

**Special Town Meeting
Princeton, Massachusetts 01541
February 26, 2008**

Warrant duly posted:	February 11, 2008
Inhabitants notified by mail:	February 7, 2008
Advisory Board hearing:	February 19, 2008
Quorum needed:	78
Moderator:	Harry Pape
Checkers/counters:	Bonnie Steadman, Ellen O'Brien, Sandy Lord
Clerk:	Lynne F. Grettum
Meeting Called to Order:	7:22PM
Meeting Adjourned:	9:33PM

Moderator opened the meeting with the Pledge of Allegiance.

A motion was accepted to dispense with the reading of the full warrant and to read only the service and the return of the warrant.

Unanimous

7:24PM

The Moderator reminded the voters that all the Articles on the Warrant would require a 2/3 vote to be accepted.

The Moderator requested the location of the non-voters in the room.

All Articles are approved by the Advisory Board unless otherwise noted.

ARTICLE 1: Voted to amend section XII, Site Plan Review, of the Princeton Zoning By-Laws by deleting the existing Section XII and inserting in place the following language:

SECTION XII. SITE PLAN REVIEW

1. Purposes. The purposes of site plan review are to promote and protect public health, safety, and the general and specific character of the town through the establishment of a project review procedure; to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the town; to regulate rather than prohibit uses through reasonable conditions that may be required by the planning board concerning design and location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety; and to minimize adverse effects on surrounding areas.
2. Applicability. The following types of activities and uses shall require site plan review by the planning board:
 - (1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
 - (2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.

- (3) Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single-family or two-family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with a approved subdivision or cutting plan, or work pursuant to an earth removal permit.
 - (4) Any use requiring a special permit.
 - (5) Any use identified in the regulations of a zoning district as a use that is subject to site plan review.
3. Relationship to Other Permits and Approvals
- (A) No building permit shall be issued for any development subject to this section, and no construction or site preparation shall be started, unless a site plan has been approved for it by the planning board, or unless 65 days lapse from the date of the submittal of the site plan without action by the board.
 - (B) No certificate of occupancy or certificate of zoning compliance shall be issued for any building subject to this section unless such building and all its related facilities have been completed according to the approved site plan. No activity subject to site plan review shall be conducted on the site unless, in the opinion of the building inspector, the development or approved phase thereof has been substantially completed according to the approved site plan, and unless the proposed activity was reviewed by the planning board during the site plan review process.
 - (C) Approval of a site plan under this section shall not substitute for the requirement of obtaining a special permit or other permits or approvals required by this zoning bylaw and all applicable state and local regulating authorities.
 - (D) Where site plan review is required because the proposed use requires a special permit from the planning board, the special permit and site plan review applications shall be a combined submission; the public hearing procedures shall be consolidated and conform to the requirements of section VIII(3); and the special permit decision shall incorporate the site plan review decision.
4. Procedures.
- (A) Prior to the commencement of any activity as set forth in section 2 above, the project proponent shall obtain site plan approval from the planning board. The planning board shall review and may request advice and comments from other town boards, and act upon the site plan, with such conditions as may be deemed appropriate, within sixty-five (65) days of its receipt, except when an extension is mutually agreed upon with the applicant, and notify the applicant of its decision. The decision of the planning board shall be upon a majority of those present and shall be in writing.
 - (B) The applicant may request, and the board may grant by majority vote, an extension of the time limits set forth herein.

(C) No deviation from an approved site plan shall be permitted without written planning board approval.

5. Planning Board Decision.

(A) The planning board shall approve a site plan only upon its determination that:

(1) For the type and location of the development and the land use(s) involved, the applicant could not reasonably alter the placement of buildings, the design of building form, access and egress points, drainage, grading, and other elements of the plan to:

- (a) Improve the development's visual compatibility with the surrounding area;
- (b) Reduce the visual impact of parking on views from the road or from surrounding properties;
- (c) Improve the convenience and safety of vehicular and pedestrian movement within the site, considering the location of driveway openings in relation to traffic and/or adjacent streets and the adequacy and arrangement of parking and loading spaces;
- (d) Minimize obstruction of scenic views from publicly accessible locations;
- (e) Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- (f) Increase the protection of adjoining premises against detrimental uses by provision of stormwater management, sound and light barriers, preservation of light and air, and preservation of views when possible;
- (g) Protect or improve water quality, or improve water conservation;
- (h) Reduce stormwater runoff through best management practices or increase groundwater recharge;
- (i) Reduce the number of removed trees of 6" or more in diameter at breast height (dbh); the length of removed stone walls, the area of wetland vegetation displaced, the removal of indigenous vegetation, the extent of stormwater flow increase from the site, the volume of cut or fill, soil erosion, or threat of air and water pollution; and
- (j) Increase the protection and enhancement of important, existing site features, natural or man-made.

