

COMMONWEALTH OF MASSACHUSETTS
TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
March 6, 2008

WORCESTER, ss.

To either of the Constables of the Town of Templeton in said County.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on Thursday, March 6, 2008, at 7:00 p.m., then and there to act on the following articles:

Article 1. To see if the Town will vote to transfer the sum of Five Thousand Dollars **(\$5,000.00)** from the Unemployment Compensation Insurance account to the Town Telephone expense account to supplement the Town Telephone expense account for FY'08, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum of Five Thousand Dollars **(\$5,000.00)** from the Unemployment Compensation Insurance account to the Town Telephone expense account to supplement the Town Telephone expense account for FY'08.

Passed Unanimously/March 6th @ 7:06

Article 2. To see if the Town will vote to transfer from available funds or otherwise provide a sum of money to fund the Police Local Union 155 – AFL – CIO – Mass. Coalition bargaining agreement for fiscal year 2008, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum of Four Thousand Dollars **(\$4,000.00)** from the Unemployment Compensation Insurance account and to transfer the sum of Twenty-Two Thousand Dollars **(22,000.00)** from the Group Insurance account to a total sum of Twenty-six Thousand Dollars **(\$26,000.00)** to fund the Police Local Union 155 – AFL – CIO – Mass. Coalition bargaining agreement for fiscal year 2008.

Passed Unanimously/March 6th @ 7:07

Article 3. To see if the Town will vote to transfer from available funds or otherwise provide a sum of money for the purposes of hiring a project manager and undertaking a feasibility study for a Templeton Elementary School as required by the Massachusetts School Building Authority, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum of Zero Dollars (**\$0.00**) for the purposes of hiring a project manager and undertaking a feasibility study for a Templeton Elementary School as required by the Massachusetts School Building Authority.
Passed Unanimously/March 6th @ 7:12

Article 4. To see if the Town will vote to adopt the following by-law for Stormwater Management, or to take any other action relative thereto:

TEMPLETON, MASSACHUSETTS

**NPDES PHASE II PERMIT
STORMWATER MANAGEMENT BYLAW**

STORMWATER MANAGEMENT

Section 1. Purpose and Intent.

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Templeton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated Stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This by-law establishes minimum storm water management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

This by-law requires local review and approval of a Stormwater management plan for all development and redevelopment projects that disturb one (1) acre or more. In addition to this by-law, the Owner and/or developer is also obligated to meet the requirements of the Federal Environmental Protection Agency's (EPA) regulations for Stormwater management.

Section 2. The objectives of this by-law are:

- a. To require practices to control the flow of Stormwater from new and redeveloped sites into the town's storm drainage system in order to prevent flooding and erosion;
- b. To protect groundwater and surface water from degradation;
- c. To promote groundwater recharge;

- d. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- e. To ensure adequate long-term operation and maintenance of structural Stormwater best management practices so that they work as designed;
- f. To comply with state and federal statutes and regulations relating to storm water discharges; and
- g. To establish Templeton's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 3. Applicability

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land, without a permit from the Permit Granting Authority. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site. Construction activities that are exempt are:

- a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 or the improvement or preparation of land for agricultural use outside the jurisdictional areas of the Wetlands Protection Act, provided that the activity is undertaken in such a manner as to prevent erosion and siltation of wetlands and surface waters in accordance with U.S. Department of Agriculture "Guidelines for Soil and Water Conservation: and is conducted in accordance with Federal and State laws.
- b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- e. Work activities of municipal, state, or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.

f. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 3 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this by-law.

Section 4. Permits and Procedures

a. The Permit Granting Authority (PGA) under this bylaw shall be the Templeton Planning Board. Such a permit shall be granted if the PGA determines, with the advice and recommendations of the Zoning Enforcement Officer, Conservation Commission, and the Highway Department, that the intent of this bylaw, as well as specific criteria, is met. The PGA shall not grant a permit under this section unless the petitioner's application materials include, in the PGA's opinion, sufficiently detailed definite and credible information to support positive findings in relation to the standards given in this section. The PGA shall document the basis for any departures from the recommendations of the other town boards or departments in its decision.

b. The site owner or his agent shall file with the PGA, ten (10) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:

- (1) A completed Application Form with original signatures of all owners;
- (2) Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 5.
- (3) Ten (10) copies of the Operation and Maintenance Plan as required by Section 6 of this by-law;
- (4) Payment of the application and review fees.
- (5) A list of abutters (owners of property within 300 feet of the boundaries of the site), as certified by the Assessors.

c. Entry. To the extent permitted by state law, filing and application for a permit grants the PGA or its planning agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

d. Other Boards. The PGA shall give one copy of the application package to the designated technical reviewers, which include the Zoning Enforcement Officer,

Conservation Commission, and Highway department, for the purpose of reviewing the permit application. The PGA may also engage the services of a peer review engineer at the applicant's expense if, in the opinion of the PGA, such review is necessary for assessing technical information supplied by the applicant and assessing the adequacy of proposed Stormwater control measures.

e. The PGA shall obtain with each submission an Application Fee established by the PGA. If the PGA retains a Registered Professional Engineer or other professional consultant for technical review, additional review fees will be required. Applicants must pay review fees before the review process may begin.

f. Public Hearing. The PGA shall hold a public hearing within 60 days of the receipt of a complete application, and shall take final action within 60 days from the close of the public hearing, unless such time is extended by agreement between the applicant and the PGA. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town, by posting at Town Hall, and by first-class mailings to abutters at least 7 days prior to the hearing. The PGA shall make the application available for inspection by the public during business hours at the Town offices.

g. Actions. The PGA's action, rendered in writing, shall consist of either:

(1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 5 b. and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;

(2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the PGA which will ensure that the project meets the Standards in Section 5 b. and adequately protect water resources, set forth in this by-law;

(3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 5 b. or adequately protect water resources, as set forth in this by-law.

h. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural Stormwater controls and treatment best management practices (BMP's) required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

Section 5. Contents of Stormwater Management Plan

a. Application. The Stormwater Management Plan shall contain sufficient information for the PGA to evaluate the environmental impact, effectiveness, and

acceptability of the measures proposed by the applicant for reducing adverse impacts from Stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the current edition of the Department of Environmental Protection guidelines and policies. The plan shall be designed to also meet the policy standards of the PGA. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (1) Locus map,
- (2) The existing zoning, and land use at the site,
- (3) The proposed land use,
- (4) The location(s) of existing and proposed easements,
- (5) The location of existing and proposed utilities,
- (6) The site's existing and proposed topography with contours at 2 foot intervals,
- (7) The existing site hydrology,
- (8) A description and delineation of existing Stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which Stormwater flows.
- (9) A delineation of 100-year flood plains, if applicable
- (10) Estimated high groundwater elevation in areas to be used for Stormwater retention, detention, or infiltration.
- (11) The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
- (12) A drainage area map showing pre and post construction watershed boundaries, drainage area, and Stormwater flow paths,
- (13) A description and drawings of all components of the proposed drainage system including:
 - (i) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization,
 - (ii) All measures for the detention, retention, or infiltration of water,

- (iii) All measures for the protection of water quality,
- (iv) The structural details for all components of the proposed drainage systems and Stormwater management facilities
- (v) Notes on drawings specifying materials to be used, construction specifications, and typicals, and
- (vi) Expected hydrology with supporting calculations.

(14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,

(15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,

(16) Plans to minimize soil erosion and control sedimentation during construction, including interim and permanent soil stabilization measures, management of on-site construction and waste materials, and prevention of off-site transport of sediment,

(17) A maintenance schedule for the period of construction, and

(18) Any other information requested by the PGA..

b. Standards. Projects shall meet the **Standards of the Massachusetts Stormwater Management Policy** as are currently in effect.

c. Project Changes. The permittee, or their agent, shall notify the PGA in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the PGA determines that the change or alteration is significant, based on the design requirements listed in Section 5 and accepted construction practices, the PGA may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the PGA may require the installation or interim measures before approving the change.

Section 6. Operation and Maintenance Plans

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this by-law and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of

the system. The Operation and Maintenance Plan shall remain on file with the PGA and shall be an ongoing requirement. The O&M Plan shall include:

- a. The name(s) of the owner(s) for all components of the system
- b. Maintenance agreements that specify:
 - (1) The names and addresses of the person(s) responsible for operation and maintenance.
 - (2) The person(s) responsible for financing maintenance and emergency repairs.
- c. Maintenance Schedule for all drainage structures, including swales and ponds.
- d. List of easements with the purpose and location of each.
- e. The signature(s) of the owner(s).
- f. Evidence that the owner has sufficient legal authority and necessary property rights to access and maintain all aspects of the Stormwater control system.
- g. Changes to Operation and Maintenance Plans
 - (1) The owner(s) of the Stormwater management system must notify the PGA of changes in ownership or assignment of financial responsibility.
 - (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the PGA and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

Section 7. Surety

The PGA may require the permittee to post before the start of land disturbance or construction activity, a surety bond, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the PGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the PGA may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the PGA has received the final inspection report as required by Section 8 g. and issued a Certificate of Completion.

Section 8. Inspections

At the discretion of the PGA, periodic inspections of the Stormwater management system construction may be conducted by the Town or a professional engineer approved by the PGA. Written reports shall include:

- a. Inspection date and location.
- b. Evaluation of compliance with the Stormwater permit.
- c. Any variations from approved specifications or any violations of the Stormwater Management Plan.

At a minimum, the PGA or its agent/engineer may inspect the project site at the following stages:

- d. Initial Site Inspection: prior to approval of any plan.
- e. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- f. Bury Inspection: prior to backfilling of any underground drainage Stormwater conveyance structures.
- g. Final Inspection. After the Stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual Stormwater management system as installed. The PGA or its agent may inspect the system to confirm its “as built” features. This inspector may also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the PGA which will issue a Certificate of Completion. As-built plans shall be full size plans that include all final grades, prepared by a Professional Engineer. All changes to project design should be clearly depicted on the as-built plans.
- h. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the system does not comply with the Plan, the permittee shall be notified in writing of the violation and the required corrective actions. A Stop Work order shall be issued until any violations are corrected and all work previously completed has received approval by the PGA.

Section 9. Waivers

- a. The PGA may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- (1) Such action is allowed by federal, state, and local statutes and/or regulations,
- (2) Is in the public interest, and
- (3) Is not inconsistent with the purpose and intent of this by-law.

b. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.

c. All waiver requests shall be discussed and voted on at the public hearing for the project.

d. If in the PGA's opinion, additional time or information is required for review of a waiver request, the PGA may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 10. Certificate of Completion

The PGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this by-law.

Section 11. Enforcement

a. The PGA or an authorized agent of the PGA shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

b. Orders.

(1) The PGA or an authorized agent of the PGA may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include requirements to:

(i) Cease and desist from construction or land disturbing activity until there is compliance with the by-law and the Stormwater management permit;

(ii) Repair, maintain, or replace the Stormwater management system or portions thereof in accordance with the operation and maintenance plan.

(iii) Perform monitoring, analysis, and reporting;

(iv) Remediate adverse impact resulting directly or indirectly from malfunction of the Stormwater management system.

(v) If the PGA or authorized agent of the PGA determines that the abatement or remediation of adverse impacts 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 Town of Templeton may, at its **option**, undertake such work, and the property owner shall reimburse the town's expenses.

(vi) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the PGA within thirty (30) days of receipt of the notification of the cost incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the PGA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

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. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

d. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec. 21D, and this bylaw of the Town of Templeton, in which case the PGA or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 12. Rules and Regulations

The PGA may adopt, and periodically amend, rules and regulations to effectuate the purposes of this by-law. Failure by the PGA to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law or any permits issued pursuant to the by-law.

Section 13. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

On a motion duly made and seconded the Town voted to adopt the following by-law for Stormwater Management:

TEMPLETON, MASSACHUSETTS

NPDES PHASE II PERMIT STORMWATER MANAGEMENT BYLAW

STORMWATER MANAGEMENT

Section 1. Purpose and Intent.

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Templeton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated Stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This by-law establishes minimum storm water management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

This by-law requires local review and approval of a Stormwater management plan for all development and redevelopment projects that disturb one (1) acre or more. In addition to this by-law, the Owner and/or developer is also obligated to meet the requirements of the Federal Environmental Protection Agency's (EPA) regulations for Stormwater management.

Section 2. The objectives of this by-law are:

- a. To require practices to control the flow of Stormwater from new and redeveloped sites into the town's storm drainage system in order to prevent flooding and erosion;
- b. To protect groundwater and surface water from degradation;
- c. To promote groundwater recharge;
- d. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- e. To ensure adequate long-term operation and maintenance of structural Stormwater best management practices so that they work as designed;
- f. To comply with state and federal statutes and regulations relating to storm water discharges; and
- g. To establish Templeton's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 3. Applicability

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land, without a permit from the Permit Granting Authority. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site. Construction activities that are exempt are:

- a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 or the improvement or preparation of land for agricultural use outside the jurisdictional areas of the Wetlands Protection Act, provided that the activity is undertaken in such a manner as to prevent erosion and siltation of wetlands and surface waters in accordance with U.S. Department of Agriculture "Guidelines for Soil and Water Conservation: and is conducted in accordance with Federal and State laws.
- b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;

- d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- e. Work activities of municipal, state, or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.
- f. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 3 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this by-law.

