.4 Police May Prohibit Parking Temporarily

The Chief of Police is hereby authorized to prohibit parking, temporarily, on any public way, roadway, or part thereof, in an impending or existing emergency, or for a lawful assemblage, demonstration, procession, provided there is reasonable justification for such prohibitions. Vehicles parked in places where parking is prohibited temporarily may be removed by or under the direction of a Sergeant or police officer of higher rank.

13.5 Towing

(1) Authorization of Police. Sergeants, or police officers of higher rank within the Freetown Police Department, are authorized, with such limitations as are, or may hereinafter set forth, to remove or cause to be removed to some convenient place any vehicle parked in violation of the provisions set forth in Section 13.3: Parking.

13.6 Construction Vehicles; Construction Materials; Construction in Public Ways

(1) Permit Required. No person, unless he is the holder of a permit issued by the Board of Selectmen, and is acting in accordance with the terms and conditions of that permit, shall construct, reconstruct, install or repair anything that is on, over or under any public way. Nothing in this section shall be construed as to prohibit the Board of Selectmen from placing a moratorium on the breaking of any roadway surface or sidewalk.

(2) Men and Construction Vehicles. Before undertaking any of the foregoing, including persons operating or working in conjunction with a construction vehicle or construction material that is on, over or under any public way, the person responsible for such work or in charge of those performing such work, shall review such work with the Chief of Police to determine whether or not such work will disrupt the normal flow of vehicular traffic or cause a safety hazard to pedestrian or vehicular traffic.

(3) Duties of the Chief of Police. The Chief of Police may, in his discretion, order that an officer or officers, as may be required and at no cost to the Town, accompany construction vehicles engaged in work or construction materials placed on public ways, or men working on, over or under public ways, for the purpose of ensuring the safe passage of vehicles and pedestrians in such work area or storage sites. In the event that the Chief is unable to assign an officer to accompany such construction vehicles or materials the Chief may, in his sole discretion, may authorize the use one or more constables or flag men in place of an officer or officers. Provided, however, that the Chief may waive the requirement to assign an officer if the owner, operator, or persons working in conjunction with construction vehicles, men, or temporarily depositing construction materials can demonstrate to the satisfaction of the Chief, that their activities will not cause an unnecessary impediment to the normal flow of traffic or be detrimental to the safety of vehicles or pedestrians.

The Chief may suspend such activities when, in his discretion, the activities violate 13.6, or cause an unnecessary impediment to the normal flow of traffic, or may be detrimental to the safety of vehicles or pedestrians.

13.7 One-way Traffic

One-Way. Upon those roadways designated for one-way traffic, and sign posted for same, no driver shall proceed except in the direction indicated by such sign(s).

13.8 Operation of Vehicles

(1) Drive Within Marked Lanes. When any roadway is divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

ARTICLE 13 (13.8 cont.)

(2) **Use Right Lane.** Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

(3) **Overtaking Other Vehicles.** The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.

(4) **Overtake Only When There is a Space Ahead.** The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead or without causing the driver of any such vehicle to change his speed or alter his course, except as provided in 13.8(5).

(5) **Vehicle Being Passed.** Subject to the provisions of M.G.L. c. 89, § 2, the driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and visible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(6) **Obstructing Traffic.**

(a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any roadway. Officers are hereby authorized to require any driver who fails to comply with 13.8(6) to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(b) Subject to the provisions of M.G.L. c. 89, § 11, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(7) **Following Too Closely.** The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the roadway.

(8) **Slow Vehicles to Stay 200 Feet Apart.** Upon roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within 200 feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. 13.8(8) shall not apply to funerals or other lawful processions.

(9) **Care in Starting, Stopping, Turning or Backing.** The driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement or other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by M.G.L. c. 90, § 14B.

(10) **Obedience to Traffic Control Signals.** Colors and arrow indications in traffic control signals shall have the commands ascribed to them in 13.8(10), and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign(other than a "stop" sign), signal or device or except as provided in 13.8 (24)(b).

In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(a) ***Green***. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

ARTICLE 13 (13.8 (10) cont.)

(b) ***Right, Left and Vertical Green Arrows***. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.

(c) ***Yellow***. While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(d) ***Right and Left Yellow Arrows***. When yellow arrows are illuminated, drivers are warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(e) ***Red***. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(f) ***Right and Left Red Arrows***. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow shown. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping.

Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(g) ***Flashing Red (Stop Signal).*** When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to provisions of M.G.L. c. 89, § 8.

(h) ***Flashing Yellow (Caution Signal).*** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(11) Lane - Direction - Control Signals.

(a) When lane-direction-control signals are placed over the individual lanes of a street or roadway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(b) **Meaning of Indications**. Lane direction control signal indications shall have the following meanings:

1. ***Downward-pointing illuminated green arrow***. A driver may operate a vehicle in the lane over which the arrow signal is located and illuminated.

2. ***Red illuminated symbol "x".*** A driver shall not operate a vehicle in the lane over which the signal is located and illuminated, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices.

3. ***Steady Yellow illuminated symbol "x"***. A driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red x is displayed.

4. ***Flashing Yellow illuminated symbol "x".*** A driver is permitted to use a lane over which the signal is located for a left turn. The driver is cautioned that he may be sharing that lane with opposite flow-left-turn vehicles.

ARTICLE 13 (13.8 cont.)

(12) Lane Control Signals. When Traffic Control Signals are located and operated over or adjacent to the individual lanes of a street or roadway within an area designated as a Lane Traffic Control Area, vehicles shall be operated in obedience to the command given by the signal indication shown over or adjacent to the lane in which the vehicle is being operated.

A Lane Traffic Control Area is that portion of a roadway designated by Official Traffic Signs installed not less than 1000 feet in advance of Lane Traffic Control Signal installations.

(13) Obedience to Isolated Stop Signs. Except when directed to proceed by a police officer, authorized constable or flagman, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. 13.8 (13) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in 13.8 (24)(c).

(14) Obedience to "Yield" Signs. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", said sign having been erected in accordance with the written approval of the Department and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection, provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic. 13.8 (14) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in 13.8 (24)(c).

(15) Sound Horn When Necessary. The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation.

(16) Keep to the Right of Roadway Division. Upon such public ways and roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a roadway which has no crossovers, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, authorized constable or flagman, or official signs, signals or markings.

(17) Operation at Under or Over Passes and at Intersections With Islands. At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

(18) Driving on Road Surface Under Construction or Repair. No operator shall enter upon the road surface of any roadway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the roadway is not to be used, or when so advised by an officer, authorized constable, flagman, watchman, member of a highway department crew or employee of the Department, either audibly or by signals.

(19) No Driving on Sidewalks. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

(20) Emerging from Alley or Private Driveway. The driver of a vehicle emerging from a private road, parking lot, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such private road, parking lot, driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be and upon entering the roadway shall yield the right of way to vehicles approaching on the roadway.

ARTICLE 13 (13.8 cont.)

(21) Certain Turns Prohibited. The driver of a vehicle or other conveyance shall not make a turn from the way in which he is driving into another way or driveway, at any point in the roadway, where such a movement is prohibited by signs.

(22) Driving or Parking on Channelizing Island. No person shall drive over or park a motor vehicle upon any traffic island or channelizing island unless directed to do so by a police officer.

(23) Obedience to Traffic Signs, Signals and Markings. The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

(24) Rights and Duties of Drivers in Funerals or Other Processions.