(2) The proposed development:

- (a) Meets all applicable requirements of this Zoning Bylaw and other laws, including parking, loading, sign, and landscaping requirements;

- (b) Provides adequate stormwater management consistent with the functional design standards in the planning board's Subdivision Rules and Regulations;
 - (c) Minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
 - (d) Minimizes contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, production or manufacture, storage, handling, or containment of hazardous substances;
 - (e) Complies, where applicable, with any Overlay District in this Bylaw.
- (B) Conditions. The planning board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.
- (C) Denial. The planning board may deny site plan approval only if the applicant fails to provide sufficient information for the board to make the determinations required under subsection 5(A) above.
6. Performance Guarantee. As a condition of site plan review:
- (A) The planning board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the planning board, be posted with the town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder.
 - (B) The planning board may also require that an amount be included for land restoration not having to do with the construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be confirmed or increased by the board.
 - (C) The town may use the secured funds for their stated purpose in the event that the applicant does not complete all site improvements in a manner satisfactory to the planning board within two years from the date of approval, or the final date of the last extension of such approval, if any.
7. As-Built Plan. Upon completion of all work, an as-built plan and a letter of certification shall be submitted to building inspector by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved site plan.
8. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the planning board upon the written request of the applicant.
9. Applications. The planning board may adopt reasonable procedures for the administration of site plan review, and impose reasonable administrative fees and technical review fees for site plan review.

Discussion:

Planning Board member Jim LaChance opened the discussion by presenting a brief summary describing the context under which the proposed bylaw changes were developed. According to Mr. LaChance these bylaw changes address a major goal of the Master Plan to retain the rural character of the town. The bylaws are an integrated package and are the most urgent work that needs to be done to begin implementation of the plan.

Ed Carlson made a motion to amend Paragraph 2 Subsection 3 to strike the words “or clearing” from line one. The motion was seconded and a vote taken.

Amendment failed

8:00PM

Moderator declared the Article passed by 2/3

8:01PM

ARTICLE 2: Voted to amend the Princeton Zoning By-laws by adding the following new Section XIV, Open Space-Residential Design, and to Amend Section III by adding a new subsection O, and to Amend Section VI(1)(F)

SECTION XIV. OPEN SPACE-RESIDENTIAL DESIGN

1. Purposes. The purposes of the open space-residential design (OSRD) bylaw are to protect open space, agricultural and forestry land, viewsheds, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources, in a manner not inconsistent with the goals of the Princeton Master Plan; to protect the value of real property; encourage creative, environmentally sensitive design as the preferred form of residential development; and to encourage more efficient development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision.
2. Applicability. In the RA District, a special permit for OSRD is required from the planning board for any development of a tract of land, or contiguous tracts of land under common ownership or control, resulting in five (5) or more residential lots or five (5) or more dwelling units.
3. Developments shall not be segmented to avoid compliance with this section. Divisions of land that would cumulatively result in an increase by five or more residential lots above the number existing twenty-four months earlier shall be subject to the requirements established herein. However, the provisions of this section shall not apply to the construction of five (5) or more dwelling units on lots in existence as of the effective date of this section, or to the conversion of an existing structure into five or more dwelling units.

Nothing in this section shall prohibit an applicant from proposing an OSRD with less than five (5) lots or five (5) dwelling units, provided that the proposal substantially complies with the requirements herein.

4. Relationship to Subdivision Control. A subdivision plan is not required for an OSRD, but an applicant proposing an OSRD subdivision shall submit the same to the planning board in accordance with the planning board’s subdivision rules and regulations.

