

The TOWN OF WILLIAMSBURG
Annual Town Meeting
June 7, 2021 @ 5 p.m.

The Annual Town Meeting was held outdoors at the Anne T. Dunphy Schoolyard, 1 Petticoat Hill Rd., Williamsburg, MA due to COVID-19 concerns.

The warrant was signed on May 13, 2021 and posted on May 17, 2021

Moderator: Paul Rudof

Town Clerk: Brenda Lessard

Selectmen Present: William Sayre, Chair, David Mathers, Clerk and Denise Banister

There were 88 voters present of 2058 registered voters.

Last day to register to vote was May 18, 2021.

The Board of Selectmen made the dedication of the 2020 Annual Town Report to all the Essential Workers for the Town of Williamsburg who kept the town running during this pandemic year to a round of applause from the town body.

A quorum of sixty (60) registered voters being present, there were 88 voters, the town meeting was called to order at 5:00 p.m. by the Moderator. The Moderator noted the return of the warrant and that it had been properly posted.

Motion made and seconded that the Town vote to adopt a rule that the Moderator be authorized to declare a 2/3 or 4/5 vote in the same manner as a majority vote is declared, provided that if a vote so declared is questioned by seven (7) or more members, the Moderator shall verify the vote by taking a count.

Motion Passed Unanimously

Article 1

Moved and seconded that the town transfer from Free Cash the sum of \$90, to pay Glen Goebel for work done for the Senior Center in Fiscal Year 2020.

Motion Passed Unanimously

Article 2

Moved and seconded that the town vote pursuant to M.G.L. c.268A, §21A to authorize the Board of Selectmen, Board of Water/Sewer Commissioners, Board of Assessors, Board of Health, Board of Appeals, Finance Committee, and the Trustees of Libraries to appoint their own members to positions under their respective jurisdictions at such salaries or wage rates to be established by the Board of Selectmen.

Motion Passed Unanimously

Article 3

Moved and seconded that the town vote to authorize the Moderator to choose a committee to expend the income from the Whiting Street Fund.

Motion Passed Unanimously

Article 4

Moved and seconded that the town vote to approve a Capital Improvement Plan, as prepared by the Capital Planning Committee and approved by the Finance Committee, including recommended capital improvements for the following five fiscal years.

Motion Passed Unanimously

Article 5

Moved and seconded that the town vote to transfer from Free Cash the sum of \$1,224, an amount equal to one-half of the amount received by the Town as Medicaid reimbursements in FY2020, to the Williamsburg School Department.

Motion Passed Unanimously

Article 6

I move that the town vote to fix the salary and compensation of all elected and appointed officers of the Town for the twelve-month period ending June 30, 2022, as provided in M.G.L. c.41, §108, as amended, and that the town vote raise and appropriate such sums of money as shall be deemed necessary to defray the expenses of the Town for that same period, with each line being its own appropriation and in the total sum of \$8,420,458, as recommended by the Finance Committee, such sum to be appropriated by transferring \$200,000 from Free Cash and raising \$8,220,458 from taxation.

Motion Passed Unanimously

TOWN OF WILLIAMSBURG BUDGET**FISCAL YEAR 2022**

ACCOUNT	FY 21	FY 22	FY22	FY22	%	\$
NAME	EXPENSE	REQUEST	FC RECMMDS	REQUEST W/ SALARY CHGE	CHG	CHG
MODERATOR	311	311	311	317	2.0%	6
SELECT BOARD SALARIES	8,694	8,694	8,694	8,868	2.0%	174
SELECT BOARD EXPENSES	3,750	3,750	3,750	3,750	0.0%	0
TOWN ADMINISTRATOR SALARY	69,353	65,000	65,000	66,300	-4.4%	(3,053)
TOWN ADMIN ASSISTANT	16,745	16,745	16,745	17,080	2.0%	335
TOWN ADMIN EXPENSES	750	750	750	750	0.0%	0
CAPITAL PLANNING SALARIES	0	0	0	0	0.0%	0
CAPITAL PLANNING EXPENSES	75	75	75	75	0.0%	0
FINANCE COMMITTEE SALARIES	3,929	3,929	3,929	4,008	2.0%	79

FINANCE COM SECRETARY	0	0	0	0	0.0%	0
FINANCE COMMITTEE						
EXPENSES	500	500	500	500	0.0%	0
RESERVE FUND	60,000	60,000	50,000	50,000	-16.7%	(10,000)
ACCOUNTANT LABOR	35,992	35,992	35,992	35,992	0.0%	0
ACCOUNTANT EXPENSES	150	150	150	150	0.0%	0
ACCOUNTING SOFTWARE	750	750	750	750	0.0%	0
AUDIT SERVICES	17,500	21,500	21,500	21,500	22.9%	4,000
ASSESSORS SALARIES	9,659	9,659	9,659	9,852	2.0%	193
ASSESSORS LABOR	13,483	21,450	21,450	21,879	62.3%	8,396
ASSESSORS EXPENSES	19,700	19,700	19,700	19,700	0.0%	0
ASSESSORS REVALUATION	7,500	7,500	7,500	7,500	0.0%	0
TREASURER SALARY	23,413	23,413	23,413	23,881	2.0%	468
TREASURER ADDITIONAL						
SALARY	1,000	1,000	1,000	1,000	0.0%	0
TREASURER'S ASSISTANT	6,218	6,218	6,218	6,342	2.0%	124
TREASURER EXPENSES	4,720	5,500	5,500	5,500	16.5%	780
TREASURER SOFTWARE	5,000	5,000	5,000	5,000	0.0%	0
OPEB Reval	1,475	3,000	3,000	3,000	103.4%	1,525
OPEB Trust	1,000	5,000	5,000	5,000	400.0%	4,000
COLLECTOR SALARY	44,902	44,902	44,902	45,800	2.0%	898
COLLECTOR ADD'L SALARY	1,000	1,000	1,000	1,000	0.0%	0
COLLECTOR EXPENSES	7,992	7,992	7,992	7,992	0.0%	0
DEPUTY COLLECTOR EXPENSES	1,900	1,900	1,900	1,900	0.0%	0
TAX TITLE EXPENSES	1,500	1,500	1,500	1,500	0.0%	0
OLIVER SMITH TRUSTEE	34	34	34	35	2.0%	1
TOWN LEGAL COUNSEL	15,000	15,000	10,000	10,000	-33.3%	(5,000)
ADVERTISING	1,200	1,200	1,200	1,200	0.0%	0
ENERGY COMMITTEE	250	250	250	250	0.0%	0
CONSTABLE SALARY	462	462	462	471	2.0%	9
CONSTABLE ELECTIONS	0	0	0	0	0.0%	0
CLERK SALARY	21,812	21,812	21,812	22,248	2.0%	436
CLERK'S ASSISTANT	2,490	2,490	2,490	2,540	2.0%	50
CLERK'S EXPENSES	1,700	1,700	1,700	1,700	0.0%	0
CLERK'S SOFTWARE	500	500	500	500	0.0%	0
ELECTIONS/REGISTRATION	9,500	9,500	9,500	9,500	0.0%	0
STREET LISTING	1,450	1,450	1,450	1,450	0.0%	0
CONSERVATION COMMISSION	1,863	1,863	1,863	1,900	2.0%	37
CONSERVATION COM EXPENSES	2,825	2,700	2,700	2,700	-4.4%	(125)