(a) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.

(b) At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.

(c) At an intersection where a lawful isolated stop sign or signal exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

(25) Men and Equipment in Roadway. Whenever traffic signs are erected or warning lights are displayed in or adjacent to a roadway to notify of the presence of men and equipment, in such roadway every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.

(26) U Turns Prohibited. No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.

(27) Vehicle Operation at Crosswalks.

(a) Subject to the provisions of M.G.L. c. 89, § 11, when traffic control signals are not in place or not in operation the driver of a vehicle, which for the purposes of 13.8 shall include bicycles, mopeds and scooters, shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within five feet of that half of the roadway upon which the vehicle is traveling.

(b) Subject to the provisions of M.G.L. c. 89, § 11, no operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating notwithstanding any traffic control signal indication to proceed.

(28) Operators to Exercise Due Care. The provisions of 13.8 shall in no way abrogate the provisions of M.G.L. c 90, § 14 and 14A which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways", Furthermore, notwithstanding the provisions of Article 13 every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

13.9 Exemptions and Penalties

(1) Exemptions. The provisions of 13.8 shall not apply to persons acting in conformity with the direction of an officer or , to persons or drivers actually engaged in work upon a roadway closed to travel or under construction or repair, provided, however such work is in accordance with 13.5, when the nature of their work necessitates a departure from any part of Article 13, to officers when engaged in the performance of public duties which necessitates a departure from any part of Article 13, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of Article 13, or to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of Article 13. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

ARTICLE 13 (13.9 cont.)

(2) Owner Prima Facie Responsible for Violations. If any vehicle is found upon any roadway in violation of any provision of Article 13 et seq. and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.

(3) Obedience to Police. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, authorized constable or flagman, in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of Article 13 et seq. with which the order or direction may conflict.

(4) Obedience to Signs, etc. No person shall disobey the instructions of any official sign, signal, marking or marker.

(5) Penalties. Any person convicted of a parking violation of any provision of 13.3 or 13.4 shall be punished as provided in M.G.L. c. 90, § 20A. The Board of Selectmen, pursuant to said statute, shall from time to time, establish by rule or regulation a schedule of fines for violations subject to this by-law. Police officers or other persons so authorized by the Board of Selectmen may enforce said parking regulations.

Any person convicted of a violation of any provision of 13.6 shall be punished by a fine of two hundred dollars. Police officers are authorized to enforce said provisions and violations may be processed in accordance with M.G.L. c. 40, § 21D.

Any person convicted of a violation of any other rule made hereunder shall be punished by a fine of fifty dollars for each offense. A police officer may issue a citation in accordance with the provisions of M.G.L. c. 85, § 10.

13.10 Handicapped and Veteran Parking By-Law *STM – 10/23/1995*

Designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by section two of chapter ninety, of for vehicles transporting handicapped persons and displaying the special parking identification plate authorized by said section two of said chapter ninety, or for vehicles bearing the official identification of a handicapped person issued by any other state or any Canadian Province shall be provided in public and private off-street parking areas.

(a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by said section two of said chapter ninety or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by section two of chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian Province, according to the following formula:

If the number of parking spaces in any such areas is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.

(b) Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped, Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide and two eight-foot wide areas with four feet of cross hatch between them.

ARTICLE 13 (13.10b cont.)

The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way is hereby prohibited.

The penalty for any violation hereunder shall be fifty ($50.00) dollars for the first offense, and one hundred ($100.00) dollars for the second and any subsequent offense.

13.11 Possession of Open Containers of Alcohol *ATM 05/01/1989, ATM 11/7/2005 re-codified*

No person shall drink any alcoholic beverages or possess any open container(s) thereof as defined in Chapter 138, Section 1 of the Mass. General Laws while in or upon any public way or any way to which the public has a right of access, or any park or playground, except any areas and functions duly authorized by the Board of Selectmen; nor shall any person so drink, or possess any open container(s) thereof, any alcoholic beverages while in or upon private land, without the consent of the owner or person or persons in control thereof. Any person violation this by-law shall be fined not more than Fifty ($50.00) dollars for each offense.

13.12 Consumption of Alcoholic Beverages in Unlicensed Food Establishments

STM 01/25/1993, ATM 11/7/2005 re-codified

Notwithstanding the above provisions of Section 13.11, no person shall drink any alcoholic beverages or possess any open containers thereof as defined in Mass. General Laws, Chapter 138, while in or upon any premises licensed by the Town as a common victualer for the sale or serving of non-alcoholic beverages and food unless the premises are also licensed by the Town to sell or dispense such alcoholic beverages under the provisions of Mass. General Laws, Chapter 138.

13.13 Public Consumption Or Use Of Marijuana Or Tetrahydrocannabinol *STM 06/01/09*

A. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

B. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c. 94C, § 47A.

C. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.

D. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

E. The fine for a violation of this bylaw shall be Three Hundred ($300.00) Dollars for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

ARTICLE 14
RECREATIONAL FACILITIES *ATM 5/3/2004*

14.1 Duties

The Board of Park Commissioners (hereinafter referred to as "Board") shall have and exercise all the powers and duties conferred upon park commissioners in towns; the powers and duties of playground commissioners appointed under authority of M.G.L.A c.45, § 14; It shall be responsible for regulating the use of all Recreational Facilities located in the Town of Freetown and shall have the authority to promulgate rules and regulations with regard thereto. "Recreational Facilities" shall include parks, greens, playgrounds, ball fields, and beaches together with the improved and enclosed land, buildings, beach area, and parking lots owned or controlled by the Town. The Board is authorized to appoint such assistants as may be necessary to assist it in promoting recreational facilities and to perform such other duties that may be required.

ARTICLE 14 (cont.)

14.2 Admittance

Maximum limits as to the number of users of a Recreational Facility may be established by the Board. Admittance to given areas may be suspended temporarily and/or evacuation may be directed when these limits are reached, or exceeded, or when at the discretion of the Board, it is determined that further public use of the facility is hazardous due to weather, construction, crowds, water quality, or other situations involving public health, safety or welfare.

14.3 Hours of Operation

Unless otherwise provided by the Board, and posted to the contrary, Recreational Facilities shall be closed to the public between the hours of 9:00 PM to 6:00AM. The Board may from time to time require users of recreational facilities to seek permits therefor, and may establish by regulation the fees, terms, and conditions for the issuance of such permits.

14.4 Violations/Enforcement

1) Any person who by his or her actions violates any provision of this bylaw or the regulations adopted hereunder, or who fails to comply with any reasonable request of a duly authorized employee of the Town of Freetown to comply with such bylaw or regulations, may be punished by a fine of not more than Fifty ($50.00) Dollars for each offense.

2) Any person who by his or her actions violates any provision of this By-Law or the regulations adopted hereunder, or who fails to comply with any reasonable request of a duly authorized employee of the Town of Freetown to comply with such By-Law or regulations may also be evicted forthwith from a Recreational Facility; or, for a period of time to be determined by the Board of Park Commissioners, denied admittance to, and/or suspended from use of, a Recreational Facility.

3) The provisions of this By-Law, and any regulations adopted hereunder may be enforced through any means available in law or in equity, including non-criminal disposition pursuant to G.L. c.40, s.21D, and Article 25, Section 25.3 of the General By-Laws. The enforcing person for purposes of non-criminal disposition shall be the Board of Park Commissioners or its designee, the Town Administrator, or any police officer of the Town of Freetown. Each day a violation exists shall constitute a separate violation. For the purposes of non-criminal disposition, the following fines shall apply:

   First Offense: $ 25.00;
   Second Offense: $ 50.00;
   Third and Subsequent Offenses: $ 75.00.