Section 4. Permits and Procedures

- a. The Permit Granting Authority (PGA) under this bylaw shall be the Templeton Planning Board. Such a permit shall be granted if the PGA determines, with the advice and recommendations of the Zoning Enforcement Officer, Conservation Commission, and the Highway Department, that the intent of this bylaw, as well as specific criteria, is met. The PGA shall not grant a permit under this section unless the petitioner's application materials include, in the PGA's opinion, sufficiently detailed definite and credible information to support positive findings in relation to the standards given in this section. The PGA shall document the basis for any departures from the recommendations of the other town boards or departments in its decision.
- b. The site owner or his agent shall file with the PGA, ten (10) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
 - (1) A completed Application Form with original signatures of all owners;
 - (2) Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 5.
 - (3) Ten (10) copies of the Operation and Maintenance Plan as required by Section 6 of this by-law;
 - (4) Payment of the application and review fees.
 - (5) A list of abutters (owners of property within 300 feet of the boundaries of the site), as certified by the Assessors.

c. Entry. To the extent permitted by state law, filing and application for a permit grants the PGA or its planning agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

d. Other Boards. The PGA shall give one copy of the application package to the designated technical reviewers, which include the Zoning Enforcement Officer, Conservation Commission, and Highway department, for the purpose of reviewing the permit application. The PGA may also engage the services of a peer review engineer at the applicant's expense if, in the opinion of the PGA, such review is necessary for assessing technical information supplied by the applicant and assessing the adequacy of proposed Stormwater control measures.

e. The PGA shall obtain with each submission an Application Fee established by the PGA. If the PGA retains a Registered Professional Engineer or other professional consultant for technical review, additional review fees will be required. Applicants must pay review fees before the review process may begin.

f. Public Hearing. The PGA shall hold a public hearing within 60 days of the receipt of a complete application, and shall take final action within 60 days from the close of the public hearing, unless such time is extended by agreement between the applicant and the PGA. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town, by posting at Town Hall, and by first-class mailings to abutters at least 7 days prior to the hearing. The PGA shall make the application available for inspection by the public during business hours at the Town offices.

g. Actions. The PGA's action, rendered in writing, shall consist of either:

- (1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 5 b. and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
- (2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the PGA which will ensure that the project meets the Standards in Section 5 b. and adequately protect water resources, set forth in this by-law;
- (3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 5 b. or adequately protect water resources, as set forth in this by-law.

h. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural Stormwater controls and treatment best

management practices (BMP's) required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

Section 5. Contents of Stormwater Management Plan

a. Application. The Stormwater Management Plan shall contain sufficient information for the PGA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from Stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the current edition of the Department of Environmental Protection guidelines and policies. The plan shall be designed to also meet the policy standards of the PGA. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (1) Locus map,
- (2) The existing zoning, and land use at the site,
- (3) The proposed land use,
- (4) The location(s) of existing and proposed easements,
- (5) The location of existing and proposed utilities,
- (6) The site's existing and proposed topography with contours at 2 foot intervals,
- (7) The existing site hydrology,
- (8) A description and delineation of existing Stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which Stormwater flows.
- (9) A delineation of 100-year flood plains, if applicable
- (10) Estimated high groundwater elevation in areas to be used for Stormwater retention, detention, or infiltration.
- (11) The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
- (12) A drainage area map showing pre and post construction watershed boundaries, drainage area, and Stormwater flow paths,

- (13) A description and drawings of all components of the proposed drainage system including:
- (i) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization,
 - (ii) All measures for the detention, retention, or infiltration of water,
 - (iii) All measures for the protection of water quality,
 - (iv) The structural details for all components of the proposed drainage systems and Stormwater management facilities
 - (v) Notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - (vi) Expected hydrology with supporting calculations.
- (14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
- (15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- (16) Plans to minimize soil erosion and control sedimentation during construction, including interim and permanent soil stabilization measures, management of on-site construction and waste materials, and prevention of off-site transport of sediment,
- (17) A maintenance schedule for the period of construction, and
- (18) Any other information requested by the PGA..

b. Standards. Projects shall meet the **Standards of the Massachusetts Stormwater Management Policy** as are currently in effect.

c. Project Changes. The permittee, or their agent, shall notify the PGA in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the PGA determines that the change or alteration is significant, based on the design requirements listed in Section 5 and accepted construction practices, the PGA may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater

Management Permit occurs during a project, the PGA may require the installation or interim measures before approving the change.

Section 6. Operation and Maintenance Plans

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this by-law and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the PGA and shall be an ongoing requirement. The O&M Plan shall include:

- a. The name(s) of the owner(s) for all components of the system
- b. Maintenance agreements that specify:
 - (1) The names and addresses of the person(s) responsible for operation and maintenance.
 - (2) The person(s) responsible for financing maintenance and emergency repairs.
- c. Maintenance Schedule for all drainage structures, including swales and ponds.
- d. List of easements with the purpose and location of each.
- e. The signature(s) of the owner(s).
- f. Evidence that the owner has sufficient legal authority and necessary property rights to access and maintain all aspects of the Stormwater control system.
- g. Changes to Operation and Maintenance Plans
 - (1) The owner(s) of the Stormwater management system must notify the PGA of changes in ownership or assignment of financial responsibility.
 - (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the PGA and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

Section 7. Surety

The PGA may require the permittee to post before the start of land disturbance or

construction activity, a surety bond, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the PGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the PGA may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the PGA has received the final inspection report as required by Section 8 g. and issued a Certificate of Completion.

Section 8. Inspections

At the discretion of the PGA, periodic inspections of the Stormwater management system construction may be conducted by the Town or a professional engineer approved by the PGA. Written reports shall include:

- a. Inspection date and location.
- b. Evaluation of compliance with the Stormwater permit.
- c. Any variations from approved specifications or any violations of the Stormwater Management Plan.

At a minimum, the PGA or its agent/engineer may inspect the project site at the following stages:

- d. Initial Site Inspection: prior to approval of any plan.
- e. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- f. Bury Inspection: prior to backfilling of any underground drainage Stormwater conveyance structures.
- g. Final Inspection. After the Stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual Stormwater management system as installed. The PGA or its agent may inspect the system to confirm its “as built” features. This inspector may also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the PGA which will issue a Certificate of Completion. As-built plans shall be full size plans that include all final grades, prepared by a Professional Engineer. All changes to project design should be clearly depicted on the as-built plans.
- h. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the system does not comply with the Plan, the permittee

shall be notified in writing of the violation and the required corrective actions. A Stop Work order shall be issued until any violations are corrected and all work previously completed has received approval by the PGA.

Section 9. Waivers

a. The PGA may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

(1) Such action is allowed by federal, state, and local statutes and/or regulations,

(2) Is in the public interest, and

(3) Is not inconsistent with the purpose and intent of this by-law.

b. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.

c. All waiver requests shall be discussed and voted on at the public hearing for the project.

d. If in the PGA's opinion, additional time or information is required for review of a waiver request, the PGA may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 10. Certificate of Completion

The PGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this by-law.

Section 11. Enforcement

a. The PGA or an authorized agent of the PGA shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

b. Orders.

(1) The PGA or an authorized agent of the PGA may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include requirements to:

(i) Cease and desist from construction or land disturbing activity until there is compliance with the by-law and the Stormwater management permit;

(ii) Repair, maintain, or replace the Stormwater management system or portions thereof in accordance with the operation and maintenance plan.

(iii) Perform monitoring, analysis, and reporting;

(iv) Remediate adverse impact resulting directly or indirectly from malfunction of the Stormwater management system.

(v) If the PGA or authorized agent of the PGA determines that the abatement or remediation of adverse impacts 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 Town of Templeton may, at its **option**, undertake such work, and the property owner shall reimburse the town's expenses.

(vi) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the PGA within thirty (30) days of receipt of the notification of the cost incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the PGA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

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. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

d. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec. 21D, and this bylaw of the Town of Templeton, in which case the PGA or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 12. Rules and Regulations

The PGA may adopt, and periodically amend, rules and regulations to effectuate the purposes of this by-law. Failure by the PGA to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law or any permits issued pursuant to the by-law.

Section 13. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Passed by 2/3/March 6th @ 7:23

Article 5. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcel of property off the westerly side of Brandin Drive from Residential/Agricultural 2 to Commercial/Industrial A, or to take any other action relative thereto:

Beginning at the northwest corner at land of Anthony P. & Jennifer L. Richard; thence South 50° 29'23" East by Richard Land 263.20 feet to land of Rowdy W. & Agnes A. Hough; then South 18° 04'39" West by Hough land. 455.41 feet; thence South 64° 29'37" East by Hough land 388.94 feet to land of David & Marianne Field; thence South 24° 11'50" West by Field land 250.00 feet to the northerly line of Route 2; thence North 73° 44'32" West by the northerly line of Route 2 604.33 feet to land of P&E Trust; thence North 18° 04'39" East by P&E Trust land 869.64 feet to land of Anthony P. & Jennifer L. Richard and the point of beginning containing 7.00 acres.
Shown as Lot 1 on a plan prepared by JLA Land Survey for P&E Trust for land owned by Rowdy W. and Agnes A. Hough on October 17,2007 endorsed as Approval Not Required by the Planning Board on October 23,2007 to be deeded to the P&E Trust, being a portion of land owned by Rowdy W. &

Agnes A. Hough, recorded in book 32909, page 334, and being A portion of Lot "9" in plan book 756, plan 52.
A map of the subject property is available for inspection at the Town Clerk's office.

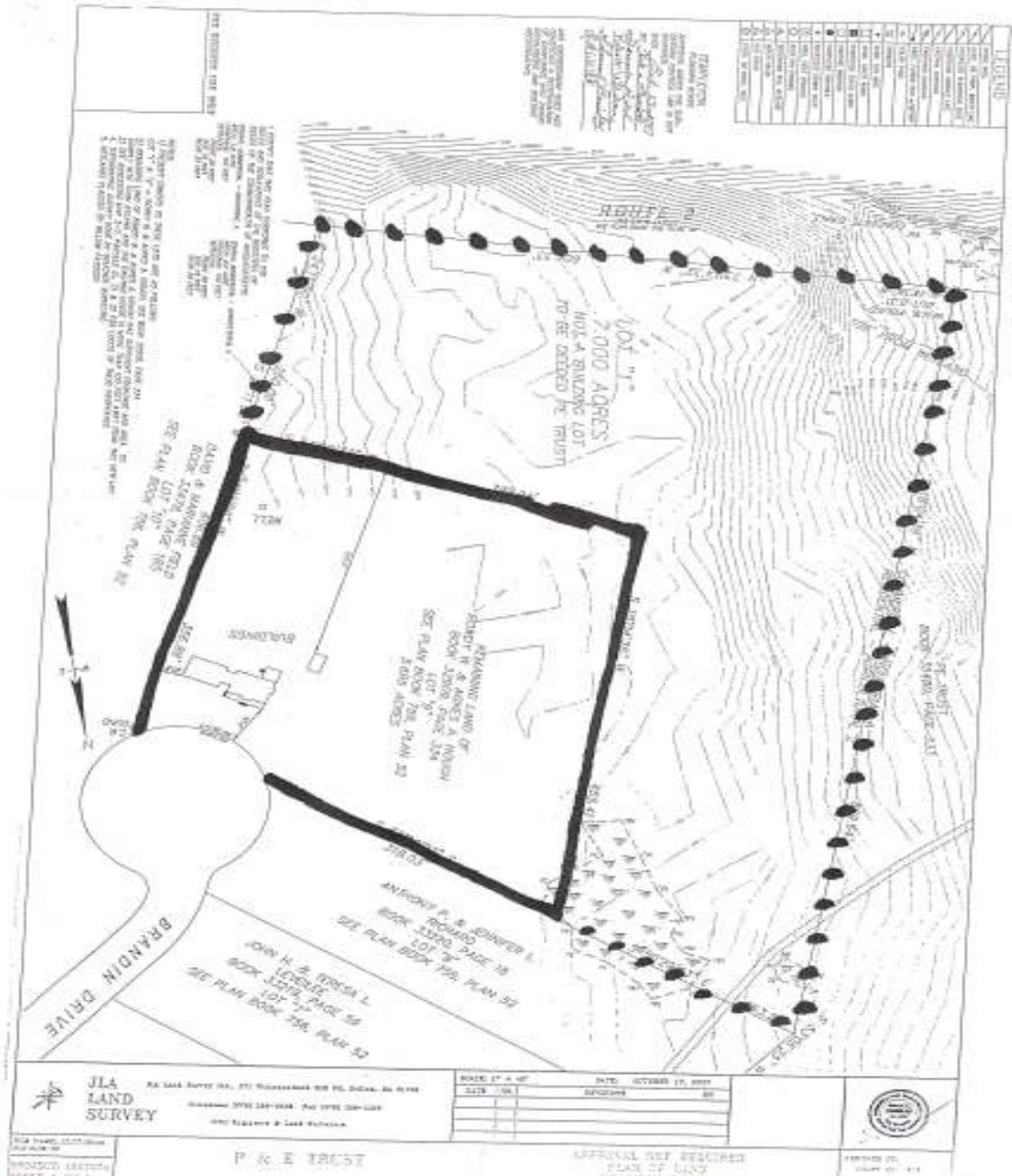


Drive from Residential/Agricultural 2 to Commercial/Industrial A.