PLANNING BOARD EXPENSES	750	750	750	750	0.0%	0
BOARD OF APPEALS EXPENSES	600	600	600	600	0.0%	0
CUSTODIAN LABOR	12,357	12,357	12,357	12,604	2.0%	247
BUILDING SUPERVISOR SALARY	9,543	9,543	9,543	9,734	2.0%	191
TOWN BLDGS & GROUNDS	35,275	35,275	35,275	35,275	0.0%	0
TOWN OFFICE EXPENSE	2,500	2,500	2,500	2,500	0.0%	0
TOWN OFFICE INTERNET SERV.	9,045	9,045	9,045	9,045	0.0%	0
TOWN TELEPHONE	10,620	10,620	10,620	10,620	0.0%	0
COPIER MAINTENANCE	2,400	2,400	2,400	2,400	0.0%	0
TOWN HEATING FUEL	44,492	44,492	44,492	44,492	0.0%	0
TOWN ELECTRIC	25,500	25,500	25,500	25,500	0.0%	0
TOWN COMPUTER SERVICE	25,895	40,556	40,556	40,556	56.6%	14,661
TECHNOLOGY UPGRADES	5,000	5,000	5,000	5,000	0.0%	0
TOWN BUILDING REPAIRS	18,000	18,000	18,000	18,000	0.0%	0
DOCUMENT STORAGE						
CONTRACT	2,100	2,100	2,100	2,100	0.0%	0
TOWN REPORT	1,900	1,900	1,900	1,900	0.0%	0

GENL GOVERNMENT TOTAL	634,024	662,479	647,479	652,457	2.9%	18,433
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POLICE CHIEF SALARY	70,126	72,126	72,126	73,569	4.9%	3,443
POLICE DEPT LABOR	135,792	135,792	135,792	138,508	2.0%	2,716
POLICE DEPT EXPENSES	25,626	25,626	25,626	25,626	0.0%	0
POLICE RECORDS SOFTWARE	8,035	8,035	8,035	8,035	0.0%	0
FIRE DEPT CHIEF SALARY	25,164	25,164	25,164	25,667	2.0%	503
FIRE DEPT LABOR	22,963	25,745	25,745	26,260	14.4%	3,297
FIRE DEPT ADMIN ASST	5,487	8,295	8,295	8,461	54.2%	2,974
FIRE DEPT TRAINING	13,268	15,334	15,334	15,641	17.9%	2,373
FIRE DEPT EXPENSES	33,147	33,147	33,147	33,147	0.0%	0
AMBULANCE SERVICE	125,132	117,166	117,166	117,166	-6.4%	-7,966
EMER MANAGMT DIR SALARY	1,242	1,242	1,242	1,267	2.0%	25
EMER MANAGMT DEPUTY	578	578	578	590	2.0%	12
EMER MANAGMT EXPENSES	3,750	3,750	3,750	3,750	0.0%	0
EMER COMMUNICATIONS	486	486	486	486	0.0%	0
TREE REMOVAL/PLANTING	7,000	7,000	7,000	7,000	0.0%	0

PUBLIC SAFETY TOTAL	477,796	479,486	479,486	485,172	1.5%	7,376
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LOCAL SCHOOL COMM SALARIES	1,559	1,559	1,559	1,590	2.0%	31
LOCAL SCHOOL BUDGET (+\$100,000 school choice in FY21)	2,274,388	2,274,388	2,330,298	2,330,298	2.5%	55,910
REGIONAL SCHOOL ASSESSMENT	1,599,012	1,613,930	1,613,930	1,613,930	0.9%	14,918
VOCATIONAL TUITION	661,275	695,605	695,605	695,605	5.2%	34,330
VOCATIONAL TRANSPORT	40,085	40,526	40,526	40,526	1.1%	441

EDUCATION TOTAL	4,576,319	4,626,008	4,681,918	4,681,949	2.3%	105,630
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HIGHWAY SUPERINTENDENT SAL	65,242	65,242	65,242	66,547	2.0%	1,305
HIGHWAY LABOR	152,608	152,608	152,608	155,660	2.0%	3,052
HIGHWAY ROAD MAINTENANCE	85,000	85,000	85,000	85,000	0.0%	0
HIGHWAY GARAGE/EQUIP MAINT.	41,641	41,641	41,641	41,641	0.0%	0
VEHICLE FUEL	29,000	29,000	29,000	29,000	0.0%	0
HIGHWAY SURPLUS & SAFETY EQUIP	3,000	3,000	3,000	3,000	0.0%	0
INVASIVE SPECIES ERADICATION	1,500	1,500	1,500	1,500	0.0%	0
SIDEWALK CONSTRUCTION	0	5,000	5,000	5,000	0.0%	5,000
WINTER OVERTIME	15,235	15,235	15,235	15,235	0.0%	0
WINTER EXPENSES	72,500	72,500	72,500	72,500	0.0%	0
STREET LIGHTING	12,000	12,000	12,000	12,000	0.0%	0
TRANSFER STATION SALARIES	31,575	31,575	31,575	32,207	2.0%	632
TRANSFER STATION EXPENSES	99,825	99,825	99,825	99,825	0.0%	0
CEMETERY COMMISSION	1,100	1,100	1,100	1,100	0.0%	0
HAYDENVILLE TOWN CLOCK	1,327	1,327	1,327	1,354	2.0%	27