14.5 Severability

If any provision of this By-law and rule or regulations promulgated in accordance with this by-law, or application thereof is held to be invalid, such invalidity shall not affect any provision of the rules and regulations not specifically held to be invalid.

ARTICLE 15
PUBLIC PEACE AND SAFETY *STM 10/26/00, ATM 5/6/02*

The purpose of this article is to prohibit certain conduct that is harmful to the health, safety, and welfare of the community. Nothing herein is meant to limit constitutional rights under the federal or state constitution.

15.1 Public Indecency

1) A person is guilty of indecency if, while in a public place where he or she may reasonably be expected to be viewed by others, he or she:
   a) engages in sexual intercourse
   b) engages in deviate sexual intercourse; or
   c) fondles the genitals of himself, herself or another person commits Public Indecency.

ARTICLE 15 (15.1 cont.)

2) "Nudity" means the showing of human male or female genital (sic), pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, prerineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

3) "Public Place" includes all outdoor places owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

4) Deleted *ATM 5/6/02*

5) Construction and Severability – It is the intention of the Town of Freetown that the provisions of this bylaw be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this ordinance. Should a court of competent jurisdiction determine that any part of this bylaw, or any application or enforcement of its is excessively restrictive of such rights or liberties, then such portion of the bylaw, or specific application of the bylaw, shall be severed from the remainder, which shall continue in full force and effect.

ARTICLE 16
FALSE ALARM BY-LAW *ATM 5/4/92, STM 06/01/09*

16.1 Intent

The intent and purpose of this by-law is to promote the health, safety, welfare, and convenience of the community by regulating the use of alarm systems in the Town and to further regulate and control the emanation of false alarms therefrom.

16.2 Definitions

For the purposes of this section, the following terms, unless a different meaning is clearly apparent from the language or context, shall have the following meanings:

Alarm - An indication of danger emanating from an "alarm system". The emanating signal may be audible, visual, or by electrical activation of remote devices.

Alarm System – Any configuration of electrical and/or mechanical or other devices and equipment designed and/or intended to detect hazardous conditions and to produce an "alarm".

Burglar Alarm – An "alarm" which indicates an unlawful intrusion into a building or upon a property.

False Alarm – An alarm which is emitted from an "alarm system" and which results in the response of police and/or fire department personnel and equipment to the alarm location when there does not exist the hazardous condition which the alarm system is intended to detect and there is no valid cause or reason for the alarm to have been activated, and includes an alarm caused by equipment failure or malfunction, improper installation, negligent operation or intentional manual activation. No alarm shall be considered a false alarm if it were caused by an act of God, including, but not limited to, power failures, storms, earthquakes, or other uncontrollable circumstance.

Fire Alarm – An "alarm" which indicates the presence of uncontrolled fire within a building or upon a property.

ARTICLE 16 (16.3 cont.)

16.3 Whenever three (3) or more false alarms from an alarm system are caused within a calendar year, the owner(s) or person(s) in control of said alarm system shall be subject to a fine for each and every occurrence starting with the third false alarm.

16.4 Every alarm system installed subsequent to the effective date of this By-law which is equipped with an audible signaling apparatus shall also be equipped with an automatic shut-off device which will de-activate audible component of the system within fifteen (15) minutes of activation. Every previously installed alarm system with audible signaling shall be modified by the addition of such an automatic shut-off device within one (1) year of the effective date of this By-law. Violation of these requirements shall subject the owner(s) of the property to a fine.

Every false alarm which results in the activation of an audible signaling apparatus which fails to de-activate within fifteen (15) minutes shall subject the owner(s) of the offending alarm system to a fine.

16.5 The violation of any Rule or Regulation made by the Board of Selectmen relative to the installation, operation, or registration of "Alarm Systems" shall be subject to a fine.

16.6 For violations related to alarms originating from a residential property, the fine shall be twenty-five ($25.00) Dollars for each offense, and for those originating from commercial or institutional property, the fine shall be Fifty ($50.00) Dollars for each offense.

ARTICLE 17

ANIMAL CONTROL *ATM- 6/21/93, ATM 5/06/04, STM 11/20/06, STM 10/27/14*

17.1 Authority and Purpose

This article is adopted pursuant to the authority of M.G.L. c.140, §173, inclusive, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this article is to establish regulations for the keeping of dogs in the Town of Freetown. Except where defined herein, the definitions of all words and terms used herein shall be as set forth in M.G.L. 40, § 136A.

17.2 Licenses

A) License period:

Any person owning, harboring or having custody (keeper) or control of a dog over the age of six months shall license said dog annually. The licensing period shall be from April 1st to the following March 31st, both dates inclusive. Prior to the issuance of a license the owner or keeper of said dog shall pay the current fees due, as well as all outstanding unpaid license fees and penalty charges. Proof of rabies vaccination and a spay/neuter certificate, as described in M.G.L. c.140, § 139, shall be shown at the time of issuing the license.

B) License fees

The fee for every dog license shall be:
Ten dollars ($10.00) for every spayed or neutered dog.
Fifteen dollars ($15.00) for every unspayed or unneutered dog.
No fee shall be charged for a service animal as defined under the Americans With Disabilities Act. No fee shall be charged for a dog license to any resident who is 70 years of age or over. This exemption will be limited to one dog license and will exclude kennels.
There will be a $3.00 fee for replacing lost dog tags.
After May 31st a $5.00 late fine will be added, after July 1st an additional $15.00 will be added.

ARTICLE 17 (17.2 cont.)

C) Kennel licenses
Every person maintaining a kennel, as defined in M.G.L. c.140, § 136A, or who, no maintaining so elects as provided by M.G.L. c.140, § 137A, shall obtain a kennel license. A kennel license, however, shall not issue if said kennel violates the provisions of any town by-laws or regulations. Kennel licenses under this section shall be issued by the Town Clerk. The Animal Control Officer or the Assistant Animal Control Officer shall conduct a kennel inspection before an initial kennel license may be issued and no kennel license shall issue until said kennel passes said inspection.
Except as provided by M.G.L. c.140, §§ 136A, -141B, the fee for each kennel license shall be as follows:
5-10 dogs $60.00
11-24 dogs $110.00
25 or more dogs $160.00
After May 31st a $5.00 late fine will be added, after July 1st an additional $15.00 will be added.

D) Warrant-unlicensed dogs
In accordance with M.G.L. c.140, § 151A, the selectman shall annually within ten days after July 1st issue a warrant to the Animal Control Officer directing the Animal Control Officer to seek out, catch and confine all dogs within the town which then have not been licensed, collared or harnessed, and tagged as required by this by-law and to dispose of said dogs in accordance with said statute. The owner of any dog impounded under this provision shall pay $15.00 per day for each day each dog is impounded before said dog may be released.

17.3 Rabies
Owners or keepers of dogs, cats and ferrets shall be responsible for obtaining rabies vaccinations for each such dog, cat or ferret by a licensed veterinarian and shall maintain certifications of said vaccinations in accordance with M.G.L. c.140, § 145B.