Beginning at the northwest corner at land of Anthony P. & Jennifer L. Richard; thence South $50^{\circ} 29'23''$ East by Richard Land 263.20 feet to land of Rowdy W. & Agnes A. Hough; then South $18^{\circ} 04'39''$ West by Hough land. 455.41 feet; thence South $64^{\circ} 29'37''$ East by Hough land 388.94 feet to land of David & Marianne Field; thence South $24^{\circ} 11'50''$ West by Field land 250.00 feet to the northerly line of Route 2; thence North $73^{\circ} 44'32''$ West by the northerly line of Route 2 604.33 feet to land of P&E Trust; thence North $18^{\circ} 04'39''$ East by P&E Trust land 869.64 feet to land of Anthony P. & Jennifer L. Richard and the point of beginning containing 7.00 acres.

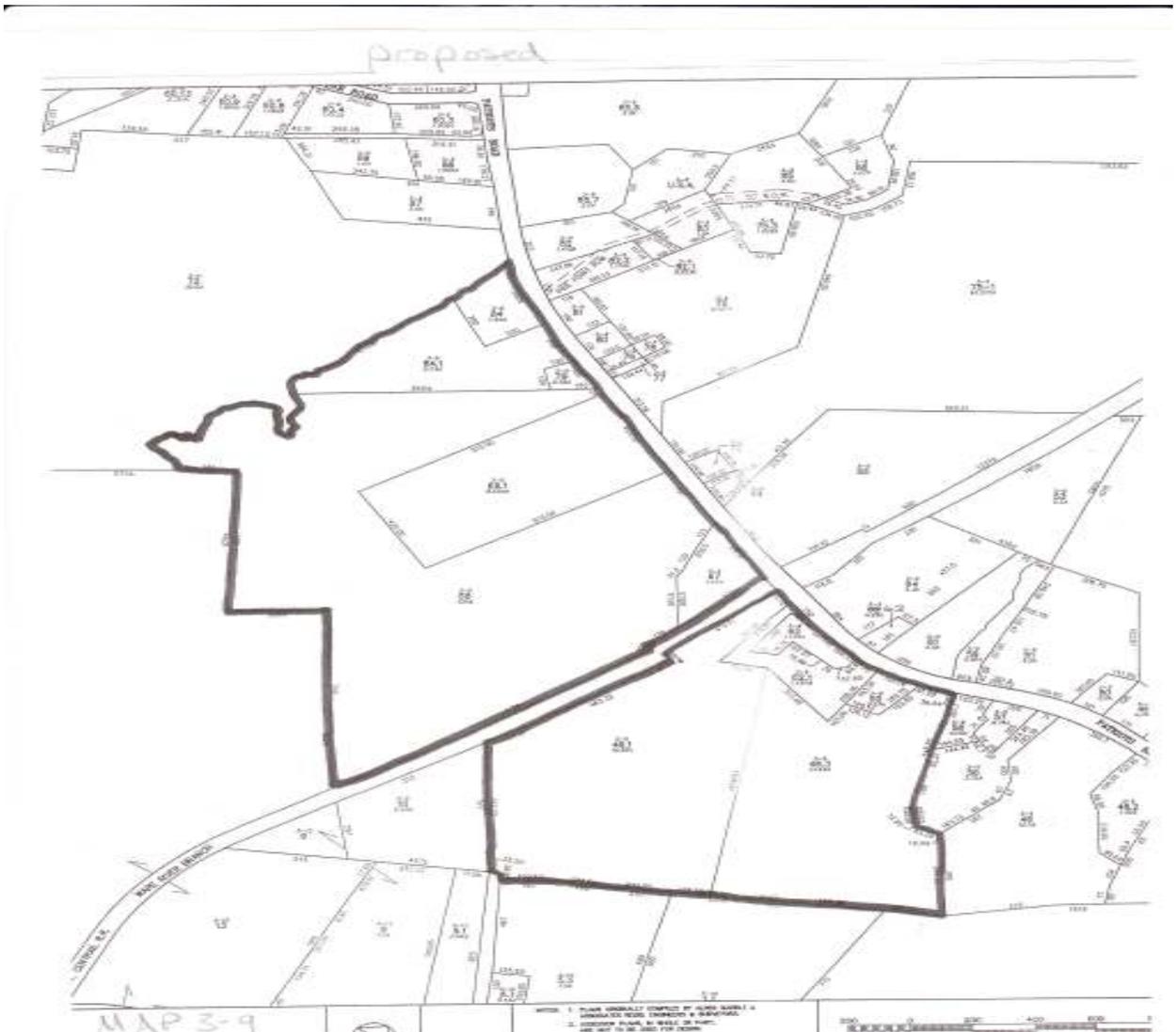
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Proposed

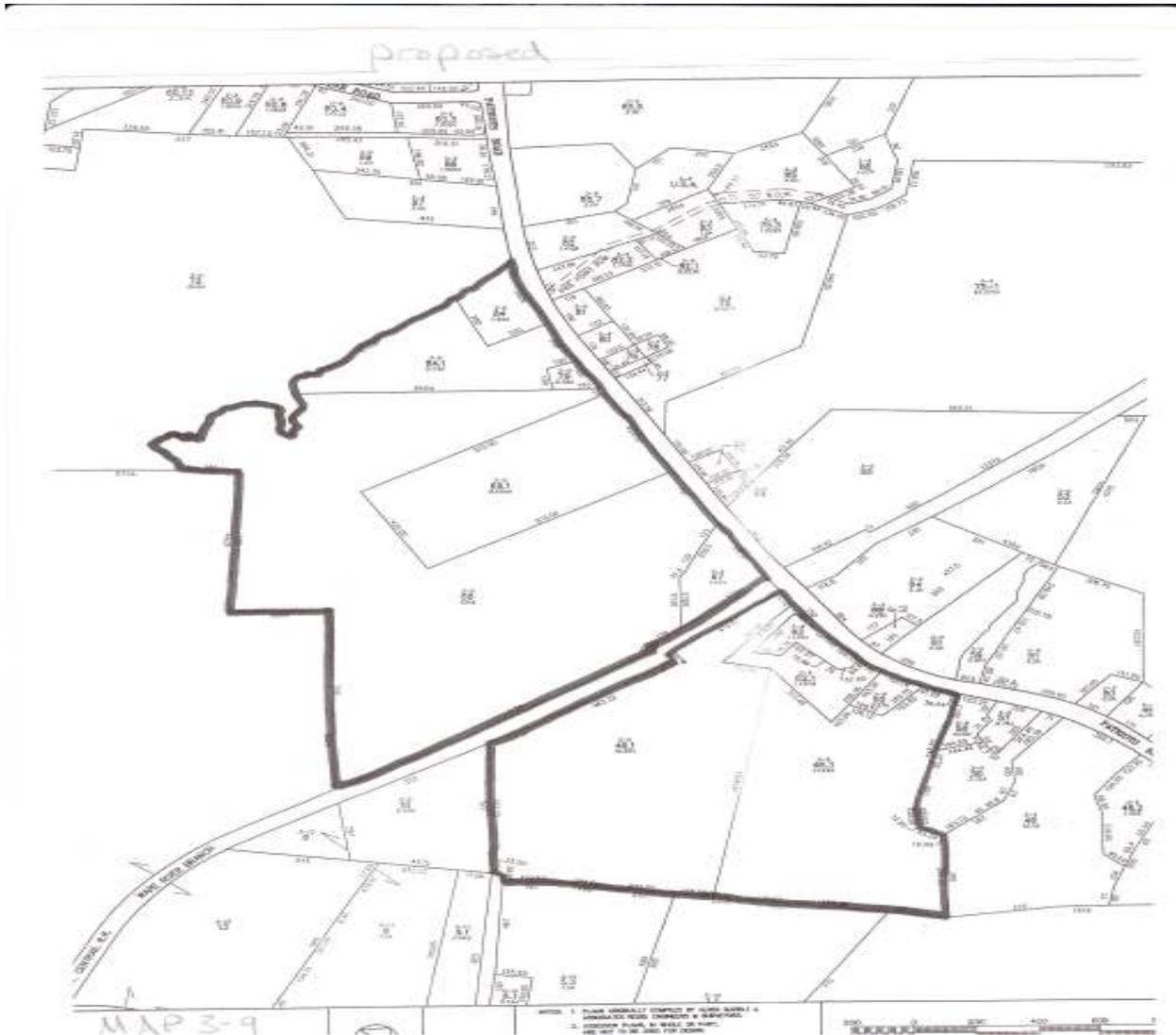


Passed by 2/3/March 6th @ 7:29

Article 6. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcels of land from Residential/Agricultural-2 (RA-2) to Commercial/Industrial A (C-I-A): Map 3-9, Parcels 48. 1, 48.3, 60,62, 62.1, 67, 68, 68.1,79,84,84.1, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.



On a motion duly made and seconded the Town voted to amend the Town of Templeton Zoning Map to rezone the following parcels of land from Residential/Agricultural-2 (RA-2) to Commercial/Industrial A (C-I-A): Map 3-9, Parcels 48. 1, 48.3, 60,62, 62.1, 67, 68, 68.1,79,84,84.1.



Passed by 2/3/March 6th @ 7:33

Article 7. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 12 for the purpose of creating a Wind Energy Conversion Systems (WECS) Bylaw, or to take any other action relative thereto:

1. **Purpose.** The purpose of this section is to provide for the development and use of wind power as an alternative energy source, while protecting public health, safety and welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference.
2. **Applicability.** Construction and use of a Wind Energy Conversion System (WECS) or any part thereof shall comply with this by-law.

3. **Definitions.**

A. Wind Energy Conversion Systems (WECS) - All equipment, machinery, and structures, whether underground, on the surface, or overhead, used to collect, transmit, distribute, store, supply, or sell energy derived from wind, including but not limited to wind turbines (rotors, electrical generators and towers), anemometers (wind measuring equipment), transformers, substations, power lines, control and maintenance facilities, and site access and service roads.

B. Commercial Wind Energy System (CWES): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity greater than 10 kW.

C. Residential Wind Energy System (RWES): A wind energy conversion system consisting of a wind turbine, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW, located on a single lot, intended as an accessory use in a designated residential district or in connection with any residential use in a designated commercial district. The rated capacity of not more than 10 kW can be increased at the discretion of the SPGA.

D. Wind Turbine: A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower with or without guy wires.

E. Overall Engineer Designed Fall Zone: The area on the ground, determined by a registered professional engineer, within a prescribed radius from the base of a WECS, typically the area within which there is a potential hazard from falling debris or collapsing material.

F. Wind Farm: A collection of towers in the same location. See Section 5.D for allowance of more than one (1) tower on the same lot or on contiguous lots held in common ownership.

4. **Special Permit Granting Authority:** The Planning Board is hereby established as the Special Permit Granting Authority (SPGA) in connection with construction of Wind Energy Facilities (WECS). WECSs are allowed in all districts by special permit (See Templeton Bylaws Section 9.3 Special Permits), except the Village and Historic Districts, where they are prohibited.

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw and is consistent with the applicable criteria for granting special permits.

5. **Development Requirements.** The following requirements apply to all Wind Energy Conversion Systems (WECS).

A. Proposed WECS shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

B. WECS serving neighborhoods or multiple residences are encouraged however; proposals shall be permitted as a CWES allowed in residential districts. If applicable, any necessary easements between property owners must be recorded.

C. RWES and CWES shall be limited to one (1) tower per lot including one (1) tower per lot on contiguous lots held in common ownership. The SPGA may exceed this limit if the applicant can demonstrate that additional number is necessary to serve the purposes of this bylaw and that the additional towers will not create an adverse impact in comparison to the siting of one tower as outlined in this bylaw with respect to factors including, but not limited to, Noise (Section 5.H.), Shadowing/Flicker (Section 5.I.), Visual Impact (Section 5.K.), and Electromagnetic Interference (Section 5.L.).

D. Tower height.

1. CWES. Maximum height three hundred feet. The SPGA may allow the height restriction to be exceeded as part of the special permit process if it finds that the applicant has demonstrated that additional height is needed and that increased height does not create a greater adverse impact than a facility built in compliance with this section with respect to factors including, but not limited to, Noise (Section 5.H.), Shadowing/Flicker (Section 5.I.), Visual Impact (Section 5.K.), and Electromagnetic Interference (Section 5.L.).

2. RWES. Maximum height one hundred and fifty feet. The SPGA may allow the height restriction to be exceeded as part of the special permit process if it finds that the applicant has demonstrated that additional height is needed and that increased height does not create a greater adverse impact than a facility built in compliance with this section with respect to factors including, but not limited to, Noise (Section 5.I.), Shadowing/Flicker (Section 5.J.), Visual Impact (Section 5.L.), and Electromagnetic Interference (Section 5.M.).

E. Monopole towers are the preferred type of support.

F. Height Calculation. Overall height of the wind turbine, including any roof mounted wind turbine, shall be measured from the ground level

(the land in its natural state prior to grading or filling) to the highest point reached by any part of the wind turbine.

G. Fall Zone Setbacks. (See figure A) The minimum setback for the WECS shall be maintained equal to the overall engineer designed fall zone plus ten (10) feet from all boundaries of the site on which the WECS is located.

1. No part of the WECS support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located.
2. WECS shall be set back a distance of the overall engineer designed fall zone plus ten (10) feet, from ways, drives, access easements, trails, ascertainable paths and above ground utility lines (See Figure A).

The SPGA may waive the Fall Zone Setbacks in Section 5.H. if it determines that such a waiver does not derogate from the purpose of this bylaw, and is in the public interest. If any portion of the fall zone setback area referred to in Section 5.H includes abutting property, in order for the SPGA to grant such a waiver, the applicant must present evidence that he or she has secured a permanent “fall zone easement” from the abutting property owner(s). The area of the “fall zone easement” shall be shown on all applicable plans submitted to the SPGA. The easement shall prohibit the placement of temporary or permanent buildings or structures within the “fall zone” and state that it is for the benefit of the applicant’s property and that the easement shall run with the land and forever burden the subject property. The easement shall be recorded no later than ten (10) days from the grant of said waiver, and a copy of the recorded easement shall be provided to the SPGA promptly. In addition, the SPGA may waive the setback requirement in Section 5.H. for setbacks from a public way for good cause.