5. Permitted Uses. An OSRD may include the following uses:
 - (A) Detached single-family dwelling.
 - (B) Open space, conservation areas or recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
 - (C) Agricultural, equestrian and horticultural uses.
 - (D) Accessory recreational amenities for residents of the OSRD, such as a tennis court or playground.
6. Dimensional Regulations.
 - (A) The maximum number of dwelling units in an OSRD shall be determined in accordance with section 7 below.
 - (B) The planning board may waive the minimum dimensional requirements that normally apply to lots in RA District in order to maximize the open space area or facilitate a desired arrangement of buildings and other amenities, and may permit more than one dwelling on a lot in an OSRD, except as follows:

Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD unless the planning board makes a written determination that such reduced lot(s) or frontage on other streets will further the goals of this section.
 - (C) The minimum width of existing and proposed open space between dwelling units in the OSRD and adjacent residential lots shall be one hundred (100) feet (see also, section 12 below).
 - (D) No building shall exceed the maximum height regulations in section VI.
 - (E) Unless waived by the planning board, all other dimensional requirements of the RA district shall apply.
7. Base Maximum Number of Dwelling Units. The base maximum number of dwelling units allowed in an OSRD shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.
8. Common Open Space Requirement. The OSRD must provide at least 50% of the total area of the site as common open space to be protected in perpetuity, unless the Planning Board approves a smaller percentage, but in no event less than 30%. The common open space shall have no structures, parking, private yards, patios, sanitary waste disposal facilities or gardens restricted for the exclusive or principal use by residents of individual dwelling units. The common open space shall not be further subdivided, and a notation to this effect shall be placed on the plan of record, which shall be recorded at the Registry of Deeds. The following standards apply to the common open space in an OSRD:

(A) Use, Shape and Location

- (1) Common open space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses.
 - (2) To the maximum extent feasible, the open space shall be undisturbed, unaltered and left in its natural or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area. Not more than ten percent (10%) of the open space may be covered by gravel roadways, pavement or structures accessory to the dedicated use or uses of the open space. However, principal or accessory structures and access roads essential to an agricultural use are exempt from this limitation.
 - (3) The percentage of the open space that is wetlands normally shall not exceed the percentage of the site that is wetlands. However, the applicant may include a larger percentage of wetlands in such open space upon demonstrating that such inclusion promotes the purposes of this section, subject to approval by the planning board.
 - (4) Wherever feasible, the common open space shall be contiguous and linked as a unit, and linked to other existing open space.
 - (5) Underground utilities or shared septic systems to serve the OSRD site may be located within the common open space.
 - (6) Existing or proposed utility easements shall not be counted as common open space unless approved by the planning board.
- (B) Ownership. Any proposed common open space within an OSRD shall be conveyed in accordance with the provisions of M.G.L. c.40A, § 9. Open space shall either be conveyed to (a) the Town of Princeton for park or open space use, (b) a non-profit organization the principal purpose of which is the conservation of open space, or (c) a corporation or trust owned or to be owned by the owners of the lots or residential units within the OSRD. Such ownership shall pass with conveyance of the lots or residential units. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or the Conservation Commission under M.G.L. c.184, ss.31-33 shall be recorded providing that such land shall be kept in perpetuity in an open or natural state. Wherever possible, existing trails shall be kept open for limited recreational use.
9. Pre-Submission Meeting. Applicants are encouraged to meet with the planning board prior to applying for a special permit. The purposes of a pre-application review are to minimize the applicant's costs for engineering and other technical experts and to solicit guidance from the planning board at the earliest possible stage in the planning and permitting process. At the request and expense of the applicant, the planning board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.
 10. Design Process. At the time of the application for a special permit under subsection 11 below, applicants must demonstrate to the planning board that the following design process was carried out by a registered Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.

- (A) Site Analysis. The first step in the design process is to identify the natural, scenic and cultural features on the site and surrounding it, to analyze the design implications of these features, and to evaluate the site in its larger context by identifying physical, cultural and transportation connections to surrounding land uses and activities. Wherever possible, site and context features shall include areas identified by the planning board during the pre-submission meeting.
- (B) Open Space. The second step in the design process is to identify the open space to be preserved on the site. The open space should include the most sensitive and noteworthy resources of the site, be contiguous, and where appropriate, serve to extend neighborhood open space networks.
- (C) Development Envelope. The third step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. To the maximum extent feasible, the proposed area of disturbance shall consist of land outside the areas identified under (A) above. The location of dwelling units should account for proximity to common open space and other amenities, including community buildings for use by residents of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.
- (D) Lot and Easement Lines. The fourth step is to identify the approximate location of lot and easement lines, where applicable.