17.4 Restraint
The owner, keeper, or person otherwise in control of a dog shall not suffer or allow it to run at large in any of the streets or public places in the town, or upon the premises of any person other than the owner or keeper, unless the owner or occupancy of such premises grants permission. "At large" shall mean any dog off the property of his owner and not under the direct physical control of a competent person (i.e. leashed).

17.5 Impoundment
In accordance with M.G.L. c.140, § 167, any dog or dogs, found running at large, if approachable and can be caught shall be taken up by the Animal Control Officer and impounded in the shelter. Dogs will be will be confined in a humane manner for a hold period of seven (7) days as mandated by the State and may thereafter be disposed of in a humane manner if not claimed by their owners.

Immediately upon impounding dogs or other animals, the animal control officer shall make every possible reasonable effort to identify the owners of such dogs and other animals, so impounded and shall notify such owners within 48 hours of the conditions whereby they may regain custody of such animals. The owner of any impounded dog shall pay $40.00 per each day or portion thereof each dog is impounded before said dog may be released.

17.6 Removal and Proper Disposal of Dog Feces
The owner, keeper or person otherwise in control of a dog shall immediately pick up and properly dispose of any feces left by such dog on any street, sidewalk, walkway, public area, or on any private property that is not owned or occupied by such person.

ARTICLE 17 (cont.)

17.7 Wild or Exotic Animals

No person within the Town shall possess, maintain, propagate, cultivate or deal in wild or exotic animals within the meaning of MGL c. 131, §23, unless notice thereof has been filed with the Board of Health and all permits required by said §23 or otherwise have been obtained.

17.8 Nuisance or Dangerous Dogs or Other Animals

1) No person shall permit any dog, cat or other household pet to be a nuisance or dangerous dog as defined by MGL c. 140, § 136A.
2) No owner or keeper of a dog shall permit same to engage in excessive barking, by howling, scratching or crying, or in any manner, that disturbs the peace and quiet of any neighborhood, in the open, outside of any building, or to bark inside a building in such a manner as to be heard beyond the premises where the dog is quartered for more than 15 minutes between the hours of 10:00 p.m. to 7:00 a.m. or for 30 minutes between the hours of 7:00 a.m. and 10:00 p.m.
3) Nuisance or dangerous dogs, cats or other household pets shall be addressed in accordance with M.G.L. c. 140, §157.

17.9 Tethering of Dogs

Tethering of dogs shall be addressed in accordance with M.G.L., c. 140 §174E.

17.10 Penalties

A) The enforcing authority of this bylaw shall be the Animal Control Officer and the Police Department.
B) In addition to any other remedies available in law or equity and/or the Town's by-laws, including criminal penalties and/or injunctive relief, the Town may elect to enforce this Article through non-criminal disposition in accordance with Article 25. In such cases the penalties shall be as follows:

A) Section 17.2 Licenses. If a dog or kennel remains unlicensed after September 1st: $50.00 (in addition to the original license fee and any late fees accrued).
B) Section 17.3. Rabies. $25.00 per animal.
C) Section 17.4. Restraint. $25.00 fine for each violation.

D) Section 17.5 Impoundment. $40.00 per violation.
E) Section 17.6. Feces. $25.00 fine for each violation.
F) Section 17.8 The penalty for a first violation of this subsection shall be $25.00 for the first offense in a calendar year, second offense within same calendar year shall be $50.00 and a third offense within same calendar year will be $75.00 and a penalty for a fourth or subsequent offense within the same calendar year shall be $100.00.
G) Section 17.9. Tethering. $25.00 fine for each violation.

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ARTICLE 18

CAT LICENSING, CONTROL AND REGULATIONS *STM 10/23/1995, ATM 6/1/09, STM 10/27/14 Deleted in its entirety*

ARTICLE 19
UNREGISTERED MOTOR VEHICLES *STM 11/20/06, ATM 5/7/07, ATM 6/11/90, STM 06/01/09*

UNREGISTERED VEHICLES –

19.1 Definitions:

A. Antique Motor Car

Any motor vehicle over twenty-five years old which is maintained solely for use in exhibitions, club activities, parades or other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way.

B. Farmer

A person substantially engaged in the occupation of farming as defined in M.G.L. chapter 90, section 1.

C. Junk Vehicle

Shall be a vehicle which is abandoned, wrecked, or partially dismantled, discarded; and shall also include an unregistered vehicle, but excluding vehicles that are registered on a seasonal basis.

D. Motor Vehicle

Shall mean a machine propelled by other than human power that is designed to travel on the ground by use of wheels, treads, runners or slides and transport persons, property or other machinery and shall include, without limitations, automobiles, buses, mobile homes, motor homes, trucks, trailers, motorcycles, tractors or recreational and snow vehicles. The definition of "motor vehicle" shall not include wheelchairs, lawn mowers, golf carts, and motorized bicycles.

E. Number Plate

The sign or marker furnished by the registrar on which is displayed the register number or mark of a motor vehicle assigned to such motor vehicle by the registrar as defined in M.G.L. c.90, s.1.

F. Person

Shall mean any person, corporation, partnership, or other legal entity.

G. Repairman

Any person who is principally and substantially engaged in the business of repairing, altering, reconditioning, equipping, or towing motor vehicles or trailers for the public and who maintains an established place of business as defined in M.G. L. c.90, s.1, with the facilities for the repairing of such motor vehicles or trailers.

H. Registered Vehicle.

A vehicle currently registered and bearing an unexpired registration plate pursuant to Massachusetts General Laws, Chapter 90 or comparable laws of other States and the United States of America.

I. Trailer.

Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle as defined in M.G.L. c.90, s.1.

19.2 General Information.

Except as authorized by permit, no person shall park, store, keep, leave or allow that there be parked, stored, kept or left, more than two unregistered motor vehicle or trailer or registered motor vehicle(s) without a valid windshield inspection sticker as required by Massachusetts General Laws, Chapter 90 Section 7A, or by the laws of the state of registration, or any disassembled parts thereof, on any land within the Town of Freetown.

The absence of a valid and current number plate(s) affixed to a motor vehicle or trailer shall constitute prima facie evidence that such vehicle or trailer is unregistered.

Except as authorized by permit, no person shall park, store, keep, leave or allow that there be parked, stored, kept or left, any junk vehicle(s), or any disassembled parts thereof, on any land within the Town of Freetown.

ARTICLE 19 (cont.)

19.3 Written Approval Required.

Any person seeking a permit must make application to the Chief of Police. Permits shall not exceed one calendar year (365 days); however, upon re-application, the Chief of Police may re-issue said permit on an annual basis. The Board of Selectmen may establish an application fee.

19.4 Limitations.

At no time will a permit for more than three vehicles be granted to a Licensed Repairer not operating under a motor vehicle sales business or junk business license in accordance with the provisions of Chapter 140 of Massachusetts General Laws.

19.5 Aggrieved Party.

Any person aggrieved by a denial of the Chief of Police may seek approval from the Board of Selectmen by filing a written request for same in the Office of the Town Clerk.

19.6 Permit Criteria.

The Chief of Police and /or the Board of Selectmen may use the following criteria as a means of determining whether or not to grant such a permit:

A. The condition of the vehicle or vehicles. Is it considered to be junk, inoperative, rusted, dismantled or abandoned, or in any way a visible nuisance?

B. Whether or not the vehicle or vehicles present a public health hazard, such as broken glass or jagged metal.

C. Whether or not the vehicle or vehicles present a public health hazard, such as oil or gas spillage, or other toxic fluids found in the engine or other vehicle parts. Does it serve as a harborage for diseased vermin?