PUBLIC WORKS TOTAL	611,553	616,553	616,553	621,568	1.6%	10,015
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ANIMAL INSPECTOR	1,000	1,000	1,000	1,020	2.0%	20
BOARD OF HEALTH SALARIES	3,836	3,836	3,836	3,913	2.0%	77
BOARD OF HEALTH EXPENSES	1,050	1,050	1,050	1,050	0.0%	0
PUBLIC HEALTH EMERGENCY & TRAINING (formerly Public Nurse)	1,550	1,550	1,550	1,550	0.0%	0
COUNCIL ON AGING--DIRECTOR	29,705	29,705	29,705	30,299	2.0%	594
COA--STAFF LABOR	12,729	14,720	14,720	15,014	18.0%	2,285
COA--MEAL SITE STAFFING	10,057	11,600	11,600	11,832	17.6%	1,775
COA--ADMIN ASSIST	13,312	9,778	9,778	9,974	-25.1%	(3,338)

COA--EXPENSES	3,718	3,718	3,718	3,718	0.0%	0
COA--HEN PROGRAM	4,000	4,000	4,000	4,000	0.0%	0
VETERANS EXPENSES	11,966	12,399	12,399	12,399	3.6%	433
VETERANS BENEFITS	42,618	52,000	52,000	52,000	22.0%	9,382
AMERICAN'S w/DISABILITIES	400	400	400	400	0.0%	0

**HEALTH / HUMAN SERVICES
TOTAL**

135,941	145,756	145,756	147,169	8.3%	11,228
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LIBRARY DIRECTOR	50,000	50,000	50,000	51,000	2.0%	1,000
LIBRARY LABOR	93,236	97,335	97,335	99,282	6.5%	6,046
LIBRARY MAINTENANCE	8,226	14,000	14,000	14,000	70.2%	5,774
LIBRARY BOOKS & SUPPLIES	3,000	3,000	3,000	3,000	0.0%	0
RECREATION LABOR	3,841	3,841	3,841	3,918	2.0%	77
ATHLETIC FIELDS	5,000	5,000	5,000	5,000	0.0%	0
WOODLAND TRAILS COMMITTEE	500	500	500	500	0.0%	0
HISTORICAL COMMISSION	500	500	500	500	0.0%	0
VETERANS RECOGNITION	500	500	500	500	0.0%	0

CULTURE / RECREATION TOTAL

164,803	174,676	174,676	177,700	7.8%	12,897
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HIGHLAND AMBULANCE DEBT SER	6,348	6,441	6,441	6,441	1.5%	93
ATD SCHOOL--PRINCIPAL - DE1	270,000	270,000	270,000	270,000	0.0%	0
ATD SCHOOL--INTEREST - DE1	105,600	100,200	100,200	100,200	-5.1%	(5,400)
FIRE TRUCK--PRINCIPAL - DE1	53,000	53,000	53,000	53,000	0.0%	0
FIRE TRUCK--INTEREST - DE1	2,109	559	580	580	-72.5%	(1,529)
TOWN GARAGE--PRINCIPAL DE1	20,000	20,000	20,000	20,000	0.0%	0
TOWN GARAGE--INTEREST - DE1	1,600	1,200	1,200	1,200	-25.0%	(400)
HIGHWAY TRUCK--PRINCIPAL	27,000	10,293	10,293	10,293	-61.9%	(16,707)
HIGHWAY TRUCK--INTEREST	0	559	559	559	0.0%	559

DEBT SERVICE TOTAL

485,657	462,252	462,273	462,273	-4.8%	(23,384)
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HIGHLAND AMBULANCE BLDG	14,657	14,871	14,871	14,871	1.5%	214
FRCOG ASSESSMENT	2,750	2,750	2,750	2,750	0.0%	0
HAMP CO REGIONAL LOCKUP	2,358	2,358	2,358	2,358	0.0%	0

HILLTOWN RESOURCE MANGMT	13,266	13,369	13,369	13,369	0.8%	103
FOOTHILLS HEALTH DISTRICT	32,074	41,264	41,264	41,264	28.7%	9,190
BUILDING INSPECTION PROG	42,500	42,500	42,500	42,500	0.0%	0
PVPC ASSESSMENT	411	411	411	411	0.0%	0
PLUMBING/GAS INSPEC TRAINING	300	300	300	300	0.0%	0
INTERGOVERNMENTAL TOTAL	108,316	117,823	117,823	117,823	8.8%	9,507
HAMPSHIRE COUNTY RETIREMENT	313,382	295,613	295,613	295,613	-5.7%	(17,769)
WORKERS COMPENSATION	34,000	36,778	36,778	36,778	8.2%	2,778
UNEMPLOYMENT INSURANCE	3,000	5,000	5,000	5,000	66.7%	2,000
POLICE & FIRE ACCIDENT INSUR	13,697	14,587	14,587	14,587	6.5%	890
GROUP HEALTH INSURANCE	610,527	600,000	600,000	600,000	-1.7%	(10,527)
MEDICARE/SOCIAL SECURITY TAX	47,147	45,000	45,000	45,900	-2.6%	(1,247)
TOWN PROPERTY INSURANCE	73,885	76,471	76,471	76,471	3.5%	2,586
FIXED COSTS TOTAL	1,095,638	1,073,449	1,073,449	1,074,349	-1.9%	(21,289)
TOTAL OPERATING BUDGET	8,290,047	8,358,482	8,399,413	8,420,458	1.6%	130,411

Article 7

Moved and seconded that the town vote to accept monies from the Massachusetts Department of Transportation, including but not limited to Chapter 90 funds, for the maintenance and reconstruction of Town roads and bridges, and to authorize expenditure of the same without further appropriation.

Motion Passed Unanimously

Article 8

Moved and seconded that the town vote pursuant to M.G.L. c.44, §54E½, as most recently amended, to set Fiscal Year 2022 spending limits for the Revolving Funds as outlined in Article 8 in the warrant.

Motion Passed Unanimously

Revolving Fund	FY22 Spending Limit	Revolving Fund	FY22 Spending Limit
Board of Assessors Rev. Fund	\$15,000	Plumbing Inspector Rev. Fund	\$4,000
Gas Inspector Rev. Fund	\$1,500	Transfer Station Open Box Rev.	\$30,000
Electrical Inspector Rev. Fund	\$10,000	Planning Board Rev. Fund	\$30,000

Revolving Fund	FY22 Spending Limit	Revolving Fund	FY22 Spending Limit
Animal Control Officer Rev. Fund	\$5,000	Conservation Comm. Rev. Fund	\$5,000
Recreation Commission Rev. Fund	\$30,000	Board of Appeals Rev. Fund	\$6,000
Council on Aging Rev. Fund	\$2,000	Fire Dept. Revolving Fund	\$7,000
		Total Spending	\$145,500

Article 9

Moved and seconded that the town vote to raise and appropriate the sum of \$211,100 as set forth in Article 9 of the Warrant, for the purpose of operating, maintaining and constructing the Town water system, including the laying of mains, for Fiscal Year 2022, and to take said sum from Water Enterprise Revenue.