H. Noise. The WECS and associated equipment shall conform to the Massachusetts noise regulation (310 CMR 7.10). If deemed necessary by the SPGA, an analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

1. Manufacturers specifications may be accepted when, in the opinion of the SPGA, the information provided satisfies the above requirements.

2. If noise levels are determined to be excessive, the Zoning Enforcement Officer shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest inhabited residence.

- I. Shadowing/Flicker. The WECS shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that a WECS does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- J. Prevention of Access. The applicant/owner shall ensure that all related components of the WECS are protected from unlawful access. Climbing access to the tower shall be limited by the following methods: by placing climbing apparatus no lower than twelve feet from the ground and by installation of a six foot high fence with locked gate set back no less than ten (10) feet from the base of the WECS (See Figure B).
- K. Visual Impact. The applicant shall employ all reasonable means, including landscaping and alternative locations, to minimize the visual impact of all WECS components. All components of the WECS and its support structure shall be painted plain non-reflective muted colors without graphics or other decoration.

The WECS shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic building or districts. Furthermore, WECS are prohibited in the Historic and Village Districts. WECS shall, when possible, be sited off ridgelines where there visual impact is least detrimental to scenic views and areas. In determining whether the proposed WECS will have an undue adverse impact on the scenic beauty of a ridge of hillside, the SPGA consider, among other things, the following:

- 1. The period of time during which the proposed WECS will be viewed by the traveling public on a public highway, public trail, or public body of water;
- 2. The frequency of the view of the proposed WECS by the traveling public;
- 3. The degree to which the view of the WECS is screened by existing vegetation, the topography of the land, and existing structures;

4. Background features in the line of sight to the proposed WECS that obscure it or make it more conspicuous;
5. The distance of the WECS from the viewing vantage point and the proportion that is visible above the skyline;
6. The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
7. The sensitivity or unique value of the particular view affected by the proposed WECS.

To assist the SPGA in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed WECS at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the SPGA.

- L. Electromagnetic interference. No WECS installation shall cause electromagnetic interference. The applicant may be asked to bring in consultants at his/her own expense to certify that the system will not cause interference. If neighbors can demonstrate that there is excessive interference, the Inspector of Buildings shall notify in writing the owner of the WECS to correct the violation. If the interference is not remedied within 30 days the Inspector of Buildings may order a suspension of operations of the WECS until the applicant can demonstrate to the Inspector of Buildings that the interference is remedied, which may include relocation or removal.

6. Procedural Requirements:

- A. Site Plan. A site plan must be submitted, prepared to scale by a registered land surveyor or civil engineer showing the location of the proposed WECS, distances to all property lines, existing and proposed structures, existing and proposed elevations, public and private roads, above ground utility lines and any other significant features or appurtenances. Any portion of this section may be waived if in the opinion of the SPGA the materials submitted are sufficient for the SPGA to make a decision.

1. Vegetation. Existing vegetation must be shown including average height of trees and any proposed vegetation removal on the subject property or abutting properties. The

SPGA may also consider the height of vegetation at maturity.

2. Lighting. If lighting is proposed (other than required FAA lights) the applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and twenty-five (25) beyond the property lines. The plan shall also indicate the locations and types of luminaries proposed.
 3. The Site Plan shall be accompanied by any additional documentation necessary to provide a complete description of WECS including technical, economic, environmental, and other reasons for the proposed location, height and design.
- B. Proof of Liability Insurance.** The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.
- C. Compliance with FAA Regulations.** WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- D. Utility Notification.** No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- E. Discontinuance:** A WECS shall be considered to be discontinued if it is not operated for a period of two years. Once a WECS is designated as discontinued, the owner shall be required to physically remove the WECS within 90 days of written notice. "Physically remove" shall include, but not be limited to:
1. Removal of WECS, any equipment shelters and security barriers from the subject property.
 2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 3. Restoring the location of the WECS to its natural condition, except that any landscaping and grading shall remain in the after-condition.

If the applicant fails to remove the WECS in accordance with the requirements of this section, the town shall have the authority, with a court order, to enter the property and physically remove the facility at the owners cost, which may include placing a lien on the property and/or taking other actions.

- F. Modifications. All modifications (excluding routine repairs and maintenance) to a WECS made after issuance of the Special Permit shall require approval by the SPGA.
- G. Professional Fees. The SPGA may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be the expense of the applicant.

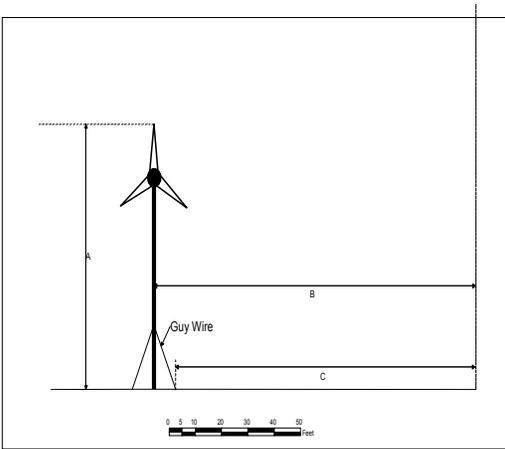


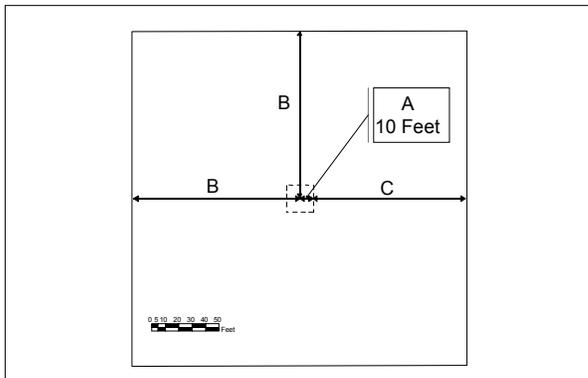
FIGURE A: WIND ENERGY CONVERSION SYSTEM (ILLUSTRATIVE EXAMPLE ONLY)

A = Overall Height of WECS. Maximum Height of a Residential WECS is 150 Feet and Maximum Height for a Commercial WECS is 300 Feet. Maximum Height may be exceeded as part of the special permit process if there is a demonstrated need.

B = Fall Zone Setback: A minimum of the overall engineer designed fall zone plus 10 feet. This setback does not apply to any residential or commercial structure that is owned by the applicant.

C = Standard Structure Setback.

FIGURE B: WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)



A = Six foot high fence with locked gate set back **no less than ten (10) feet from the base of the WECS**

B = Fall Zone Setback: A minimum of the overall engineer designed fall zone plus 10 feet. This setback does not apply to any residential or commercial structure that is owned by the applicant.

C = Standard Structure Setback.

**An amended motion was duly made and seconded to delete #6-B Proof of Liability Insurance.
 Defeated/March 6th @ 7:41**

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 12 for the purpose of creating a Wind

Energy Conversion Systems (WECS) Bylaw:

1. **Purpose.** The purpose of this section is to provide for the development and use of wind power as an alternative energy source, while protecting public health, safety and welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference.
2. **Applicability.** Construction and use of a Wind Energy Conversion System (WECS) or any part thereof shall comply with this by-law.
3. **Definitions.**
 - A. Wind Energy Conversion Systems (WECS) - All equipment, machinery, and structures, whether underground, on the surface, or overhead, used to collect, transmit, distribute, store, supply, or sell energy derived from wind, including but not limited to wind turbines (rotors, electrical generators and towers), anemometers (wind measuring equipment), transformers, substations, power lines, control and maintenance facilities, and site access and service roads.
 - B. Commercial Wind Energy System (CWES): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity greater than 10 kW.
 - C. Residential Wind Energy System (RWES): A wind energy conversion system consisting of a wind turbine, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW, located on a single lot, intended as an accessory use in a designated residential district or in connection with any residential use in a designated commercial district. The rated capacity of not more than 10 kW can be increased at the discretion of the SPGA.
 - D. Wind Turbine: A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower with or without guy wires.
 - E. Overall Engineer Designed Fall Zone: The area on the ground, determined by a registered professional engineer, within a prescribed radius from the base of a WECS, typically the area within which there is a potential hazard from falling debris or collapsing material.
 - F. Wind Farm: A collection of towers in the same location. See Section 5.D for allowance of more than one (1) tower on the same lot or on contiguous lots held in common ownership.
4. **Special Permit Granting Authority:** The Planning Board is hereby established as the Special Permit Granting Authority (SPGA) in connection with construction of Wind Energy Facilities (WECS). WECSs are allowed in all districts by special permit (See Templeton Bylaws Section 9.3 Special

Permits), except the Village and Historic Districts, where they are prohibited.

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw and is consistent with the applicable criteria for granting special permits.

5. **Development Requirements.** The following requirements apply to all Wind Energy Conversion Systems (WECS).

A. Proposed WECS shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

B. WECS serving neighborhoods or multiple residences are encouraged however; proposals shall be permitted as a CWES allowed in residential districts. If applicable, any necessary easements between property owners must be recorded.

C. RWES and CWES shall be limited to one (1) tower per lot including one (1) tower per lot on contiguous lots held in common ownership. The SPGA may exceed this limit if the applicant can demonstrate that additional number is necessary to serve the purposes of this bylaw and that the additional towers will not create an adverse impact in comparison to the siting of one tower as outlined in this bylaw with respect to factors including, but not limited to, Noise (Section 5.H.), Shadowing/Flicker (Section 5.I.), Visual Impact (Section 5.K.), and Electromagnetic Interference (Section 5.L.).

D. Tower height.

1. CWES. Maximum height three hundred feet. The SPGA may allow the height restriction to be exceeded as part of the special permit process if it finds that the applicant has demonstrated that additional height is needed and that increased height does not create a greater adverse impact than a facility built in compliance with this section with respect to factors including, but not limited to, Noise (Section 5.H.), Shadowing/Flicker (Section 5.I.), Visual Impact (Section 5.K.), and Electromagnetic Interference (Section 5.L.).

2. RWES. Maximum height one hundred and fifty feet. The SPGA may allow the height restriction to be exceeded as part of the special permit process if it finds that the applicant has demonstrated that additional height is needed and that

increased height does not create a greater adverse impact than a facility built in compliance with this section with respect to factors including, but not limited to, Noise (Section 5.I.), Shadowing/Flicker (Section 5.J.), Visual Impact (Section 5.L.), and Electromagnetic Interference (Section 5.M.).

- E. Monopole towers are the preferred type of support.
- F. Height Calculation. Overall height of the wind turbine, including any roof mounted wind turbine, shall be measured from the ground level (the land in its natural state prior to grading or filling) to the highest point reached by any part of the wind turbine.
- G. Fall Zone Setbacks. (See figure A) The minimum setback for the WECS shall be maintained equal to the overall engineer designed fall zone plus ten (10) feet from all boundaries of the site on which the WECS is located.
 - 1. No part of the WECS support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located.
 - 2. WECS shall be set back a distance of the overall engineer designed fall zone plus ten (10) feet, from ways, drives, access easements, trails, ascertainable paths and above ground utility lines (See Figure A).

The SPGA may waive the Fall Zone Setbacks in Section 5.H. if it determines that such a waiver does not derogate from the purpose of this bylaw, and is in the public interest. If any portion of the fall zone setback area referred to in Section 5.H includes abutting property, in order for the SPGA to grant such a waiver, the applicant must present evidence that he or she has secured a permanent “fall zone easement” from the abutting property owner(s). The area of the “fall zone easement” shall be shown on all applicable plans submitted to the SPGA. The easement shall prohibit the placement of temporary or permanent buildings or structures within the “fall zone” and state that it is for the benefit of the applicant’s property and that the easement shall run with the land and forever burden the subject property. The easement shall be recorded no later than ten (10) days from the grant of said waiver, and a copy of the recorded easement shall be provided to the SPGA promptly. In addition, the SPGA may waive the setback requirement in Section 5.H. for setbacks from a public way for good cause.

- H. Noise.** The WECS and associated equipment shall conform to the Massachusetts noise regulation (310 CMR 7.10). If deemed necessary by the SPGA, an analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.
1. Manufacturers specifications may be accepted when, in the opinion of the SPGA, the information provided satisfies the above requirements.
 2. If noise levels are determined to be excessive, the Zoning Enforcement Officer shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest inhabited residence.
- I. Shadowing/Flicker.** The WECS shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that a WECS does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- J. Prevention of Access.** The applicant/owner shall ensure that all related components of the WECS are protected from unlawful access. Climbing access to the tower shall be limited by the following methods: by placing climbing apparatus no lower than twelve feet from the ground and by installation of a six foot high fence with locked gate set back no less than ten (10) feet from the base of the WECS (See Figure B).
- K. Visual Impact.** The applicant shall employ all reasonable means, including landscaping and alternative locations, to minimize the visual impact of all WECS components. All components of the WECS and its support structure shall be painted plain non-reflective muted colors without graphics or other decoration.