D. Whether or not the vehicle or vehicles present a public safety hazard such as electrical shock or fire.

E. The proximity of the vehicle or vehicles to adjoining properties and the visibility of such vehicles from adjoining or nearby properties or public ways.

F. Whether or not the applicant has complied with the terms or an existing permit or previously issued permit.

19.7 Exclusions.

This By-law shall not apply to:

A. Vehicles owned by the Commonwealth of Massachusetts, County of Bristol or the Town of Freetown;

B. To vehicles within a completely enclosed structure including side walls and roof in a lawful manner where they are not visible from the street or other public or private property;

C. Unlicensed, operable or inoperable antique motor cars or parts thereof stored by a collector on private property.

D. To registered trailers used for recreational purposes such as camping or boating or those trailers used for the conveyance of off road vehicles such as snowmobiles, motorcycles or other off road recreational vehicles not including automobiles or trucks. Or to registered trailers used for the conveyance of landscaping or other seasonal equipment.

E. To vehicles on property operating under a license in accordance with the provisions of Chapter 140 of Massachusetts General Laws for use in connection with a motor vehicle business or junk business;

E. To farm vehicles owned by a farmer on property where said vehicles are necessary in an agricultural use;

ARTICLE 19 (19.6 cont.)

G. To vehicles stored on property on which industrial or commercial use is permitted under zoning which are not manufactured for use over the road and are not customarily registered. Provided that the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

19.8 Penalties.

The provisions of this By-law may be enforced by an available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D and Article 25 of the Town's By-Laws. Each day a violation exists shall constitute a separate violation.

The provisions of this by-law may be enforced by police officers or other persons so authorized by the Board of Selectmen.

19.9 Severability.

This by law shall be interpreted insofar as possible as consistent with state law. In the event of an inconsistency, however, state law shall control. This by-law shall be interpreted insofar as possible as consistent with existing by-laws. In the event of an inconsistency, however, this by-law shall control.

ARTICLE 20
JUNK & USED AUTO DEALERS AND COLLECTORS *ATM 5/9/77, ATM 3/11/67*

20.1 Licensing Procedures

The Selectmen may license such persons as they deem suitable to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metals or second hand articles, and the junking and disposing of automobiles, within the town; and as junk collectors, to collect, by purchase or otherwise, junk, old metals and second hand articles from place to place within the town, subject to the provisions of § 54 through 59 of Chapter 140 of the Generals Laws, provided, nevertheless, that all licenses thus granted shall contain a clause that the person thus licensed agrees to abide by and be subject to all the provisions of the by-law, or any by-laws, and all rules and regulations adopted by the Selectmen, which may be adopted by the Town Meeting to dealers in and keepers of shops licensed for the purpose and to junk collectors licensed as aforesaid. Before such licenses shall be granted all premises shall be inspected by the selectmen or their agent, making a written report of the same and due notice of hearing being given.

20.2 Rules & Regulations

The Board of Selectmen may make additional rules and regulations to supplement this article subject to § 54 of said Chapter 140.

20.3 Third Class Licenses

The Town shall limit the number of third class motor vehicles dealers' licenses, or junk licenses to a maximum of ten (10). *ATM 5/24/99*

20.4 Second Class Licenses

The Town shall limit the number of second class auto licenses for the sale of used automobiles to a maximum of twenty-seven (27). *STM-7/15/76, ATM-5/1/89*

ARTICLE 21
TIRE STORAGE AND REGULATIONS

21.1 Tire Storage

No person, owner, business or corporation shall establish, maintain or allow to exist on any property within the Town of Freetown, a tire storage yard or facility consisting of the open or outside storage of new rubber tires, tire casings, tire tubes, rubber scraps or any other by-product of rubber tires, and not more than one hundred (100) used

ARTICLE 21 (21.1 cont.)

tires. Any person who shall violate any of the provisions of this by-law shall be subject to a penalty of not less than $20.00 or more than $100.00 for each such offense. Each day the violation continues or its allowed to remain shall be considered a separate offense. *ATM 5/5/80*

21.2 Tire Regulations

Regulations governing the existing storage of new or used rubber tires, tire casings, tire tubes, rubber scraps, and/or any other by-product of rubber tires as on file in the office of the Town Clerk: *ATM 5/5/80*

The storage site shall be reasonably level, solid ground, preferably surfaced with fine gravel. Refuse or filled-land, swampy ground, or areas where the hazard of underground fire is present shall not be used.

All-weather roadways, alley-ways, and fire lanes capable of supporting fire department apparatus shall be provided to the plant and throughout the storage yard from town ways.

All sides of storage piles shall be accessible by means of alley-ways and fire lanes. An alley-way width of 1 ½ times pile-height, but not less than twenty feet is required with fire lanes between alternate rows of two pile groups, providing a clear space of at least 100 feet. The length of each pile shall not exceed 125 feet in length, 25 feet in width, or 15 feet in height. Fire lanes for access across each end providing a clear space of at least 100 feet to adjacent pile rows, or other exposed property shall be provided.

Where practical, greater widths are desirable to minimize the effects of radiated heat, particularly in high-piled yards. Fire lanes shall be kept unobstructed at all times to permit maneuvering of fire suppression equipment. For basic fire protection, a water supply shall be provided where practical. The supply should be large enough to provide 1,000 G.P.M. for a period of two hours, and shall be accessible to fire apparatus as directed by fire department personnel.

Weeds, grass, and similar vegetation shall be prevented throughout the yard, and should be sprayed as often as needed with a satisfactory herbicide or ground sterilizer or grubbed out. Dead vegetation shall be removed after destruction. Weed burners should not be used.

Good housekeeping should be maintained at all times, including regular and frequent cleaning of materials handling equipment.

Smoking shall be prohibited in tire storage yards. No Smoking signs shall be posted in storage yards.

Access into yard areas by unauthorized persons shall be prohibited. Where needed, storage areas should be enclosed with a suitable fence equipped with proper gates located as necessary, to permit entry of fire department apparatus.

Miscellaneous occupancy hazards such as vehicle storage and repair shops, cutting and welding operations, flammable liquid storage, liquefied petroleum gas storage and similar operations shall be safe-guarded in accordance with recognized good practice. Refer to various N.F.P.A. standards applicable to specific occupancy hazards.

Vehicles and other power devices should be of an approved type, safely maintained and operated. Vehicle fueling operations should be conducted in specified safe locations, isolated from storage areas and principal operating buildings. (Refer to standard for Powered Industrial Trucks, N.F.P.A., 505.)

All electrical equipment and installations shall conform to the provisions of the National Electrical Code, N.F.P.A., 70.

No cutting, welding, or other use of open flames or spark-producing equipment shall be permitted in the storage area.