Stipends	\$ 2,800
<u>Expenses</u>	<u>\$ 208,300</u>
Total	\$ 211,100

Motion Passed Unanimously

Article 10

Moved and seconded that the town vote to raise and appropriate the sum of \$224,800 as set forth in Article 10 of the Warrant, for the purpose of operating, maintaining and constructing the Town sewer system for Fiscal Year 2022, and to take said sum from Sewer Enterprise Revenue.

Stipends	\$ 2,800
<u>Operation & Maintenance</u>	<u>\$ 222,000</u>
Total	\$ 224,800

Motion Passed Unanimously

Article 11

Moved and seconded that the town vote to transfer from Free Cash the sum of \$20,500, the Town's Match to an Assistance Fire Grant, to purchase and equip a Pumper Truck, and any other incidental and related expenses.

Motion Passed Unanimously

Article 12

Moved and seconded that the town vote to transfer from Free Cash the sum of \$2,500, the Town's Match to an Assistance Fire Grant, to purchase a Fill Station, and any other incidental and related expenses.

Motion Passed Unanimously

Article 13

Moved and seconded that the town vote to transfer from Free Cash the sum of \$55,100 for the purpose of purchasing and equipping a new Ford Police Utility AWD vehicle or a comparable Hybrid Vehicle, and equipment for the Police Department, and any other incidental and related expenses, and authorize the Board of Selectmen to apply for a Green Communities Grant to defray the cost of such purchase, if awarded.

Motion Passed Unanimously

Article 14

Moved and seconded that the town vote to transfer from Free Cash the sum of \$19,734 for the purpose of replacing the town server, and any other incidental and related expenses.

Motion Passed Unanimously

Article 15

Moved and seconded that the town vote to transfer from Free Cash the sum of \$3,500 to install and configure Multi-Factor Authentication for the purpose of protecting the administrative accounts that have access to town data, and any other incidental and related expenses.

Motion Passed Unanimously

Article 16

Moved and seconded that the town vote to transfer from Free Cash the sum of \$20,792 for the purpose of purchasing and replacing the overhead garage doors at the Highway Garage, and any other incidental and related expenses.

Motion Passed Unanimously

Article 17

Moved and seconded that the town vote to transfer from Free Cash the sum of \$12,500 for the purpose of replacing the North St. entrance walkway to the Meekins Library.

Motion made and seconded to amend the article to \$3,500 from the \$12,500 requested.

Motion Passed Unanimously

Amended Article 17

Motion made and seconded that the town vote to transfer from Free Cash the sum of \$3,500 for the purpose of replacing the North St. entrance walkway to the Meekins Library.

Motion Passed Unanimously

(This is actually the Main Street entrance walkway to the Meekins Library)

Article 18

Moved and seconded that the town vote to accept the provisions of Chapter 44 of the Massachusetts General Laws, Section 53 F 3/4, inclusive, for the purposes of establishing a PEG access fund.

Motion Passed Unanimously

Article 19

Moved and seconded that the town vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, for general municipal purposes, and for purposes of conveyance, a parcel of land located on Goshen Road, described in a deed dated July 30, 1981, recorded with the Hampshire Registry of Deeds in Book 2236, Page 278, and authorize the Board of Selectmen to execute any and all documents reasonably necessary to carry out the intent of this Article.

Motion Passed Unanimously

Article 20

Moved and seconded that the town vote to transfer \$150,000 from Free Cash into Stabilization.

Motion Passed Unanimously

Article 21

Moved and seconded that the town vote to amend the Zoning Bylaws section 9.30, Ground-mounted Solar Photovoltaic Installation requirements, to modify numerous provisions as outlined in the attachment in the town meeting Warrant. *(Full Text attached at end of Minutes)*

Motion Passed Unanimously

Article 22

Moved and seconded that the town vote to amend the Zoning Bylaws section 3 – Schedule of Use regulations, Section 9.1 Accessory Apartments, and Definitions to allow for Accessory Apartments in detached structures as outlined in the town meeting attachment. *(Full Text attached at end of Minutes)*

Motion Passed Majority (1 No)

Motion made and seconded to adjourn Town Meeting. Motion passed unanimously. Meeting adjourned at 6:22 P.M.

Filed: June 8, 2021

A True Copy Attest: Brenda Lessard, Town Clerk



Brenda Lessard
Williamsburg Town Clerk

Cc: Accountant, Capital Planning, Department of Revenue, Finance Committee, Board of Selectmen, Treasurer, Assessors, KP/Law, Highway Department, Fire Department, Police Department, Secretary of the Commonwealth, Town Administrator, and Water & Sewer Commission

G. Reporting Requirements

The owner of a marijuana establishment shall submit an Annual Report to the Williamsburg Board of Selectmen no later than January 31st of each year, which certifies compliance with the requirements of this bylaw and M.G.L. Chapter 94G.

H. Abandonment or discontinuance of use.

A marijuana establishment shall be required to remove all material, plants equipment and other paraphernalia within six months of ceasing operations. The project proponent of a Marijuana Establishment shall provide to the Town of Williamsburg a surety bond to cover the cost of such removal in the event the Town of Williamsburg becomes responsible for such removal. The amount of surety required shall be determined by the permitting authority.

All other applicable provisions of the Town of Williamsburg Zoning Bylaw shall also apply. If any section or portion of this Bylaw is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of this Bylaw.

9.30 Ground-mounted Solar Photovoltaic Installation requirements

9.30-1 Purpose

The purpose of this section of the Williamsburg Zoning Bylaw is to promote the creation of commercial ground-mounted solar photovoltaic (PV) installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations ~~that. The standards, which are consistent with community planning documents including but not limited to the Town's Open Space and Recreation Plan or Master Plan,~~ address public safety; minimize impacts on scenic, natural, and historic resources; minimize undesirable impacts on abutting residential property and neighborhoods; and provide adequate financial assurance for the eventual decommissioning of such installations.

9.30-2 Applicability

This section of the Williamsburg Zoning Bylaw applies to commercial ground-mounted solar ~~photovoltaic~~ (PV) installations measuring 1.25 acres in area and larger that are proposed to be constructed after the date of adoption of this bylaw. This section also applies to physical modifications that materially alter the type, configuration, physical size, and generating capacity of commercial ground-mounted solar ~~photovoltaic~~ PV installations measuring 1.25 acres and larger. Commercial ground-mounted ~~solar photovoltaic~~ PV installations with a total area between 1.25 acres and 20 acres in the RU and VM Districts and larger than 20 acres in the SPOD require a special permit.