The WECS shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic building or districts. Furthermore, WECS are prohibited in the Historic and Village Districts. WECS shall, when possible, be sited off ridgelines where there visual impact is least detrimental to scenic views and areas. In determining whether the proposed WECS will have an undue adverse impact on the scenic beauty of a ridge of hillside, the SPGA consider, among other things, the following:

1. The period of time during which the proposed WECS will be viewed by the traveling public on a public highway, public trail, or public body of water;
2. The frequency of the view of the proposed WECS by the traveling public;
3. The degree to which the view of the WECS is screened by existing vegetation, the topography of the land, and existing structures;
4. Background features in the line of sight to the proposed WECS that obscure it or make it more conspicuous;
5. The distance of the WECS from the viewing vantage point and the proportion that is visible above the skyline;
6. The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
7. The sensitivity or unique value of the particular view affected by the proposed WECS.

To assist the SPGA in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed WECS at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the SPGA.

- L. Electromagnetic interference. No WECS installation shall cause electromagnetic interference. The applicant may be asked to bring in consultants at his/her own expense to certify that the system will not cause interference. If neighbors can demonstrate that there is excessive interference, the Inspector of Buildings shall notify in writing the owner of the WECS to correct the violation. If the interference is not remedied within 30 days the Inspector of Buildings may order a suspension of operations of the WECS until the applicant can demonstrate to the Inspector of Buildings that the interference is remedied, which may include relocation or removal.

6. Procedural Requirements:

- A. Site Plan. A site plan must be submitted, prepared to scale by a registered land surveyor or civil engineer showing the location of the proposed WECS, distances to all property lines, existing and proposed structures, existing and proposed elevations, public and private roads, above ground utility lines and any other significant features or appurtenances. Any portion of this section may be waived if in the opinion of the SPGA the materials submitted are sufficient for the SPGA to make a decision.
1. Vegetation. Existing vegetation must be shown including average height of trees and any proposed vegetation removal on the subject property or abutting properties. The SPGA may also consider the height of vegetation at maturity.
 2. Lighting. If lighting is proposed (other than required FAA lights) the applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and twenty-five (25) beyond the property lines. The plan shall also indicate the locations and types of luminaries proposed.
 3. The Site Plan shall be accompanied by any additional documentation necessary to provide a complete description of WECS including technical, economic, environmental, and other reasons for the proposed location, height and design.
- B. Proof of Liability Insurance. The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.
- C. Compliance with FAA Regulations. WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- D. Utility Notification. No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- E. Discontinuance: A WECS shall be considered to be discontinued if it is not operated for a period of two years. Once a WECS is designated as

discontinued, the owner shall be required to physically remove the WECS within 90 days of written notice. "Physically remove" shall include, but not be limited to:

1. Removal of WECS, any equipment shelters and security barriers from the subject property.
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
3. Restoring the location of the WECS to its natural condition, except that any landscaping and grading shall remain in the after-condition.

If the applicant fails to remove the WECS in accordance with the requirements of this section, the town shall have the authority, with a court order, to enter the property and physically remove the facility at the owners cost, which may include placing a lien on the property and/or taking other actions.

- F. Modifications. All modifications (excluding routine repairs and maintenance) to a WECS made after issuance of the Special Permit shall require approval by the SPGA.
- G. Professional Fees. The SPGA may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be the expense of the applicant.

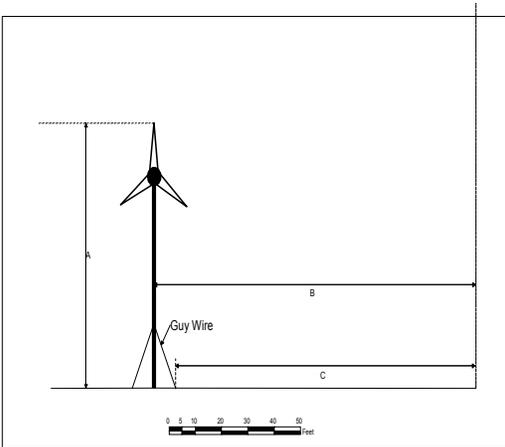


FIGURE A: WIND ENERGY CONVERSION SYSTEM (ILLUSTRATIVE EXAMPLE ONLY)

A = Overall Height of WECS. Maximum Height of a Residential WECS is 150 Feet and Maximum Height for a Commercial WECS is 300 Feet. Maximum Height may be exceeded as part of the special permit process if there is a demonstrated need.

B = Fall Zone Setback: A minimum of the overall engineer designed fall zone plus 10 feet. This setback does not apply to any residential or commercial structure that is owned by the applicant.

C = Standard Structure Setback.

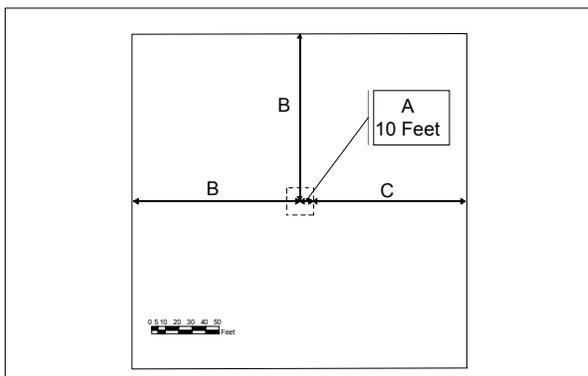


FIGURE B: WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)

A = Six foot high fence with locked gate set back **no less than ten (10) feet from the base of the WECS**

B = Fall Zone Setback: A minimum of the overall engineer designed fall zone plus 10 feet. This setback does not apply to any residential or commercial structure that is owned by the applicant.

C = Standard Structure Setback.

Passed Unanimously/March 6th @ 7:42

Article 8. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 13 for the purpose of creating an Inclusionary Housing Provision, or to take any other action relative thereto:

1. Purpose and Intent. The purpose of this bylaw is to encourage development of new housing that is affordable to households up to moderate-income as defined by U.S. Department of Housing and Urban Development At a minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24. It is intended that the affordable housing units that result from this bylaw be considered as Local Action Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) and the most recent update of its Local Initiative Program Guidelines. Definitions terms for “affordable housing unit” and “eligible household” can be found in the Definitions Section.

2. Applicability. In the Residential-Agricultural-1 (R-A-1), Residential-Agricultural-2 (R-A-2), and Residential-Agricultural-5 (R-A-5) zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:

- A. Any project that results in a net increase of seven (7) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
- B. Any subdivision of land for development of seven (7) or more dwelling units. This also includes lots that could potentially be developed in the future. Therefore, applicants must also show a long term phasing plan, and
- C. Any life care facility development that includes seven (7) or more assisted living units and accompanying services.

3. Definitions.

- A. Affordable Housing Unit: A decent, safe and sanitary housing unit created through the Local Initiative Program or other state or federal housing production programs which is restricted to occupancy by households of Low or Moderate Income.

B. Eligible Household: An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Commonwealth's Local Initiative Program.

4. **Special Permit.** The development of any project set forth in Section 2.0 (above) shall require the grant of a Special Permit from the Planning Board or other designated Special Permit Granting Authority (SPGA).

5. **Mandatory Provision of Affordable Housing Units.**

A. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of "affordable housing units" in accordance with the following requirements:

1. At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:
 - a. constructed or rehabilitated on the locus subject to the Special Permit (see Section 6.0); or
 - b. constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section 7.0); or
 - c. An applicant may offer donations of land in fee simple to the Town, subject to acceptance by the Town, or eligible non-profit affordable housing developer subject to the approval of the SPGA, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The SPGA may require that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. On-site land donated to the Town or eligible non-profit affordable housing developer shall scatter the donated parcels throughout the development so that the land on which affordable housing units are to be constructed are not clustered in any one part of the development. The applicant must coordinate the development of affordable housing units to be constructed by a third party (such as an eligible non-profit affordable housing developer) so that the affordable housing units will be constructed in accordance with the Section 6.C.

The applicant may offer, and the SPGA may accept, any combination of the Section 5.A.1(a)-(c) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw.

6. Provisions Applicable to Affordable Housing Units On-Site.

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-rate (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

7. Provision of Affordable Housing Units Off-Site. As an alternative to the requirements of Section 6.0, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 5.0 off-site, as long as the applicant meets the minimum percent of affordable housing units in accordance with Section 5.0 of this zoning bylaw. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

8. No building permits may be issued until: (1) the owner of the site has executed and recorded a regulatory agreement with the Town, consistent with the requirements of

760 CMR 45, in a form approved by the SPGA and Town Counsel; (2) the Local Action Units have received state approval under 760 CMR 45 for inclusion in the Subsidized Housing Inventory for the Town; and (3) the use restriction required under 760 CMR 45 has been recorded.

9. Conflict with Other Bylaws: The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

10. Severability: If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

A motion was duly made and seconded to move the question.

Passed Unanimously/March 6th @ 7:58

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 13 for the purpose of creating an Inclusionary Housing Provision:

1. Purpose and Intent. The purpose of this bylaw is to encourage development of new housing that is affordable to households up to moderate-income as defined by U.S. Department of Housing and Urban Development. At a minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24. It is intended that the affordable housing units that result from this bylaw be considered as Local Action Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) and the most recent update of its Local Initiative Program Guidelines. Definitions terms for "affordable housing unit" and "eligible household" can be found in the Definitions Section.

2. Applicability. In the Residential-Agricultural-1 (R-A-1), Residential-Agricultural-2 (R-A-2), and Residential-Agricultural-5 (R-A-5) zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:

- A. Any project that results in a net increase of seven (7) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
- B. Any subdivision of land for development of seven (7) or more dwelling units. This also includes lots that could potentially be developed in the future. Therefore, applicants must also show a long term phasing plan, and
- C. Any life care facility development that includes seven (7) or more assisted

living units and accompanying services.

3. Definitions.

- A. **Affordable Housing Unit:** A decent, safe and sanitary housing unit created through the Local Initiative Program or other state or federal housing production programs which is restricted to occupancy by households of Low or Moderate Income.

- B. **Eligible Household:** An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Commonwealth's Local Initiative Program.

4. Special Permit. The development of any project set forth in Section 2.0 (above) shall require the grant of a Special Permit from the Planning Board or other designated Special Permit Granting Authority (SPGA).

5. Mandatory Provision of Affordable Housing Units.

- A. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of "affordable housing units" in accordance with the following requirements:
 - 1. At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:
 - a. constructed or rehabilitated on the locus subject to the Special Permit (see Section 6.0); or
 - b. constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section 7.0); or
 - c. An applicant may offer donations of land in fee simple to the Town, subject to acceptance by the Town, or eligible non-profit affordable housing developer subject to the approval of the SPGA, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The SPGA may require that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. On-site land donated to the Town or eligible non-profit affordable housing developer shall scatter the donated parcels throughout the development so that the land on which affordable housing units are to be constructed are not clustered in any one part of the development. The applicant must coordinate the

development of affordable housing units to be constructed by a third party (such as an eligible non-profit affordable housing developer) so that the affordable housing units will be constructed in accordance with the Section 6.C.

The applicant may offer, and the SPGA may accept, any combination of the Section 5.A.1(a)-(c) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw.

6. Provisions Applicable to Affordable Housing Units On-Site.

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-rate (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

7. Provision of Affordable Housing Units Off-Site. As an alternative to the requirements of Section 6.0, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 5.0 off-site, as long as the applicant meets the minimum percent of affordable housing units in accordance with Section 5.0 of this zoning bylaw. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be

approved by the SPGA as an integral element of the Special Permit review and approval process.

8. No building permits may be issued until: (1) the owner of the site has executed and recorded a regulatory agreement with the Town, consistent with the requirements of 760 CMR 45, in a form approved by the SPGA and Town Counsel; (2) the Local Action Units have received state approval under 760 CMR 45 for inclusion in the Subsidized Housing Inventory for the Town; and (3) the use restriction required under 760 CMR 45 has been recorded.
9. **Conflict with Other Bylaws:** The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.
10. **Severability:** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

Passed by 2/3/March 6th @ 7:59

Article 9. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 14 for the purpose of creating an Open Space Residential Development Bylaw, or to take any other action relative thereto:

1. Purpose and intent.

A. The Primary Purposes for this bylaw are the following:

1. To allow for greater flexibility and creativity in the design of residential developments;
2. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
4. To minimize the total amount of disturbance on the site;
5. To further the goals and policies of the Town of Templeton Comprehensive Plan and Open Space and Recreation Plan and other local and regional plans as may be applicable;
6. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

B. The Secondary Purposes for this bylaw are the following:

1. To preserve and enhance the community character;
2. To protect and enhance the value of real property;
3. To provide for a diversified housing stock;
4. To control sprawl.

2. Definitions

Basic Maximum Number – The number of units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Yield Plan.

Hard Stormwater Management Techniques – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.

Major Residential Development-Any new Open Space Residential Development that will create more than four (4) residential lots. This also includes lots of 4 or more residential lots that could potentially be developed in the future. Therefore, applicants must also show a phasing plan if lots of 4 or more are held in common ownership.

Soft Stormwater Management Techniques – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low-impact design that attempts to mimic pre-development hydrologic conditions to the greatest practicable extent.

3. Applicability.

- A. Any Major Residential Development may be permitted by issuance of a Special Permit from the Planning Board for either Conventional Development or Open Space Residential Development (OSRD) in accordance with this bylaw. Applicants for a Major Residential Development shall submit both a conventional plan and an OSRD plan in accordance with the applicable provisions of this Bylaw.
- B. Developments of 4 lots or smaller may also apply for an OSRD Special Permit subject to the following criteria:
 1. Contiguous Parcels. To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. The Planning Board may determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular

resource and effectively satisfy the Purpose and Intent of this bylaw as listed in Section 1.