The owner of the storage yard shall be responsible for the hiring of any heavy equipment to aid in the extinguishing of a fire, should it be deemed necessary

ARTICLE 22
VOLATILE LIQUIDS

22.1 Disposal of Volatile Liquids
No person shall dispose of, or cause to be disposed of, any volatile or nonvolatile inflammable liquids, in closed containers in any public dump, in or adjacent to any public way, or on any property belonging to or under the control of the town. *ATM 3/12//60*

22.2 Disposal by Collection
No person shall place any volatile or nonvolatile inflammable liquids for the purpose of being picked up by rubbish collectors employed by or under contract to the town. *ATM 3/12/60*

22.3 Penalty
Breaches of the foregoing sections may be punished by a penalty of not more than $20.00 for each offense which may be recovered by indictment or on complaint before the District Court. *ATM 3/12/60*

22.4 Regulations
By-Law to Prevent Leaking of Underground Fuel and Chemical Storage Systems *ATM 5/6/91, STM 9/22/86*

Pursuant to Chapter 40, § 21 and Chapter 148, §9 of the Massachusetts General Laws, the Town of Freetown hereby adopts the following by-law to protect the ground and surface waters from contamination with liquid fuel or toxic materials from leaking storage tanks. The following regulations apply to all underground fuel and chemical storage systems, tanks and piping:

1. The State Fire Prevention Regulations for underground storage tanks, 527C.M.R. 9 is hereby adopted as and included as part of this by-law.

2. All existing underground storage tanks for consumptive use must meet the following on or before the tank has been in the ground for twenty (20) years.

   A. Leak detection
   B. Cathodic protection
   C. A spill containment manhole
   D. Overfill protection

   Any underground storage tank owner with a tank used for consumptive use must show a signed permit with date of issue to verify the age of said tank. If the owner of an existing underground storage tank cannot provide the Fire Chief or his designee with a dated permit, it will be assumed for these regulations that the underground storage tank is twenty (20) years old.

   If the tank has been in the ground for twenty (20) years and is not equipped with A, B, C, and D from the above list, it must be tested annually or removed.

3. Non-compliance with this by-law will result in a fine of One hundred ($100) dollars per day for each day the violation continues.

ARTICLE 23
COAL ASH

23.1 Prohibition of Coal Ash
Ash produced from the combustion of coal, including but not limited to fly ash and bottom ash, is prohibited from being disposed of, stored, stockpiled, or used as fill material for any and all purposes, within the Town of Freetown. *ATM 5/7/01, STM 10/22/01*

23.2 Board of Health – Coal Ash Projects
The Freetown Board of Health retains the right to examine engineer's plans or require engineer's plans for all coal ash projects which conform to Mass. General Laws, Chapter 111, § 150A, which do not need to proceed through the site assignment process. The Board of Health will determine if the project has the potential to jeopardize the water table, any aquifers present, or the health and welfare of the residents of Freetown, and establish conditions necessary to protect those concerns. *STM 9/14/92*

ARTICLE 24
MISCELLANEOUS CONTROLS & REGULATIONS

24.1 Covering Wells

Owners of land whereon is located an abandoned well or a well in use shall provide for and cover such well with a covering capable of sustaining a weight of 300 pounds or shall fill the same with earthen fill to the level of the ground.

The penalty for violation of this by-law shall be a fine of not less than One hundred ($100.00) dollars nor more than Five hundred ($500.00) dollars.

24.2 Substances Pumped on Street

No person shall pump any water or other liquid substance under his control into or across any sidewalk or street and no person shall pump any water/or other substance onto land owned or occupied by him in such a manner as to allow or cause such water or substance to flow onto any such sidewalk or street. Penalties presently provided by Article 18, § 18.14 will apply to this section. *ATM 5/5/80*

24.3 Littering

No person shall deposit papers, circulars or advertising matter of any kind in the public ways of the town or distribute the same through the town in such a manner as to create a disturbance or litter.

24.4 Video Game Rooms; Go Carts/All Terrain

A. It shall be unlawful for any person to operate or to permit to be operated on any premises in the town a video arcade without first securing a license issued by the Board of Selectmen as required by the provisions of chapter 140, sec. 177A of the General Laws of Massachusetts concerning automatic amusement devices.

B. The provisions of Section A of this By-Law shall not be applicable to any person having in his private residence one or more automatic amusement devices for his own private use or for the use of his family and friends.

C. No go-cart track or all terrain vehicle track shall be operated within the Town of Freetown without a license issued by the Board of Selectmen, after a hearing conducted in accordance with regulations adopted by the Board of Selectmen. *STM 8/23//82, STM 2/25/08*

24.5 By-Law for Open Burning and Burning Permit Fee *STM 9/14/92*

A. The Town of Freetown hereby adopts the following by-law for governing open burning or the burning of any material out-of-doors; Any person who violates any provisions of M.G.L. Chapter 48, §13, (setting fires in open air, etc.) or 310 C.M.R. 7.07 (Department of Environmental Protection Open Burning Regulations) shall be subject to a penalty of Fifty ($50.00) dollars for each offense. This by-law may be enforced by the Fire Chief, any firefighter whom the Fire Chief has delegated written authority under the provisions of Chapter 148, any Police Officer, or the Building Inspector through non-criminal disposition, civil action or criminal penalty.

B. The permit fee for open burning shall be Five ($5.00) dollars for the burning season.

24.6 Pyrotechnics *ATM 5/2/05, STM 11/7/05, STM 12/3/07*

A. Notwithstanding the provisions of 527 CMR 2.09, the use of pyrotechnic devices, pyrotechnic materials, and pyrotechnic special effects, as defined in 527 CMR 2.03, in the interior of a structure or building is hereby prohibited.

B. Compliance with this article shall be a condition of any license or permit issued by the Town of Freetown for on-premises consumption of alcoholic beverages and/or for entertainment.

C. Any person violating any of the provisions of this article shall be punished by a fine of Three Hundred Dollars ($300.00.) Each and every day shall be considered a separate and continuing offense subject to an individual fine. Any violation shall be sufficient grounds for revocation of any license referenced in Section 24.6B.

ARTICLE 24 (cont.)

24.7 Depositing Snow on Roads and Sidewalks *STM 06/01/09*

No person other than an employee in the service of the Town of Freetown or an employee in the service of an independent contractor acting for the Town, shall pile, push, plow, throw, shovel or by any other means cause snow or ice to be deposited or placed on any part of a public street or sidewalk or fire hydrant or other similar device in the Town so as to impede, obstruct or interrupt or otherwise adversely affect the unrestricted flow of traffic, or the safe travel of any pedestrian on such roadway or sidewalk, or conceal any fire hydrant or other similar device.

Violations of this bylaw section are punishable by a fine of $100.00 for each violation.

The provisions of this By-law may be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D.

The provisions of this by-law may be enforced by police officers or other persons so authorized by the Board of Selectmen.

ARTICLE 25
PROSECUTIONS AND PENALTIES

25.1 Prosecutions for Offenses

Except when otherwise provided by law, prosecutions for offenses under the by-laws of the Town may be made by any constable or police officer of the Town.

25.2 Penalties

Whoever violates any by-law of the Town whereby any act or thing is enjoined, required, or prohibited shall forfeit and pay for each offense a fine of Fifty ($50) dollars for the first offense, One hundred ($100) dollars for the second offense, and One hundred fifty ($150) dollars for the third or subsequent offense. Each day such offense continues shall constitute a separate offense. These penalties may be enforced through the non-criminal procedure or the usual criminal procedure. Further enforcement may be made through Superior Court action for restraining orders or other appropriate remedies.

These penalties replace the penalties in Articles 13- Streets, Sidewalks and Public Places, 24.1- Covering Wells, 11- Protective by-laws and 22- Inflammable Liquids, 21-Tire Storage. *ATM 5/6/91*

25.3 Non-Criminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, § 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer , board of department which is subject to a specific penalty.