This section of the Williamsburg Zoning Bylaw does not apply to solar PV facilities mounted on buildings or to solar PV facilities for residential use.

Not Permitted: No commercial solar PV installation may be permitted as follows: 1. Any solar PV installation of greater than 20 acres of previously undeveloped land in fenced array area. 2. Any solar PV installation requiring forest clearing greater than ten acres. 3. Any solar PV installation on slopes of 15% or greater as averaged over 50 horizontal feet; no cutting or filling may be done to reduce natural slopes.

9.30-3-General Requirements for All Solar Power General Installations

The following requirements are common to all ground-mounted solar photovoltaic PV installations proposed to be sited in designated locations.

9.30-3.1 Compliance with Laws, Ordinances, and Regulations

The construction and operation of all commercial ground-mounted solar photovoltaic PV installations shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic PV installation shall be constructed in accordance with the State Building Code.

9.30-3.2 Building Permit

No ground-mounted commercial solar photovoltaic PV installation shall be constructed, installed, or modified as provided in this section without first obtaining a building permit.

9.30-4-Site Plan Review

Ground-mounted solar photovoltaic PV installations measuring 1.25 (54,450 square feet) acres and larger shall undergo the site plan review outlined in Section 6 of the Williamsburg Zoning Bylaw prior to construction, installation, or modification of the facility as provided in this section. The total area of ground-mounted solar photovoltaic PV structures as measured shall include the areas where the solar panels are installed, all appurtenant and accessory buildings, access roads, landscaping, and visual screening elements.

9.30-4.1 General Site Plan Review Requirements

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

9.30-4.2 Required Documents

Pursuant to the required site plan content described in Section 6.3 of the Zoning Bylaw, the project proponent shall provide the following additional documents and information. The Planning Board (or Zoning Board of Appeals, if special permit as is applicable) may waive any of these requirements as it deems appropriate.

(a) A site plan showing:

- i. Property lines and physical features, including existing roads ~~for the project site~~, topography, wetlands and other water features, wildlife corridors, characteristics of vegetation, and other relevant features;
- ii. Location and approximate height of tree cover, including any trees on public property that are aged 75 years and older or with a diameter of 36 inches or greater, and any trees that are within the jurisdiction of the Tree Warden;
- iii. Locations of active farmland and prime farmland soils, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program

(NHESP), and "Important Wildlife Habitat" mapped by the Department of Environmental Protection.

- ~~iii.~~iv. Proposed changes to the landscape of the site, including roads, grading, ~~vegetation clearing and planting, roads,~~ parking areas, exterior lighting, screening vegetation or structures, vegetation clearing and planting, and stormwater management systems;
 - ~~iv.~~v. Blueprints or drawings of the solar ~~photovoltaic~~PV installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from structures and vegetation, including those on abutting property(ies);
 - ~~v.~~vi. A three-line electrical diagram detailing the solar ~~photovoltaic~~PV installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - ~~vi.~~vii. Documentation of the major system components to be used, including the ~~photovoltaic~~PV panels, mounting system, energy storage, and ~~inverter~~inverters;
 - ~~vii.~~viii. Name, address, and contact information for the proposed system installer;
 - ~~viii.~~ix. Name, address, phone number and signature of the project proponent, as well as all co-proponents and property owners, if any;
 - ~~ix.~~x. The name, contact information, and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 9.30-5);
 - (c) An operation and maintenance plan (see also Section 9.30-6);
 - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (e) Proof of liability insurance consistent with industry standards for the proposed facility;
 - (f) Description of financial surety that satisfies Section 9.30-13; and
 - (g) Pre- and post-construction color photorealistic visualizations of the existing site and proposed large-scale ground-mounted solar ~~photovoltaic~~PV installation from at least four perspectives (with a total of at least 180-degree separation) specified by the permitting authority, including from the nearest residential structure and of the area(s) that are most publicly visible, with technical explanation of how visualization was produced.

9.30-5 Site Control

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

9.30-5.1 Fencing. There shall be a fence built surrounding the solar array and ancillary equipment. The fence shall be knuckled selvage chain link fence unless determined otherwise by the Site Plan Approval Authority. The fence shall be at least

six inches above the ground to allow for small species of wildlife crossing under the fence.

9.30-5.2 Access Roads. Access roads shall be planned and constructed in consultation with the Highway Department of Public Works to minimize grading, stormwater/run-off control, removal of stone walls or trees; and to minimize impacts to environmental, wetlands, or historic resources.

9.30-6 Operation and Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar ~~photovoltaic~~PV installation, which shall include measures for maintaining safe access to the installation, ~~storm water~~stormwater and erosion controls, invasive plant species management, other vegetation management, routine monitoring, as well as general procedures for operational maintenance of the installation.

The Operations and Management Plan must include a Stormwater Management Plan. This plan must be submitted with the stamp and signature of a Registered Professional Engineer (PE) who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:

- a. The site's existing and proposed topography;
- b. All areas of the site designated as open space;
- c. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
- d. A delineation of 100-year flood plains, if applicable;
- e. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
- f. Existing and proposed vegetation and ground surfaces with runoff coefficients for each;
- g. A drainage area map showing pre- and post-construction water shed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;
- h. A recharge analysis that calculates pre- and post-construction annual groundwater recharge rates on the parcel;
- i. A description and drawings of all components of the proposed stormwater management system;
- j. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator.

9.30-7 Utility Notification

No ground-mounted solar ~~photovoltaic~~PV installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical distribution system grid where the installation is to be located has been informed by the

owner or operator of the proposed solar ~~photovoltaic~~PV installation of their intent to install an interconnected customer-owned generator.

9.30-8 Dimension and Density Requirements

9.30-8.1 Setback and Height Requirements

The setbacks for ground-mounted solar ~~photovoltaic~~PV installations, including appurtenant structures and parking areas, shall be at least 50 feet from any property boundary. The setback areas shall not be included in the calculation of the size of the ground-mounted solar ~~voltaic~~PV installation. The height of a ground-mounted solar ~~photovoltaic~~PV installation or any appurtenant structure shall comply with the requirements of Sections 4.4 and 4.5 of the Williamsburg Zoning Bylaw.

9.30-8.2 Lot Coverage

The lot coverage requirements of Section 9.3 of the Williamsburg Zoning Bylaw do not apply to ground-mounted solar ~~photovoltaic~~PV installations.