2. Land Division. To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, an OSRD may also be permitted when the property is held in condominium, cooperative ownership or other form where the property is not subdivided.

4. Pre-application.

A. Conference. The applicant is required to request a pre-application review at a regular business meeting of the Planning Board. The Planning Board may conduct a pre-application review, if deemed necessary by the Planning Board. The Planning Board may invite local officials and/or representatives of local boards, commissions and committees as deemed appropriate by the Planning Board. The Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a Conventional or OSRD Special Permit at the expense of the applicant.

B. Submittals. Applicants shall submit the following information:

1. Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features such as, but not limited to, lakes, brooks, and streams that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

2. Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature non-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

3. Other Information. In addition, applicants are invited to submit the information set forth in 5.A. in a form acceptable to the Planning Board.

C. Site Visit. The Planning Board and/or its agents may conduct one or more site visit(s) during the review of the proposed Open Space Residential Design plan. The Planning Board may invite local officials and/or representatives of local boards, commissions and committees as deemed appropriate by the Planning Board.

D. Design Criteria. The design process and criteria set forth below in Sections 6 and 7 should be discussed by the parties at the pre-application conference and site visit.

5. Major Residential Development/OSRD Application for Special Permit. The

Planning Board, acting as the Special Permit Granting Authority (SPGA), may authorize a Conventional Development Special Permit or an OSRD Special Permit pursuant to the procedures outlined below and in accordance with the Town of Templeton Subdivision Rules and Regulations. However, anything within the Templeton Subdivision Rules and Regulations can be waived at the discretion of the Planning Board during the OSRD Special Permit process.

A. Application. An application for the Special Permit shall be submitted on the form(s) provided by the Planning Board in the Templeton Subdivision Rules and Regulations, as may be amended. Applicants for OSRD shall also file with the Planning Board 8 copies of the Concept Plan. The Concept Plan shall include a Yield Plan and a Sketch Plan [see Subsections A(1) and (2) of this Section], and shall be consistent with the Town of Templeton Subdivision Rules and Regulations. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 4.B. above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

1. Yield Plan. The Basic Maximum Number of allowable units shall be derived from a Yield Plan. The Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots resulting from the design and engineering specifications shown on the Yield Plan. The Yield Plan shall contain, at a minimum, the following information:
 - a. Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.
 - b. The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
 - c. The names, approximate location, and widths of adjacent streets.
 - d. Existing topography at 2-foot contour intervals.
 - e. Map of soils using NRCS soils mapping.
 - f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
 - g. Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.

- f. A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- g. A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
- h. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
- i. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- j. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, condominium or cooperative documents, with an accompanying narrative explaining their general purpose.
- k. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.

B. Procedures. Whenever an application for a Conventional/ OSRD Special Permit is filed with the Planning Board, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan(s), and other documentation, to the Board of Health, Conservation Commission, Historical Commission, Building Inspector, Highway Department, Police Chief, Fire Chief, and Town Engineer for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five (35) day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period.

C. Site Visit. Whether or not conducted during the pre-application stage, the Planning Board and/or its Agent shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

D. Other Information. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a Special Permit for Conventional or OSRD Special Permit with the public hearing required for approval of a definitive subdivision plan.

6. **Design process.** At the time of the application for the Special Permit, in conformance with Section 5.A., applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, unit placement if treated as a condominium, and designation of all common areas and open space.
 - A. Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
 - B. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.
 - C. Aligning the Streets and the Walking and Bicycle Trails. Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
 - D. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.
7. **Design Standards.** Applicants shall refer and adhere to the Templeton Subdivision Rules and Regulations as amended. In addition, the following Generic and Site Specific Design Standards shall apply to all Sketch Plans for OSRD's and shall govern the development and design process:
 - A. Generic Design Standards.
 1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
3. Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
4. All open space (landscaped and usable) shall 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.
5. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

B. Site Specific Design Standards.

1. Mix of Housing Types. The OSRD may consist of any combination of single-family and two-family structures and multi-family residences containing greater than two dwelling units per structure upon the grant of a special permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations.
2. Parking. Each dwelling unit for single or two-family homes shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms in structures containing four or more units, the applicant shall provide two (2.0) parking spaces per unit for residents' parking and one and a half (1.5) for visitors' parking that shall be marked as such. For dwelling units with more than two bedrooms in structures containing four or more units, the applicant shall provide three (3.0) parking spaces per unit, the third of which may be used for visitors' parking. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.
3. Drainage. The Planning Board may consider the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable infiltration where appropriate.
4. Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.
5. On-site Pedestrian and Bicycle Circulation. Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

6. Disturbed Areas. Every effort shall be made to minimize the area of disturbed areas on the tract. A disturbed area is any land not left in its natural vegetated state.

8. Open space requirements.

A. Generic Design Standards. A minimum of fifty percent (50%) of the parcel(s) shown on the development plan shall be set aside as protected open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission or Cemetery and Parks Department or appropriate non-profit organization such as a land trust, shall be subject to a recorded restriction enforceable by the Town through a conservation restriction, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes. The Planning Board may develop model documents for the applicant's use.

1. The percentage of the open space which is wetlands **shall not normally exceed 50%**. The percentage of the parcel(s) which is wetlands that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in this section. For purposes of this section, "wetlands" shall mean all areas defined as "freshwater wetlands" in the Wetlands Protection Act, M.G.L. c.131, §40.

2. **The open space shall be contiguous to other open space.** Contiguous shall be defined as being connected and open space shall not include residential uses. Open space will be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may allow non-contiguous open space where such non-contiguous open space will promote the purposes of this bylaw and/or protect important conservation resources.

3. The open space shall be arranged to protect valuable natural and cultural elements including waterbodies, streams, wetland buffers, un-fragmented forest, wildlife habitat, open fields, scenic views, trails, stone walls, archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes.

4. The open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by accessible and suitable public access for such purposes.

5. The open space shall remain unbuilt upon, except that the Planning Board may permit up to 20% of the open space to be paved with permeable material, or built upon for structures accessory to the dedicated use or uses of the open space, such as pedestrian walks and bike paths.

6. Underground utilities. Subject to the approval of the Planning Board, underground utilities to serve the OSRD site may be located within the open space.

7. Wastewater facilities. Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems serving the development, where the Planning Board finds that such use will not be detrimental to the character, quality of use of the open space, wetlands or waterbodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development.

8. Storm water management systems. Subject to the approval of the Planning Board, storm water management systems may be located within the required open space. Surface systems, such as retention and detention ponds shall not qualify towards the minimum open space required.

B. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to either:

1. The Town of Templeton or its Conservation Commission or Cemetery and Parks Department.

2. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above such as a land trust; or

3. A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Templeton to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town of Templeton an easement for this purpose. In such event, the Town of Templeton shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town of Templeton may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted with the special permit application to the Planning Board for approval, reviewed by Town Counsel, and shall thereafter be recorded.

The developer shall include in the deed to such owner beneficial rights in the open

space, and shall grant a perpetual open space restriction to the Town to insure that it will remain in an open state and not be used for residential purposes or accessory uses. Such restriction shall be in the form and substance prescribed by the SPGA, and may contain such additional restrictions on the use of the open space as the SPGA deems appropriate.

C. Buffer Areas. A buffer area equal to the minimum backyard setback required for the zoning district shall be provided at the perimeter of the **OSRD** parcel where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the **OSRD** parcel. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement: (i) where the land abutting the **OSRD** parcel is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50') feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the **OSRD** parcel is held by the town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer, or no buffer, will suffice to accomplish the objectives set forth herein (e.g. if integration with neighborhood is better achieved without buffer).

No person may encroach or cause another person to encroach on open space land or on any land for which a public body, a nonprofit land conservation organization, or homeowners association holds a conservation easement interest, without the permission of the owner of such open space land or holder of such conservation easement or without other legal authorization.

D. Encumbrances. All areas set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.

9. Reduction of Dimensional Requirements.

Applicant may propose to modify lot size, unit placement, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

A. Frontage. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw. The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 50 feet of frontage.

RA1 – 1.0 acre w/o sewer and 0.5 acre w/sewer and 75 linear feet frontage.

RA2 – 1.0 acre w/o sewer and 1.0 acre w/sewer and 75 linear feet frontage.

RA5 – 2.5 acre w/o sewer and 2.5 acre w/sewer and 250 linear feet frontage.

B. Setbacks. Every dwelling fronting on the proposed roadways shall be set back a minimum of 30 feet from the roadway right-of-way, and 15 feet from any rear or side lot line. In no event

shall structures be closer than 30 feet to each other. Where structures containing three to four dwelling units are being proposed, the side lot lines between units may be 15 feet, however the distance between structures shall be a minimum of 30 feet.

10. Increases in Permissible Density.

Increases in density are not permissible and not waivable.

11. Decision of the Planning Board.

A. Criteria for Approval. The Planning Board will review all data and hold a public hearing in accordance with M.G.L.c.40A, section 9. The Board may grant a Special Permit for an OSRD, with or without conditions, if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional subdivision of the property and finding that the following eight (8) factors are present:

1. That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
2. That the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archaeological resources;
3. That the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
4. That the OSRD reduces the total amount of disturbance on the site;
5. That the OSRD furthers the goals and policies of existing community planning documents including, but not limited to, the Town's Local Comprehensive Plan, Open Space and Recreation Plan, Planned Production Strategy for Affordable Housing and EO418 Community Development Plan;
6. That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
7. That the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.
8. That the proposed design does not create undo risk to public health, safety and welfare.

B. Relationship between Concept Plan and Definitive Subdivision Plan. Any Special permit for a Major Residential Development or any Special Permit for OSRD that is granted a Special Permit and shows a subdivision must be followed by the submittal of a Definitive Subdivision plan in accordance with the Subdivision Rules and Regulations of the Town. The OSRD Special Permit

shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

1. An increase in the number of building lots and/or units;
2. A significant decrease in the open space acreage;
3. A significant change in the lot layout or unit placement;
4. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
5. Significant changes to the stormwater management facilities; and/or
6. Significant changes in the wastewater management systems.

12. **Severability.** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 14 for the purpose of creating an Open Space Residential Development Bylaw, or to take any other action relative thereto:

1. Purpose and intent.

A. The Primary Purposes for this bylaw are the following:

1. To allow for greater flexibility and creativity in the design of residential developments;
2. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
4. To minimize the total amount of disturbance on the site;
5. To further the goals and policies of the Town of Templeton Comprehensive Plan and Open Space and Recreation Plan and other local and regional plans as may be applicable;

6. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.
- B. The Secondary Purposes for this bylaw are the following:
1. To preserve and enhance the community character;
 2. To protect and enhance the value of real property;
 3. To provide for a diversified housing stock;
 4. To control sprawl.

2. Definitions

Basic Maximum Number – The number of units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Yield Plan.

Hard Stormwater Management Techniques – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.

Major Residential Development-Any new Open Space Residential Development that will create more than four (4) residential lots. This also includes lots of 4 or more residential lots that could potentially be developed in the future. Therefore, applicants must also show a phasing plan if lots of 4 or more are held in common ownership.

Soft Stormwater Management Techniques – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low-impact design that attempts to mimic pre-development hydrologic conditions to the greatest practicable extent.

3. Applicability.

- A. Any Major Residential Development may be permitted by issuance of a Special Permit from the Planning Board for either Conventional Development or Open Space Residential Development (OSRD) in accordance with this bylaw. Applicants for a Major Residential Development shall submit both a conventional plan and an OSRD plan in accordance with the applicable provisions of this Bylaw.
- B. Developments of 4 lots or smaller may also apply for an OSRD Special Permit subject to the following criteria:
 1. Contiguous Parcels. To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. The Planning Board may

determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular resource and effectively satisfy the Purpose and Intent of this bylaw as listed in Section 1.

2. Land Division. To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, an OSRD may also be permitted when the property is held in condominium, cooperative ownership or other form where the property is not subdivided.

4. Pre-application.

A. Conference. The applicant is required to request a pre-application review at a regular business meeting of the Planning Board. The Planning Board may conduct a pre-application review, if deemed necessary by the Planning Board. The Planning Board may invite local officials and/or representatives of local boards, commissions and committees as deemed appropriate by the Planning Board. The Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a Conventional or OSRD Special Permit at the expense of the applicant.

B. Submittals. Applicants shall submit the following information:

1. Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features such as, but not limited to, lakes, brooks, and streams that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

2. Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature non-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

3. Other Information. In addition, applicants are invited to submit the information set forth in 5.A. in a form acceptable to the Planning Board.

C. Site Visit. The Planning Board and/or its agents may conduct one or more site visit(s) during the review of the proposed Open Space Residential Design plan. The Planning Board may invite local officials and/or representatives of local boards, commissions and committees as deemed appropriate by the Planning Board.

D. Design Criteria. The design process and criteria set forth below in Sections 6 and 7 should be discussed by the parties at the pre-application conference and site visit.

5. Major Residential Development/OSRD Application for Special Permit. The Planning Board, acting as the Special Permit Granting Authority (SPGA), may authorize a Conventional Development Special Permit or an OSRD Special Permit pursuant to the procedures outlined below and in accordance with the Town of Templeton Subdivision Rules and Regulations. However, anything within the Templeton Subdivision Rules and Regulations can be waived at the discretion of the Planning Board during the OSRD Special Permit process.