Any person taking cognizance of a violation of a specific By-Law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the Clerk of the Fall River District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address if known, of the offender, the specific offense charged, and the time and place of his required appearance. Such notice shall be signed by the enforcing person and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

If the enforcing person is unable to deliver a copy of the notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within fifteen (15) days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as

ARTICLE 25 (25.3 cont.)

aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of Court before which the offender has been notified to appear.

The disposition of such notices by the Clerk of the Fall River District Court shall be in accordance with § 21D of Chapter 40 of the General Laws, and/or take any other action relative thereto. *ATM 5/7/90*

ARTICLE 26
APPROVAL, EFFECTIVE DATE OF BY LAWS

26.1 Approval of By-Laws
These by-laws shall take effect upon approval and publication in the manner required by law and shall be in lieu of all by-laws heretofore enforced except for the Soil Removal By-Law passed at the annual town meeting of 1956 which by-law shall be incorporated therein.

26.2 Provision of By-Laws
If any provision of these by-laws be held unlawful or shall not be approved it shall not effect any other provision of these by-laws or the enforcement thereof.

ARTICLE 27
NON-STORMWATER DISCHARGES TO THE MUNICIPAL STORM DRAINAGE SYSTEM OF THE TOWN OF FREETOWN *STM 11/20/06, ATM 5/7/07*

Section 27-1. Objective/Intent.
The objective of this by-law is to prevent non-stormwater discharges to the Town of Freetown's municipal storm drain system through the regulation of non-stormwater discharges to the storm drain system to the maximum extent practicable as required by federal and state law. Non-stormwater discharges are a major concern because they can impair the water quality of fresh water bodies, including streams, rivers and wetlands; contaminate drinking water supplies; alter or destroy aquatic habitant; and increase flooding.

This by-law seeks to prevent the introduction of pollutants into the municipal storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process by:

Regulating the contribution of pollutants to the municipal storm drainage system from stormwater discharges by any user;

Prohibiting illicit connections and discharges to the municipal storm drainage system;

Establishing legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this by-law.

Prohibiting discharges into the municipal storm drainage system that may or can create a condition that is harmful to public safety and welfare.

Section 27-2. Definitions.
For the purposes of this by-law the following shall mean:

1. **Authorized Enforcement Agency**. The Building Commissioner and the employees and designees of the Town's Building Department are the Authorized Enforcement Agency designated to enforce this by-law.

2. **Best Management Practices(BMPS)**. Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

ARTICLE 27 (21-2cont.)

3. **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

4. **Construction Activity**. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of five (5) acres or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

5. **Hazardous Materials**. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

6. **Illicit Connections**. Any surface or subsurface drain or conveyance which allows an illegal discharge to enter the municipal storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks or toilets, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

7. **Illegal Discharge**. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this by-law.

8. **Industrial Activity**. Activities subject to NPDES Industrial Permits as defined in 40 CFR 122.26 (b)(14).

9. **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by EPA (or by the Commonwealth of Massachusetts under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

10. **Non-Storm Water Discharge**. Any discharge to the municipal storm drain system that is not composed entirely of storm water.

11. **Person**. Any individual, partnership, association, firm, company , trust, corporation, agency, authority, department of political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent of such person.

12. **Pollutant.** Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent or other matter whether originating at a point or non-point source that is or may be introduced into any storm drain system, waters of the Commonwealth and/or waters of the United States. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, by-laws, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt and soils; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

13. **Premises**. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

14. **Storm Drainage System**. A system used to collect and/or convey stormwater including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures owned or operated by the Town of Freetown.

15. **Storm Water**. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

16. **Watercourse**. A natural or man-made channel through which water flows or a stream of water, including a brook or underground stream.

ARTICLE 27 (21-2 cont.)

17. **Waters of The Commonwealth**. All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

18. **Wastewater**. Any sanitary waste, sludge, septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes in direct contact with or results from the production or use of any raw material, intermediate product, by-product or waste product

Section 27-3. Applicability.

This by-law shall apply to all water entering the Storm Drainage System owned or operated by the Town of Freetown unless explicitly exempted by the Building Commissioner.

Section 27-4. Authority.

This by-law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and G.L. c.83, §1 and §10, as amended by St. 2004, c.149, §§135-140, and the Federal Clean Water Act, 40 CFR 122.34.

Section 27-5. Responsibility for Administration.

The Building Commissioner as the Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this by-law. Any powers granted or duties imposed upon the Building Commissioner may be delegated in writing by the Building Commissioner to persons or entities acting in the beneficial interest of or in the employ of the Town under the Building Commissioner.

Section 27-6. Severability.

The provisions of this by-law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

Section 27-7. Prohibited Activities.

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal Storm Drainage System or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any Illegal Discharge to the Storm Drainage System is prohibited except as provided as follows, and further provided that the exempt source is not a significant contributor of a Pollutant to the Storm Drainage System; not withstanding the last previous phrase, all fire fighting activities are exempt:

The following discharges are exempt from discharge prohibitions established by this by-law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated), fire fighting activities, and any other water source not containing Pollutants.

Discharges specified in writing by the Building Commissioner, as the Authorized Enforcement Agency, as being necessary to protect public health , safety, welfare or the environment.

Dye testing is an allowable discharge, but requires a written notification to the Building Commissioner prior to the time of the test.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Storm Drainage System.

ARTICLE 27 (27-7 cont.)

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit Connections to the Storm Drainage System is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

   A person is considered to be in violation of this by-law if the person connects a line conveying sewage to the Storm Drainage System, or allows such a connection to continue.

C. Time for Compliance

Residential property owners shall have 90 days from the effective date of this by-law to comply with its provisions, provided good cause is shown for the failure to comply with the by-law during that period.

Section 27-8. Suspension of Municipal Storm Drainage System Access.

Suspension due to Illegal Discharges in Emergency Situations.

The Building Commissioner, as the Authorized Enforcement Agency, may, without prior notice, suspend municipal Storm Drainage System discharge access to any person or property when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent risk of harm to public health, safety or welfare; to the environment; to the municipal Storm Drainage System or Waters of the Commonwealth or the United States. If the violator fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the municipal Storm Drainage System or Waters of the Commonwealth or the United States, and/or to minimize risk of harm to public health, safety or welfare or to the environment.

Suspension due to the Detection of Illegal Discharge.

Any person discharging to the Town's Storm Drainage System in violation of this by-law may have their access terminated if such termination would abate or reduce an Illegal discharge. The Building Commissioner, as the Authorized Enforcement Agency, shall notify a violator of the proposed termination of its Storm Drainage System access. The violator may petition the Building Commissioner for reconsideration and a hearing regarding such notice of termination.

A person commits an offense if the person reinstates municipal Storm Drainage System access to premises terminated pursuant to this Section, without the prior approval of the Building Commissioner.

Section 27-9. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Building Commissioner prior to the allowing of discharges to the municipal Storm Drainage System.

Section 27-10. Monitoring of Discharges.

A. Applicability.

This Section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The Building Commissioner, as the Authorized Enforcement Agency, shall be permitted to enter and inspect facilities subject to regulation under this by-law as often as may be necessary to determine compliance with this by-law. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Building Commissioner or his/her authorized representatives.

2. Facility operators shall allow the Building Commissioner ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

ARTICLE 27 (27-10 cont.)

3. The Building Commissioner shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Building Commissioner to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The Building Commissioner has the right to require the discharger to install monitoring equipment as determined by the Building Commissioner. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Commissioner and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the Building Commissioner access to a permitted facility is a violation of a storm water discharge permit and of this by-law. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Building Commissioner reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this by-law.