9.30-8.3 Appurtenant Structures

All appurtenant structures to ground-mounted solar ~~photovoltaic~~PV installations shall comply with the requirements of Section 9.2 Accessory Structures of the Williamsburg Zoning Bylaw. All such appurtenant structures include but are not limited to equipment shelters, storage facilities, transformers, and substations.

9.30-9 Design Standards

9.30-9.1 Lighting

Lighting of solar ~~photovoltaic~~PV installations shall be consistent with Section 9.12 of the Williamsburg Zoning Bylaw and all other applicable state and federal laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. ~~Where feasible, lighting~~Lighting of the solar ~~photovoltaic~~PV installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. There should be no illumination when personnel are not on the site.

9.30-9.2 Signage

Any signs on ground-mounted solar ~~photovoltaic~~PV installations and property shall comply with Section 9.8 Sign Restrictions of this Zoning Bylaw.

A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar ~~photovoltaic~~PV installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the ~~solar photovoltaic~~ installation.

9.30-9.3 Utility Connections

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

9.30-9.4 Landscaping

Clearing of natural vegetation for a ground-mounted solar PV installation shall be limited to what is necessary for the construction. Existing root structures and topsoil shall be maintained to the maximum extent possible. All land associated with the ground-mounted solar PV installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize on-site infiltration of stormwater. Impervious paving of areas beneath solar arrays is prohibited. ~~To the greatest extent possible, a~~ diversity of plant species ~~shall be used, with preference given to species that are~~ native to New England, excluding cultivars, ~~shall be used to establish and maintain a native wildflower meadow. Use of plants identified by the most recent copy edition of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited. Herbicides~~ Use of herbicides is allowed only for control of invasive plant species, if the infestation is such that mechanical control will not be effective. Any herbicides shall be applied only by properly licensed personnel in conformance with all applicable state regulation Seeds of those plants shall not have been treated with pesticides.

An alternative to a proponent-developed native planting scheme is to obtain Pollinator-Friendly Certification for the PV installation through the U Mass Clean Energy Extension Pollinator-Friendly Certification Program, or other equivalent certification as determined by the Site Plan Approval Authority. This certification must be actively maintained throughout the lifetime of the installation. A copy of the final plan for certification must be included in the final Operation and Maintenance Plan for the installation.

Use of plants identified by the most recent edition of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited. Use of herbicides is allowed only for control of invasive plant species, if the infestation is such that mechanical control will not be effective. Any herbicides shall be applied only by properly licensed personnel in conformance with all applicable state regulations and only after informing the Planning Board of the need for the pending action.

9.30-9.5 Parking and Access

Reasonable on-site parking is required for vehicles that will service the installation only. The requirements of Section 9.6 Off-street Parking of the Williamsburg Zoning Bylaw do not apply. The requirements of Section 10 Driveway Standards of the Williamsburg Zoning Bylaw do apply. The frontage requirements of Section 9.0 of the underlying district do apply.

9.30-9.6 Visual Impact Mitigation

The plan for a ground-mounted solar ~~photovoltaic~~PV installation shall be designed to maximize the preservation of on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. such as controlling soil erosion. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent feasible, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties. ~~Whenever reasonable,~~ ~~structures~~Structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be of ~~varieties~~locally-adapted species native to New England, excluding cultivars. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height and depth of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public road and viewing the installation from a height of ~~10~~ten feet. Planting of the vegetative screening shall be completed prior to final approval of the ~~photovoltaic~~PV installation by the Building Inspector.

9.30-10 Safety and Environmental Standards

9.30-10.1 Emergency Services

The owner or operator of the ground-mounted solar PV installation shall provide a copy of the project summary, electrical schematic, and site plan to the Williamsburg Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar PV installation shall be clearly marked. The owner or operator shall identify and provide contact information for a person who is responsible for responding to all public and emergency inquiries related to the installation. This information shall be updated as needed.

9.30-10.2 Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the ground-mounted solar ~~photovoltaic~~PV installation or otherwise prescribed by applicable laws, regulations, and bylaws. Sufficient vegetation shall be maintained to minimize soil erosion and maintain adequate topsoil. ~~Sufficient vegetation shall be maintained to minimize soil erosion. Existing root structures and topsoil shall be maintained to the maximum extent possible.~~

Ground-mounted solar ~~photovoltaic~~PV installations shall be installed only upon water--permeable surfaces as approved during site plan review.

9.30-10.3 Preservation of Trees

Ground-mounted solar PV installations shall be designed and constructed to preserve and maintain the health and root systems of significant trees on public property and within the

jurisdiction of the Tree Warden that are aged 75 years and older or at least three feet in diameter at a height of four feet above the ground. Any removal of trees on public property shall be consistent with MGL Chapter 87 Shade Trees, MGL Chapter 40 Section 15C Scenic Road Designations and all other applicable laws and regulations.

9.30-10.4 Wildlife Corridors

Ground-mounted ~~solar photovoltaic~~ PV installations shall be designed and constructed to minimize fragmentation of habitat. A new installation shall be no closer than 1500 ft to an existing or other approved installation, measured at the nearest point. ~~the impacts on and optimize the maintenance requirements of wildlife corridors.~~

9.30-10.5 Sound Levels

Sound levels under normal operating conditions of the ground-mounted solar ~~photovoltaic~~ PV installation measured at the boundary of the lot on which the installation is sited shall not be more than 10 decibels greater than would otherwise exist in the absence of the facility.

9.30-10.6 Hazardous Materials

Hazardous materials that are stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by Massachusetts Department of Environmental Protection regulations 310 CMR 30.000 and shall meet all applicable requirements, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are used within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

9.30-10.7 Energy Storage

Any associated battery storage systems must be located above the 100-year floodplain. The storage system must be located within a building with the following features: an impervious floor with a containment system for potential leaks of hazardous materials; a temperature and humidity-maintained environment; a smoke/fire detection system, fire alarm and fire suppression system; a thermal runaway system; and a local disconnect point or emergency shutdown feature. The battery containment area must be designed so that in event of a fire, fire extinguishing chemicals will be completely contained.

The building and systems must be approved by the Williamsburg Fire Chief and must be designed and installed in accordance with all applicable State codes and safety requirements as well as safety measures recommended by the National Fire Protection Association. Applicant will provide funding for annual training of Fire Department staff. Periodic inspections to ensure the integrity of the batteries, other equipment, and the containment system may be required as conditions of the special permit and the site plan review.

Battery storage units must number only those needed to support the solar installation at the site. Spent or expired battery units must be immediately removed from the site.