A. Application. An application for the Special Permit shall be submitted on the form(s) provided by the Planning Board in the Templeton Subdivision Rules and Regulations, as may be amended. Applicants for OSRD shall also file with the Planning Board 8 copies of the Concept Plan. The Concept Plan shall include a Yield Plan and a Sketch Plan [see Subsections A(1) and (2) of this Section], and shall be consistent with the Town of Templeton Subdivision Rules and Regulations. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 4.B. above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

1. Yield Plan. The Basic Maximum Number of allowable units shall be derived from a Yield Plan. The Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots resulting from the design and engineering specifications shown on the Yield Plan. The Yield Plan shall contain, at a minimum, the following information:
 - a. Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.
 - b. The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
 - c. The names, approximate location, and widths of adjacent streets.
 - d. Existing topography at 2-foot contour intervals.
 - e. Map of soils using NRCS soils mapping.
 - f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.

- g. Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
 - h. Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
 - i. If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.
2. Sketch Plan. The Sketch Plan, which details the open space residential development design, shall address the general features of the land, and give approximate configurations of the proposed lots, of unit placements if treated as a condominium, of open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section 6 below, and the Design Standards, according to Section 7 below, when determining a proposed design for the development. In addition to those requirements for a Yield Plan listed in Section 4.A(1), a Sketch Plan shall contain the following information:
- a. The proposed topography of the land shown at a contour interval no greater than two feet. Elevations shall be referred to mean sea level.
 - b. The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section 6.A. Proposals for all site features to be preserved, demolished, or altered shall be noted on the Sketch Plan.
 - c. The existing and proposed lines of streets, ways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or unit development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner. Common driveways shall not be allowed.
 - d. Proposed roadway grades.
 - e. Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Board of Health. However, a narrative explanation shall be prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems,

shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.

- f. A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- g. A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
- h. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
- i. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- j. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, condominium or cooperative documents, with an accompanying narrative explaining their general purpose.
- k. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.

B. Procedures. Whenever an application for a Conventional/ OSRD Special Permit is filed with the Planning Board, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan(s), and other documentation, to the Board of Health, Conservation Commission, Historical Commission, Building Inspector, Highway Department, Police Chief, Fire Chief, and Town Engineer for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five (35) day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period.

C. Site Visit. Whether or not conducted during the pre-application stage, the Planning Board and/or its Agent shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

D. Other Information. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a Special Permit for Conventional or OSRD Special Permit with the public hearing required for approval of a definitive subdivision plan.

6. Design process. At the time of the application for the Special Permit, in conformance with Section 5.A., applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, unit placement if treated as a condominium, and designation of all common areas and open space.

A. Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.

B. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.

C. Aligning the Streets and the Walking and Bicycle Trails. Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

D. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

7. Design Standards. Applicants shall refer and adhere to the Templeton Subdivision Rules and Regulations as amended. In addition, the following Generic and Site Specific Design Standards shall apply to all Sketch Plans for OSRD's and shall govern the development and design process:

A. Generic Design Standards.

1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance

of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
3. Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
4. All open space (landscaped and usable) shall 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.
5. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

B. Site Specific Design Standards.

1. Mix of Housing Types. The OSRD may consist of any combination of single-family and two-family structures and multi-family residences containing greater than two dwelling units per structure upon the grant of a special permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations.
2. Parking. Each dwelling unit for single or two-family homes shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms in structures containing four or more units, the applicant shall provide two (2.0) parking spaces per unit for residents' parking and one and a half (1.5) for visitors' parking that shall be marked as such. For dwelling units with more than two bedrooms in structures containing four or more units, the applicant shall provide three (3.0) parking spaces per unit, the third of which may be used for visitors' parking. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.
3. Drainage. The Planning Board may consider the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable infiltration where appropriate.
4. Screening and Landscaping. All structural surface stormwater management facilities shall

be accompanied by a conceptual landscape plan.

5. On-site Pedestrian and Bicycle Circulation. Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
6. Disturbed Areas. Every effort shall be made to minimize the area of disturbed areas on the tract. A disturbed area is any land not left in its natural vegetated state.

8. Open space requirements.

A. Generic Design Standards. A minimum of fifty percent (50%) of the parcel(s) shown on the development plan shall be set aside as protected open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission or Cemetery and Parks Department or appropriate non-profit organization such as a land trust, shall be subject to a recorded restriction enforceable by the Town through a conservation restriction, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes. The Planning Board may develop model documents for the applicant's use.

1. The percentage of the open space which is wetlands **shall not normally exceed 50%**. The percentage of the parcel(s) which is wetlands that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in this section. For purposes of this section, "wetlands" shall mean all areas defined as "freshwater wetlands" in the Wetlands Protection Act, M.G.L. c.131, §40.

2. The open space shall be contiguous to other open space. Contiguous shall be defined as being connected and open space shall not include residential uses. Open space will be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may allow non-contiguous open space where such non-contiguous open space will promote the purposes of this bylaw and/or protect important conservation resources.

3. The open space shall be arranged to protect valuable natural and cultural elements including waterbodies, streams, wetland buffers, un-fragmented forest, wildlife habitat, open fields, scenic views, trails, stone walls, archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes.

4. The open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by accessible and suitable public access for such purposes.

5. The open space shall remain unbuilt upon, except that the Planning Board may permit up to 20% of the open space to be paved with permeable material, or built upon for structures accessory to the dedicated use or uses of the open space, such as pedestrian walks and bike paths.

6. Underground utilities. Subject to the approval of the Planning Board, underground utilities to serve the OSRD site may be located within the open space.

7. Wastewater facilities. Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems serving the development, where the Planning Board finds that such use will not be detrimental to the character, quality of use of the open space, wetlands or waterbodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development.

8. Storm water management systems. Subject to the approval of the Planning Board, storm water management systems may be located within the required open space. Surface systems, such as retention and detention ponds shall not qualify towards the minimum open space required.

B. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to either:

1. The Town of Templeton or its Conservation Commission or Cemetery and Parks Department.

2. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above such as a land trust; or

3. A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Templeton to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town of Templeton an easement for this purpose. In such event, the Town of Templeton shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town of Templeton may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to

effect these provisions. Documents creating such trust or corporation shall be submitted with the special permit application to the Planning Board for approval, reviewed by Town Counsel, and shall thereafter be recorded.

The developer shall include in the deed to such owner beneficial rights in the open space, and shall grant a perpetual open space restriction to the Town to insure that it will remain in an open state and not be used for residential purposes or accessory uses. Such restriction shall be in the form and substance prescribed by the SPGA, and may contain such additional restrictions on the use of the open space as the SPGA deems appropriate.

C. Buffer Areas. A buffer area equal to the minimum backyard setback required for the zoning district shall be provided at the perimeter of the **OSRD** parcel where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the **OSRD** parcel. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement: (i) where the land abutting the **OSRD** parcel is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50') feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the **OSRD** parcel is held by the town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer, or no buffer, will suffice to accomplish the objectives set forth herein (e.g. if integration with neighborhood is better achieved without buffer).

No person may encroach or cause another person to encroach on open space land or on any land for which a public body, a nonprofit land conservation organization, or homeowners association holds a conservation easement interest, without the permission of the owner of such open space land or holder of such conservation easement or without other legal authorization.

D. Encumbrances. All areas set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.

9. Reduction of Dimensional Requirements.

Applicant may propose to modify lot size, unit placement, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

A. Frontage. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw. The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 50 feet of frontage.

RA1 – 1.0 acre w/o sewer and 0.5 acre w/sewer and 75 linear feet frontage.

RA2 – 1.0 acre w/o sewer and 1.0 acre w/sewer and 75 linear feet frontage.
RA5 – 2.5 acre w/o sewer and 2.5 acre w/sewer and 250 linear feet frontage.

B. Setbacks. Every dwelling fronting on the proposed roadways shall be set back a minimum of 30 feet from the roadway right-of-way, and 15 feet from any rear or side lot line. In no event shall structures be closer than 30 feet to each other. Where structures containing three to four dwelling units are being proposed, the side lot lines between units may be 15 feet, however the distance between structures shall be a minimum of 30 feet.

10. Increases in Permissible Density.

Increases in density are not permissible and not waivable.

11. Decision of the Planning Board.

A. Criteria for Approval. The Planning Board will review all data and hold a public hearing in accordance with M.G.L.c.40A, section 9. The Board may grant a Special Permit for an OSRD, with or without conditions, if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional subdivision of the property and finding that the following eight (8) factors are present:

1. That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
2. That the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archaeological resources;
3. That the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
4. That the OSRD reduces the total amount of disturbance on the site;
5. That the OSRD furthers the goals and policies of existing community planning documents including, but not limited to, the Town's Local Comprehensive Plan, Open Space and Recreation Plan, Planned Production Strategy for Affordable Housing and EO418 Community Development Plan;
6. That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
7. That the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.
8. That the proposed design does not create undo risk to public health, safety and welfare.

B. Relationship between Concept Plan and Definitive Subdivision Plan. Any Special permit for a Major Residential Development or any Special Permit for OSRD that is granted a Special Permit and shows a subdivision must be followed by the submittal of a Definitive Subdivision plan in accordance with the Subdivision Rules and Regulations of the Town. The OSRD Special Permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

1. An increase in the number of building lots and/or units;
2. A significant decrease in the open space acreage;
3. A significant change in the lot layout or unit placement;
4. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
5. Significant changes to the stormwater management facilities; and/or
6. Significant changes in the wastewater management systems.

12. **Severability.** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

Passed by 2/3/March 6th @ 8:01

Article 10. To see if the Town will vote to amend the Templeton Zoning Bylaw Article XXI section 8.3.1 by adding the following non-residential Uses Allowed by Right in the C-I-A District, or to take any other action relative thereto:

G. Non-residential Uses Allowed by Right in the Village District (V). (See section 8.8.2)

H. Non-residential Uses Allowed by Right in the Highway-Business (H-B). (See section 8.9.1),

On a motion duly made and seconded the Town voted to amend the Templeton Zoning Bylaw Article XXI section 8.3.1 by adding the following non-residential Uses Allowed by Right in the C-I-A District:

G. Non-residential Uses Allowed by Right in the Village District (V). (See section 8.8.2)

H. Non-residential Uses Allowed by Right in the Highway-Business (H-B). (See section 8.9.1).

Passed Unanimously/March 6th @ 8:10

Article 11. To see if the Town will vote to amend the Templeton Zoning Bylaw Article XXI section 8.4.1 by adding the following non-residential Uses Allowed by Right in the C-I-B District, or to take any other action relative thereto:

F. Non-residential Uses Allowed by Right in the Village District (V). (See section 8.8.2)

G. Non-residential Uses Allowed by Right in the Highway-Business (H-B). (See section 8.9.1)

On a motion duly made and seconded the Town voted to amend the Templeton Zoning Bylaw Article XXI section 8.4.1 by adding the following non-residential Uses Allowed by Right in the C-I-B District:

F. Non-residential Uses Allowed by Right in the Village District (V). (See section 8.8.2)

G. Non-residential Uses Allowed by Right in the Highway-Business (H-B). (See section 8.9.1)

Passed Unanimously/March 6th @ 8:13

Article 12. To see if the Town will vote to amend the Templeton Zoning Bylaw Article XXI section 8.3.2 by adding the following non-residential Uses Allowed by Special Permit in the C-I-A District, or to take any other action relative thereto:

P. Non-residential Uses Allowed by Special Permit in the Village District (V). (See section 8.8.5)

Q. Non-residential Uses Allowed by Special Permit in the Highway-Business (H-B). (See section 8.9.2)

R. Any accessory use customary to any of the above uses.

On a motion duly made and seconded the Town voted to amend the Templeton Zoning Bylaw Article XXI section 8.3.2 by adding the following non-residential Uses Allowed by Special Permit in the C-I-A District:

P. Non-residential Uses Allowed by Special Permit in the Village District (V). (See section 8.8.5)

Q. Non-residential Uses Allowed by Special Permit in the Highway-Business (H-B). (See section 8.9.2)

R. Any accessory use customary to any of the above uses.

Passed Unanimously/March 6th @ 8:13

Article 13. To see if the Town will vote to amend the Templeton Zoning Bylaw Article XXI section 8.4.2 by adding the following non-residential Uses Allowed by Special Permit in the C-I-B District, or to take any other action relative thereto:

O. Non-residential Uses Allowed by Special Permit in the Village District (V).
(See section 8.8.2)

P. Non-residential Uses Allowed by Special Permit in the Highway-Business (H-B). (See section 8.9.1)

Q. Any accessory use customary to any of the above uses.

R. Uses classified as adult entertainment as per MGL Chapter 272, Section 31 (Definitions) and all other applicable state statutes concerning the permitting of adult entertainment establishments may be allowed by a Special Permit from the Planning Board.

On a motion duly made and seconded the Town voted to amend the Templeton Zoning Bylaw Article XXI section 8.4.2 by adding the following non-residential Uses Allowed by Special Permit in the C-I-B District:

O. Non-residential Uses Allowed by Special Permit in the Village District (V).
(See section 8.8.2)

P. Non-residential Uses Allowed by Special Permit in the Highway-Business (H-B). (See section 8.9.1)

Q. Any accessory use customary to any of the above uses.

R. Uses classified as adult entertainment as per MGL Chapter 272, Section 31 (Definitions) and all other applicable state statutes concerning the permitting of adult entertainment establishments may be allowed by a Special Permit from the Planning Board.