If the Building Commissioner has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this by-law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this by-law or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Building Commissioner may seek issuance of a search warrant from any court of competent jurisdiction.

Section 27-11. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The Building Commissioner, as the Authorized Enforcement Agency, shall adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of Storm Water, the Storm Drainage System, or Waters of the Commonwealth or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal Storm Drainage System or Watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for Premises, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal Storm Drainage System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of Storm Water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 27-12. Watercourse Protection.

Every person owning Premises through which a Watercourse passes, or such person's lessee, shall keep and maintain that part of the Watercourse within the Premises free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the Watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a Watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the Watercourse.

Section 27-13. Notification of Spills.

Notwithstanding other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into Storm Water, the Storm Drainage System, or Waters of the Commonwealth and United States, said person shall take all necessary steps to ensure containment and cleanup of such release. In the event of such a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Building Commissioner, as the Authorized Enforcement Agency, in person or by telephone or facsimile no later

ARTICLE 27 (27-11 cont.)

than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Building Commissioner within three business (3) days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Section 27-14. Enforcement.

The Building Commissioner, as the Authorized Enforcement Agency shall enforce this by-law, regulations, order, violation notices, and may pursue all criminal and civil remedies for such violations.

A. Civil Relief.

If a person violates the provisions of the by-law, regulations, permit, notice or order issued hereunder, the Building Commissioner may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Civil penalties may be imposed to the maximum permitted by law, including up to $5,000 a day under Mass. G.L. c. 83, §10.

B. Orders.

The Building Commissioner may issue a written order to enforce provisions of this by-law or regulations thereunder, which may include (a) elimination of Illicit Connections or Illegal Discharges to the Storm Drainage System; (b) performance of monitoring, analyses and reporting; (c) an order to cease and desist Illicit Connections and/or Illegal Discharges, practices or operations; and (d) remediation of contamination in connection therewith. If the Building Commissioner determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that should the violator or property owner fail to abate or perform remediation within the specified deadline, the work may be done by a governmental agency or contractor, in which event such work and expenses thereof shall be charged to the violator.

C. Criminal Penalty.

Any person who violates any provision of this by-law, regulation, order or permit issued hereunder shall be punished by a fine of not more than $300.00 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition.

Whoever violates any provision of this by-law may be penalized by a non-criminal disposition as provided in Mass. G.L. Chapter 40, Section 21D and Article 25 of the Town's General By-Laws. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that the following by-laws and regulations be included within the scope of this subsection, that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. The Building Commissioner, Town of Freetown Police Department, or any designated Agent of the Building Commissioner shall be considered an enforcing person for the purpose of this section.

A violation of the by-law and regulatory provisions may be dealt with in a non-criminal manner as provided by section (a) above. Each day on which any violations exist shall be deemed to be a separate offense.

The fine schedule is: First offense, $100.00, second offense, $200.00, third and subsequent offenses, $300.00.

E. Appeals.

The decision or order of the Building Commissioner, as the Authorized Enforcement Agency, may be appealed to the Planning Board within 20 days of the date of the decision or order. The Planning Board shall consider the request at a meeting after written notice is given to abutters, paid for by the Person appealing, at least seven (7) calendar days prior to the said meeting.

F. Remedies Not Exclusive.

The remedies listed in this by-law are not exclusive of any other remedies available under applicable federal, state or local law.

ARTICLE 28
TAX INCREMENT FINANCING BOARD (TIFB) *ATM 6/11/08*

Organization
There is hereby established within the municipal government an unpaid Tax Increment Financing Board (TIFB) consisting of the following officials: Chairman of the Board of Assessors or his/her designee, Chairman of the Planning Board or his/her designee, Chairman of the Board of Selectman or his/her designee, Chairman of the Finance Committee or his/her designee, Town Treasurer or his/her designee, Town Administrator or his/her designee and one citizen appointed annually by the Board of Selectmen. Each member who is a designee shall be appointed annually for a period to serve May 1 through April 30.

Powers and Duties

(1.) The TIFB shall negotiate agreements between the Town of Freetown and businesses designated as "certified Projects" for Special Tax Assessment or Tax Increment Financing in accordance with General Laws Chapter 23A and Chapter 40, Section 59, as amended. Agreements as negotiated by the TIFB shall be legally binding only after ratification by Town Meeting. The Town's designation of specific job creation projects as "Certified Projects" shall be subject to final approval from the Massachusetts Economic Assistance Coordinating Council (EACC). The TIFB does not have the authority to negotiate a TIF for any Water District.

(2.) The TIFB shall direct the development of a Tax Increment Financing Plan and submit said plan to Town Meeting and EACC as required by state law.

(3.) Subject to Town Meeting ratification, the TIFB shall determine, on a case-by-case basis, the need for local property tax incentives based upon the General Policy Statement as most recently amended by the TIFB.

(4.) The TIFB shall forward to the Board of Assessors a copy of each executed agreement to provide tax incentives to an approved "Certified Project" together with a list of parcels to be included therein.

(5.) The TIFB shall annually review the status of the executed agreement with each "Certified Project" to determine compliance with the terms and conditions of local project certification. The TIFB shall require corrective action to remedy any identified area of non-compliance, and shall initiate revocation when it determines that there has been failure by the "Certified Project" to make a reasonable effort to remedy the deficiency.

Tax Increment Financing Parcels
Subject only to the approval of the EACC, the TIFB shall establish Tax Increment Financing parcels on a project-by-project basis. The TIFB reserves the right to establish Tax Increment Financing Zones.

Exemptions from Property Tax
Each property tax exemption provided under this chapter shall become effective per the individual Tax Increment Financing Agreement negotiated. Under no circumstances shall the term of any specific exemption agreement exceed 20 years in duration. NO exemption shall exceed the incremental increase in assessed valuation of the property that is associated with the approved "Certified Project".

Agreements to provide property tax incentives to "Certified Projects" shall be negotiated and executed in accordance with General Guidelines as most recently amended:

Reporting
Each "Certified Project" shall submit an annual report to the TIFB no later than June 30 of each calendar year. The TIFB shall thereupon review the status of each "Certified Project" to determine compliance with the terms and conditions included in each executed agreement and submit its annual report to the TIFB and EACC no later than July 31 of each calendar year.

Revocation
All executed agreements to provide Special Tax Assessment or Tax Increment Financing (including betterment, special assessment and/or exemption from property tax) shall be binding on each party and enforceable by the Town in accordance with General Laws Chapter 23A and Chapter 40, Section 59, as amended. Should the TIFB determine, after reasonable efforts to remedy an identified area of non-compliance, that a "Certified Project" has not met its obligation under the executed agreement, the TIFB with the approval of the Board of Selectmen may petition the EACC to revoke the certification in accordance with appropriate procedures. Upon final action by the EACC,

ARTICLE 28 (cont.)

the TIFB shall forward to the Board of Assessors a copy of the revocation of certification and all incentives pursuant thereto. (Submitted by the Tax Increment Financing Board)

Approval by the Massachusetts Economic Assistance Coordinating Council
The agreements are negotiated by the TIFB and shall become effective upon approval by Town Meeting and the Massachusetts Economic Assistance Coordinating Council.

Severability
If a court of competent jurisdiction holds any provision of the bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this general bylaw.