9.30-11 Monitoring and Maintenance

9.30-11.1 Solar Photovoltaic Installation Conditions

The owner or operator of the ground-mounted ~~solar photovoltaic~~PV installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, landscape ~~management~~,ing and integrity of security measures. Site access shall be maintained to a level acceptable to the Williamsburg Fire Chief, Building Inspector, and Electrical Inspector. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.

9.30-11.2 Modifications

All material modifications to a ~~solar photovoltaic~~PV installation made after issuance of the required building permit shall require approval by the Planning Board.

9.30-11.3 Annual Reporting

The owner or operator of the installation shall submit an Annual Report that certifies compliance with the requirements of this bylaw and the approved site plan. The Annual Report shall also provide information on the quantity of electricity generated, the percentage of generated electricity that was used off site, and maintenance completed during the course of the year. The Annual Report shall include a reasonable photo survey of the installation. The report shall be submitted to the Select Board and the Planning Board no later than June 30 of each year. The owner or operator shall allow and make arrangements for an authorized agent of the Town of Williamsburg to enter the property to verify the contents of the Annual Report following its submittal if requested.

9.30-12 Removal Requirements and Abandonment

9.30-12.1 Abandonment

Absent notice of a proposed date of decommissioning, the filing of an annual report as required in 9.30-11.3, or written notice to the Planning Board of extenuating circumstances, the solar ~~photovoltaic~~PV installation shall be considered abandoned when it fails to operate for more than one year without a written waiver of consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar ~~photovoltaic~~-PV installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town or its agents may enter the property and physically remove the installation, the full cost of which shall be the responsibility of the owner or operator.

9.30-12.2 Removal Requirements

Any ground-mounted solar PV installation which has reached the end of its useful life or has been abandoned consistent with Section 9.30-12.1 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning

Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all ground-mounted solar ~~photovoltaic~~PV installations, structures, equipment, security barriers, and electrical lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (c) Stabilization and re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruption to vegetation.

9.30-13 Financial Surety

The project proponent of ground-mounted solar ~~photovoltaic~~PV projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town becomes responsible for removing the installation and remediating the landscape. The amount and form of the surety shall be determined to be reasonable by the permitting authority, but in no event should exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety is not required for municipally-owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

9.30-14 Independent Engineer

Upon request of the Planning Board, the proponent shall pay for a licensed third-party Independent Engineer selected by the permitting authority to review submittals on their behalf.

9.30-15 Transfer of Ownership

In the event that the solar facility is sold, all municipal permits, conditions, and associated documentation shall be provided in both digital and hard copy format to the new owner, including documentation of any actions after construction. The Town must be provided with updated contact information for the new owner, including name, address, telephone number, and e-mail address. Authorities having jurisdiction, including local emergency personnel, must be provided with updated emergency contact information, including a telephone number that is staffed 24 hours a day. The new owner must abide by all conditions as detailed in the final permit. Any proposed changes to the project shall require approval as described in the Modifications section of this bylaw (section 9.30-11.2).

SECTION 3 - SCHEDULE OF USE REGULATIONS

3.0 USE TABLE

Any use not specifically set forth in this Use Table shall be prohibited, unless otherwise exempt from municipal zoning regulations as set forth in M.G.L. Chapter 40A (The Zoning Act).

Abbreviations in the Use Table:

VR Village Residential District

VM Village Mixed District

RU Rural District

P A Permitted Use within a district.

N Not Permitted within a district

SP A Special Permit is required for that use.

SPR Requires Site Plan Review by the Planning Board.

Section	Use	VR	VM	RU	Notes
3.1	Residential Uses				
	Single-family dwelling	P	P	P	
	Two-family dwelling	P	P	P	
	Multi-family dwelling (up to 4 dwelling units)	SP	SP	SP	
	More than four dwelling units in multi-family dwelling or mixed-use building	SP/SPR	SP/SPR	N	See Section 9.21
	Accessory apartment (Attached)	P	P	P	See Section 9.1
	Accessory apartment (Detached)	SP	SP	SP	See Section 9.1
	Upper-floor apartments in Mixed Use buildings	P	P	SP	See Section 9. Limited to a maximum of 3 residential dwelling units per structure
3.2	Business Uses				
	Adult Uses	N	SP/SPR	N	See section 4.2
	Agriculture, horticulture, floriculture	N	P	SP	
	Automobile sales, rental, leasing	N	SP	SP	
	Automobile service and repair	SP	P	SP	Including auto body repairs
	Bank	N	P	SP	
	Business with a drive-through	N	SP/SPR	N	See Definitions, Section 19
	Commercial, non-residential uses exceeding 5,000 sq. ft. (building footprint)	N	SP/SPR	SP/SPR	
	Funeral establishment	SP	SP	SP	
	Gasoline sales	N	SP	N	
	Ground-mounted Solar Photovoltaic Installation 1.25 acres to 20 acres	N	SP/SPR	SP/SPR	See Section 9.30 for additional requirements
	Ground-mounted Commercial Solar Photovoltaic Installation larger than 20 acres	N	N	N	See Section 9.30.2 for over 20 acres in SPOD
	Home occupation	P	P	P	See Section 9.11
	Home Occupation, Major	SP	SP	SP	See Section 9.11

SECTION 9 - DISTRICT LOCATIONS AND AREA PROVISIONS

9.0 General

- a. No building or structure or any part thereof shall be located within forty (40) feet of the property line along a public way nor within fifteen (15) feet of the side lot line or rear lot line. This subsection (a) shall not apply to stone walls four (4) feet or less in height, retaining walls that retain four (4) feet or less of unbalanced fill and fences six (6) feet or less in height which do not impair visibility at intersections in a manner which endangers traffic or pedestrian safety. All walls and fences within ten (10) feet of a public road must allow sufficient room for snow removal. This exemption does not remove the requirement for a building permit.
- b. A building lot shall have a minimum frontage of not less than two hundred (200) feet contiguous along a public way and shall contain not less than 65,000 square feet of area. From the front line of the lot, to any point fifty (50) feet back from the front line, the width of the lot should be no less than two hundred (200) feet.
- c. Every principal structure, other than buildings used for agricultural purposes, shall be constructed on a building lot, and no more than one such principal structure shall be permitted per lot.
- d. No structure shall be constructed or modified for human habitation into more than one dwelling unit unless the lot upon which that structure is situated contains for each additional dwelling unit a minimum area 10% greater than that required for the previous number of dwelling units (i.e., for two dwelling units: the minimum lot area required for a single family dwelling in that zone plus 10%; for three dwelling units: the minimum lot area required for two dwelling units in that zone plus 10%, and so on.
- e. Primary access to a building lot shall be through the lot frontage unless a Special Permit has been issued by the Zoning Board of Appeals.
- f. For provisions applicable to Overlay Districts, see the particular Overlay District section in this Bylaw