Passed Unanimously/March 6th @ 8:13

Article 14. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by changing Section 8.9.2 (f) of the Highway-Business (H-B) District as follows: “Gasoline ~~and/or repair service~~ stations with or without mini-market ~~and not within 500 feet of a residential zone~~ and garage auto and truck repair, general vehicle, and general repair;” or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by changing Section 8.9.2 (f) of the Highway-Business (H-B) District as follows: “Gasoline ~~and/or repair service~~ stations with or without mini-market ~~and not within 500 feet of a residential zone~~ and garage auto and truck repair, general vehicle, and general repair.”

Passed Unanimously/March 6th @ 8:16

Article 15. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by changing the Definition of “Garage Auto and Truck Repair” as follows “An establishment for the storage, repair, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body work and/or supplying oil and other automotive fluids to motor vehicles, and including repair of heavy motorized equipment and the storage of vehicles for the cannibalization of parts”, and by deleting Definition of “Motor Vehicle Body Repair” as follows: “~~An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts~~” and deleting Definition of “Motor Vehicle Light Service” as follows: ~~Premises for the supplying of fuel, oil lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.~~, or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by changing the Definition of “Garage Auto and Truck Repair” as follows “An establishment for the storage, repair, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body work and/or supplying oil and other automotive fluids to motor vehicles, and including repair of heavy motorized equipment and the storage of vehicles for the cannibalization of parts”, and by deleting Definition of “Motor Vehicle Body Repair” as follows: “~~An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts~~” and deleting Definition of “Motor Vehicle Light Service” as follows: ~~Premises for the supplying of fuel, oil lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.~~

Passed Unanimously/March 6th @ 8:16

Article 16. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning to allow the use of Garage Auto and Truck Repair by special permit in the Commercial Industrial-A District (CI-A), Commercial Industrial-B District (CI-B), and Highway-Business District (H-B) :

8.3.2(j) Garage Auto and Truck Repair

8.4.2(j) Garage Auto and Truck Repair

8.9.2(i) Garage Auto and Truck Repair

and renumbering the existing section 8.3.2(j) as 8.3.2(r), renumbering the existing section 8.4.2(j) as 8.4.2(q), or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning to allow the use of Garage Auto and Truck Repair by special permit in the Commercial Industrial-A District (CI-A), Commercial Industrial-B District (CI-B), and Highway-Business District (H-B) :

8.3.2(j) Garage Auto and Truck Repair

8.4.2(j) Garage Auto and Truck Repair

8.9.2(i) Garage Auto and Truck Repair

and renumbering the existing section 8.3.2(j) as 8.3.2(r), renumbering the existing section 8.4.2(j) as 8.4.2(q).

Passed Unanimously/March 6th @ 8:18

Article 17. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-A Zoning District (CI-A) section 8.3.1 by deleting the phrase “See the Dimensional Table for maximum floor area ratio and lot coverage requirements” as follows:

The following uses are allowed by right in the C-I-A zoning district, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and procedures, Section 9.4 Site Plan Review. ~~See the Dimensional Table for maximum floor area ratio and lot coverage requirements.~~

or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-A Zoning District (CI-A) section 8.3.1 by deleting the phrase “See the Dimensional Table for maximum floor area ratio and lot coverage requirements” as follows:

The following uses are allowed by right in the C-I-A zoning district, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and procedures, Section 9.4 Site

Plan Review. ~~See the Dimensional Table for maximum floor area ratio and lot coverage requirements.~~

Passed Unanimously/March 6th @ 8:19

Article 18. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-B Zoning District (CI-B) section 8.4.1 by deleting the phrase “See the Dimensional Table for maximum floor area ratio and lot coverage requirements” as follows:

The following uses are allowed by right in the C-I-B zoning district, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and procedures, Section 9.4 Site Plan Review. ~~See the Dimensional Table for maximum floor area ratio and lot coverage requirements.~~

or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-B Zoning District (CI-B) section 8.4.1 by deleting the phrase “See the Dimensional Table for maximum floor area ratio and lot coverage requirements” as follows:

The following uses are allowed by right in the C-I-B zoning district, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and procedures, Section 9.4 Site Plan Review. ~~See the Dimensional Table for maximum floor area ratio and lot coverage requirements.~~

Passed Unanimously/March 6th @ 8:19

Article 19. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-A Zoning District (CI-A) section 8.3.1(C) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Research and Development (R&D) or light manufacturing with a minimum of 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Commercial-Industrial-A Zoning District (CI-A) section 8.3.1(C) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Research and Development (R&D) or light manufacturing with a minimum of 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building.

Passed Unanimously/March 6th @ 8:21

Article 20. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending section 8.3.1(D) in the Commercial-Industrial-A Zoning District (CI-A) district and section 8.4.1 (D) in the Commercial-Industrial-B Zoning District (CI-B) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Distribution facilities with a minimum of 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view,

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending section 8.3.1(D) in the Commercial-Industrial-A Zoning District (CI-A) district and section 8.4.1 (D) in the Commercial-Industrial-B Zoning District (CI-B) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Distribution facilities with a minimum of 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view.

Passed Unanimously/March 6th @ 8:21

Article 21. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow distribution facilities under 20,000 square feet by

special permit in the Commercial-Industrial-A District (CI-A) and Commercial-Industrial-B District (CI-B) as follows:

- 8.3.2 (N) Distribution facilities under 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view;
- 8.4.2 (N) Distribution facilities under 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view;

or to take any action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow distribution facilities under 20,000 square feet by special permit in the Commercial-Industrial-A District (CI-A) and Commercial-Industrial-B District (CI-B) as follows:

- 8.3.2 (N) Distribution facilities under 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view;
- 8.4.2 (N) Distribution facilities under 20,000 square feet in size; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view;

Passed Unanimously/March 6th @ 8:21

Article 22. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning to allow retail establishments under 20,000 square feet in size by special permit in the Commercial-Industrial-A Zoning District (CI-A) and Commercial-Industrial-B Zoning District (CI-B), by inserting the following sections:

- 8.3.2 (k). Retail establishments under 20,000 square feet in size
- 8.4.2 (k). Retail establishments under 20,000 square feet in size.

and renumbering existing section 8.4.2(k) as 8.4.2(r), or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning to allow retail establishments under 20,000 square feet in size by special permit in the Commercial-Industrial-A Zoning District (CI-A) and Commercial-Industrial-B Zoning District (CI-B), by inserting the following sections:

- 8.3.2 (k). Retail establishments under 20,000 square feet in size

8.4.2 (k). Retail establishments under 20,000 square feet in size.

and renumbering existing section 8.4.2(k) as 8.4.2(r).

Passed Unanimously/March 6th @ 8:21

Article 23. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by allowing lumber yards, contractors' yards, building trade suppliers or other open-air establishments by special permit in Commercial-Industrial-A District (CI-A) and Commercial-Industrial-B District (CI-B) by inserting the following sections:

8.3.2 (L). Lumber yard, contractor's yard, building trade supplier or other open-air establishment, under 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view;

8.4.2 (L) Lumber yard, contractor's yard, building trade supplier or other open-air establishment, under 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view;

or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by allowing lumber yards, contractors' yards, building trade suppliers or other open-air establishments by special permit in Commercial-Industrial-A District (CI-A) and Commercial-Industrial-B District (CI-B) by inserting the following sections:

8.3.2 (L). Lumber yard, contractor's yard, building trade supplier or other open-air establishment, under 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view;

8.4.2 (L) Lumber yard, contractor's yard, building trade supplier or other open-air establishment, under 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or

sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view.

Passed Unanimously/March 6th @ 8:21

Article 24. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow research and development or light manufacturing facilities under 20,000 square feet by special permit in the Commercial-Industrial-A District (CI-A) and Commercial Industrial-B District (CI-B) by inserting the following sections:

8.3.2 (M) Research and Development (R&D) or light manufacturing under 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

8.4.2 (M) Research and Development (R&D) or light manufacturing under 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow research and development or light manufacturing facilities under 20,000 square feet by special permit in the Commercial-Industrial-A District (CI-A) and Commercial Industrial-B District (CI-B) by inserting the following sections:

8.3.2 (M) Research and Development (R&D) or light manufacturing under 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

8.4.2 (M) Research and Development (R&D) or light manufacturing under 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

Passed Unanimously/March 6th @ 8:21

Article 25. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending section 8.4.1 (C) in the Commercial-Industrial-B Zoning District (CI-B) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Research and Development (R&D) or light manufacturing with a minimum of 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;

or take any action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending section 8.4.1 (C) in the Commercial-Industrial-B Zoning District (CI-B) by inserting the phrase “with a minimum of 20,000 square feet in size” as follows:

Research and Development (R&D) or light manufacturing with a minimum of 20,000 square feet in size, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building.

Passed Unanimously/March 6th @ 8:21

Article 26. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting in Village (V) Districts as follows:

8.8.5(h) Restaurant and Restaurant Fast-Food, but Drive-up Customer Service Facilities are prohibited.

or take any other action relative thereto.

On a motion duly made and seconded the Town voted to to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting in Village (V) Districts as follows:

- 8.8.5(h) Restaurant and Restaurant Fast-Food, but Drive-up Customer Service Facilities are prohibited.

Passed Unanimously/March 6th @ 8:24

Article 27. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow Restaurants and Restaurants Fast-Food by right in Commercial-Industrial-A Zoning District (CI-A) district, Commercial-Industrial B Zoning (CI-B), and Highway-Business (H-B) district by inserting the following sections:

- 8.3.1(E) Restaurant and Restaurant Fast-Food
- 8.4.1(E) Restaurant and Restaurant Fast-Food
- 8.9.1(o) Restaurant and Restaurant Fast-Food

and renumbering existing section 8.9.1(o) as 8.9.1(q), or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow Restaurants and Restaurants Fast-Food by right in Commercial-Industrial-A Zoning District (CI-A) district, Commercial-Industrial B Zoning (CI-B), and Highway-Business (H-B) district by inserting the following sections:

- 8.3.1(E) Restaurant and Restaurant Fast-Food
- 8.4.1(E) Restaurant and Restaurant Fast-Food
- 8.9.1(o) Restaurant and Restaurant Fast-Food

and renumbering existing section 8.9.1(o) as 8.9.1(q).

Passed Unanimously/March 6th @ 8:28

Article 28. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by amending Major Home Occupations section 8.10.1 (g) as follows:

Major home occupations may include the selling of products, the major portion of which are refurbished, manufactured, assembled, or produced on the premises; ~~Not more than 25% of the products sold shall be purchased or obtained elsewhere.~~

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton

Bylaw, Article XXI, Zoning, by amending Major Home Occupations section 8.10.1 (g) as follows:

Major home occupations may include the selling of products, the major portion of which are refurbished, manufactured, assembled, or produced on the premises; ~~Not more than 25% of the products sold shall be purchased or obtained elsewhere.~~

Passed Unanimously/March 6th @ 8:30

Article 29. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow minor home occupations by right in the Commercial-Industrial-A (CI-A) district, Village (V) district, and Highway-Business (H-B) district by inserting the following sections:

- 8.3.1(F) Home Occupation, Minor
 - 8.8.2(g) Home Occupation, Minor
 - 8.9.1(p) Home Occupation, Minor
- or take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow minor home occupations by right in the Commercial-Industrial-A (CI-A) district, Village (V) district, and Highway-Business (H-B) district by inserting the following sections:

- 8.3.1(F) Home Occupation, Minor
- 8.8.2(g) Home Occupation, Minor
- 8.9.1(p) Home Occupation, Minor

Passed Unanimously/March 6th @ 8:32

Article 30. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow major home occupations by special permit in the Village Districts (V), Residential-Agricultural-1 District (R-A-1), Residential-Agricultural-2 District (R-A-2), Residential-Agricultural-5 District (R-A-5), Highway-Business District (H-B), Commercial-Industrial-A Zoning District (CI-A) by inserting the following sections:

- 8.3.2(o) Home Occupation, Major
- 8.5.2(i) Home Occupation, Major
- 8.6.2(i) Home Occupation, Major
- 8.7.2(i) Home Occupation, Major
- 8.8.5(h) Home Occupation, Major
- 8.9.2(i) Home Occupation, Major

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, to allow major home occupations by special permit in the Village Districts (V), Residential-Agricultural-1 District (R-A-1), Residential-Agricultural-2 District (R-A-2), Residential-Agricultural-5 District (R-A-5), Highway-Business District (H-B), Commercial-Industrial-A Zoning District (CI-A) by inserting the following sections:

- 8.3.2(o) Home Occupation, Major
- 8.5.2(i) Home Occupation, Major
- 8.6.2(i) Home Occupation, Major
- 8.7.2(i) Home Occupation, Major
- 8.8.5(h) Home Occupation, Major
- 8.9.2(i) Home Occupation, Major

Passed Unanimously/March 6th @ 8:35

**A motion was duly made and seconded to adjourn the meeting.
Unanimous/March 6th @ 8:35**

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said County, in the City of Gardner.

Given under our hands this 15th day of February in the year AD 2008.

BOARD OF SELECTMEN

Gerald Skelton, Chairman

Gregg Edwards, Vice Chairman

John Henshaw, Clerk

Julie Farrell, Member

Patrick E. Dunlavey, Member

A True Copy, ATTEST:

Randy L. Brown
Constable of Templeton

OFFICER'S RETURN

WORCESTER, SS

February 15, 2008

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street in Baldwinville and at 690 Patriots Road in Templeton and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper in said County in the city of Gardner.

Randy L. Brown
Constable of Templeton

Meeting Attendance 03-6-2008

Voters Total 92

Date of this Certification:

June 19, 2009