9.1 Accessory Apartments (Attached and Detached)

- a. An Accessory Apartment shall be defined as a second dwelling unit, complete with its own means of egress, sleeping, cooking and sanitary facilities, that is accessory to a single-family dwelling.
- b. Either the single-family dwelling or the accessory apartment shall be the primary residence of an owner of the property.
- c. Total floor space of the Attached Accessory Apartment shall not exceed 1,000 square feet or one-third of the total livable square footage of the main dwelling, whichever is less. Liveable/Habitable floor area does not include, for example, unfinished attic space, unfinished basement space, unfinished garage space, porch, or patio.
- d. Total floor space of the Detached Accessory Apartment shall not exceed 900 square feet.
- e. New residential space may be created in association with an Accessory Apartment through addition to an existing dwelling.
- f. The Accessory Apartment shall have no more than two bedrooms and shall not be occupied by more than five persons.

- g. For the purposes of calculating required lot area, an Accessory Apartment shall not be subject to Section 9.0.d.
- h. When an Accessory Apartment is added to an existing dwelling which is non-conforming due to lot area, frontage, setbacks, or lot coverage, the creation of the accessory apartment shall not be considered an expansion of a non-conforming use, provided that any structural enlargement or expansion shall comply with the minimum setback and lot coverage standards of this Bylaw. **A Detached Accessory Apartment structure may not be located within forty (40) feet of a dwelling unit on an abutting building lot.**
- i. The Accessory Apartment must comply with the parking requirements and all other sections of this Bylaw.
- j. An applicant must demonstrate that an Accessory Apartment will be adequately served by municipal sewer or an on-site septic system before a Building Permit can be obtained for an Accessory Apartment.
- k. An **Attached** Accessory Apartment shall be designed to maintain the architectural design, style, appearance, and character of the principal dwelling. If an attached accessory dwelling unit extends beyond the current footprint or existing height of the principal dwelling, such an addition must be compatible with the existing facade, roof pitch, siding materials, and windows.
- l. The procedure for the submission and approval of a Building Permit for an Accessory Apartment shall be the same as prescribed elsewhere in this Bylaw except the application shall include a notarized letter of application from the owner(s) stating that the owner(s) will occupy one of the dwelling units on the premises. Such notarized letter shall be renewed and submitted annually to the Building Inspector for as long as the Accessory Apartment is used as such.
- m. The Inspector of Buildings shall not issue a Certificate of Occupancy for an Accessory Apartment until the owner(s) of the property presents a time-stamped copy of a Declaration of Covenants for the subject property that has been filed at the County Registry of Deeds. The Declaration shall state that the right to occupy an Accessory Apartment ceases if the property is not the primary residence of one or more of its owners, or upon transfer of title unless the new owner takes the action described in paragraph 9.1.n. below.
- n. Transfer of ownership of a dwelling with an Accessory Apartment. If a structure that has received approval for an Accessory Apartment is sold, and if the new owner wishes to continue to exercise the use, the new owner must, within 30 days of the sale, submit a notarized letter to the Zoning Enforcement Officer stating that the owner will occupy one of the dwelling units in the structure as the owner's permanent/primary residence and shall conform to all of the criteria and conditions for Accessory Apartments.
- o. A second driveway and curb cut leading to an Accessory Apartment is not permitted.

SECTION 18 – DEFINITIONS

Except where specifically defined herein, all words used in this Bylaw shall carry their ordinary dictionary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word shall is always mandatory. The word may is permissive. Building or structure includes any part thereof. The word lot includes the word plot or parcel. The word person includes an individual person, a firm, a corporation, a partnership, and any other agency of voluntary action. The word he shall include she or they. The phrase used for includes arranged for, designed for, intended for, maintained for, and occupied for.

Attached Accessory Apartment — An attached accessory apartment is a second dwelling unit, complete with its own means of egress, sleeping, cooking and sanitary facilities, that is accessory to and contained within a single-family dwelling. An owner of the single-family dwelling shall occupy either the single-family dwelling or the accessory apartment as his or her primary residence.

Detached Accessory Apartment — A detached accessory apartment is a second dwelling unit, complete with its own means of egress, sleeping, cooking and sanitary facilities, that is accessory to but separate from the single-family dwelling unit. An owner of the single-family dwelling shall occupy either the single-family dwelling or the accessory apartment as his or her primary residence.

Accessory Structure: A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use, including accessory apartments.

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

Adult Use: Any adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or any establishment offering live entertainment characterized by sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Agriculture: Any use of land for the purpose of raising agricultural, horticultural, floricultural, or viticultural products, livestock, poultry, or dairy products, including necessary farm structures, vehicles, and equipment. This use does not include kennels.

Applicant: Any person, corporation, or other entity applying for a building permit, Certificate of Occupancy, Special Permit, Site Plan or subdivision approval, variance, or zoning amendment.

Aquifer: Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Aquifer Recharge Area, Primary: Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward public water supply wells or potential sites for such wells.

Aquifer Recharge Area, Secondary: Areas which are underlain by surficial geologic deposits including till or bedrock, and in which the prevailing direction of surface water flow is toward public water supply wells or potential sites for such wells.

As-of-Right Siting: The proposed development may proceed without obtaining a special permit, variance, amendment, waiver or other discretionary approval from local permit granting authority(ies). As-of-right project submittals may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. As-of-right projects cannot be prohibited, but may be reasonably regulated by the local building inspector under 780 CMR, the Williamsburg Zoning Bylaw and Williamsburg General Bylaws.

Bed and Breakfast Inn: For purposes of the Zoning Bylaws for the Town of Williamsburg, a Bed and Breakfast Inn shall be considered a Short-Term Rental in a Single-Family Dwelling, and shall, in all instances, be limited to the rental of not more than four bedrooms in a single-family dwelling.

Boarding House: A building other than a lodging facility containing a shared kitchen and/or dining room, in which no more than six sleeping rooms are offered for rent on a weekly or monthly basis, with or without meals.

Boarding Stable: See Riding Academy.

Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. When a lot fronts on two or more streets of different levels, the lower street level shall be taken as the base for measuring the height of the building.

Building, Principal: A building or structure in which is conducted the main or principal use of the lot on which it is located.

Business with a drive through: A business establishment wherein patrons may be served a product or service while seated in vehicles.

Club, Membership: Premises used by a not-for-profit organization catering exclusively to members and their guests