11. Special Permit Procedures.

- (A) General. The special permit application, review and decision procedures shall be in accordance with this section and section VIII(3) of this Bylaw, and M.G.L. c.40A, § 9. Where a development requires a special permit under this section and any other section in which the planning board has been designated to serve as special permit granting authority, the special permit applications may be combined into a single submission and the planning board may grant a single special permit that addresses all applicable requirements.
- (B) Application Requirements. The special permit application shall include an OSRD concept plan and a Yield Plan in accordance with the requirements herein. The size, form, number and contents of the required plans and any supplemental information shall be in accordance with planning board regulations.
- (C) Sources of Data. The concept and Yield Plans may be prepared from existing data such as deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotos, soil maps or soil conservation survey, Department of Environmental Protection (DEP) Wetlands Conservancy Program maps or other wetland maps as may be on file with the Princeton Conservation Commission, or federal, state or local maps of wildlife habitat and supporting landscapes. While it is not necessary to verify all site constraints prior to preparing a Concept Plan, they should be represented as accurately as possible in order to avoid significant changes to the Concept Plan in subsequent applications for approval of a site plan or a subdivision plan. The applicant shall bear the risk of any such changes.

- (D) Required Information for OSRD Concept Plan. The concept plan shall be a schematic representation of the proposed OSRD, with sufficient detail about existing and proposed conditions to enable the planning board to understand the nature, scope and impacts of the project being proposed and to be able to respond to the applicant's proposals in an informed manner. The concept plan shall include scaled drawings prepared by a registered landscape architect. The concept plan shall incorporate the OSRD design process outlined in subsection 10 above and account for the minimum design standards of subsection 13 below. At minimum, the concept plan shall provide the following information:
- (1) The location of the proposed development;
 - (2) The size of the proposed site in acres;
 - (3) An existing conditions inventory and an analysis of site and context features identified during the OSRD Design Process;
 - (4) The total number and approximate locations of the proposed buildings, dwelling units and/or lots, and the approximate size of each in square feet;
 - (5) The acreage and proposed use(s) of permanent open space;
 - (6) A statement on the disposition or manner of ownership of the proposed open space;
 - (7) The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanent open space;
 - (8) The approximate location of proposed roadways;
 - (9) A general description of how drainage and wastewater will be handled, including a soils statement and the general area of the site to be used for stormwater management facilities;
 - (10) A general description of the applicant's plans for site improvements, including mitigation of noise, odor or visual impacts arising from the operation of a package treatment plant, where applicable; and
 - (11) Sufficient detail of the proposed area(s) of disturbance and built and natural features to enable the planning board to make the required determinations under section G below.
- (E) Required Information for a Yield Plan. The purpose of the Yield Plan is to demonstrate the maximum number of lots that could be developed on the site under a conventional plan. The Yield Plan shall comply with the planning board's subdivision rules and regulations for a preliminary plan. It is the applicant's burden to submit reasonable proof that the number of lots in the Yield Plan could meet the engineering and design specifications required for a conventional plan. The total number of lots in the OSRD shall be determined by the planning board, based upon its review and determination of the applicant's Yield Plan.
- (F) Site Alterations. After a OSRD special permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading

of land or lots, no excavation, except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the tract of land proposed for a OSRD until the application has been reviewed and approved or denied as provided by these regulations.

(G) Decision.

- (1) The planning board shall grant a special permit for an OSRD with any conditions, safeguards, and limitations necessary to ensure compliance with this section, only upon finding that:
 - (a) The conceptual design and layout of the proposed OSRD is superior to a conventional development in preserving open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;
 - (b) The OSRD provides for a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 - (c) The OSRD furthers the goals and policies of the Princeton Master Plan and the purposes of this section.
 - (2) Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval for any construction. The special permit is a preliminary approval, intended to give guidance to the applicant for the development of definitive subdivision plan or the site plan, and to determine whether the applicant's submittal meets the objectives of this section. Any subsequent application for an OSRD definitive plan shall comply with all material aspects and conditions of the special permit granted hereunder.
 - (3) The planning board may deny a special permit if it determines that:
 - (a) The application does not provide sufficient information; or
 - (b) The application does not comply with the provisions of this Bylaw, which finding shall be set forth in detail in a written decision; or
 - (c) The site is not suitable for an OSRD and would be more appropriate for a conventional plan. If the planning board denies the special permit under this subsection, the applicant may submit a conventional subdivision plan or a plan for a division of land in accordance with the planning board's Subdivision Rules and Regulations.
12. Definitive Plan Procedures. Following issuance of a special permit for an OSRD, the applicant shall submit an OSRD definitive plan to the planning board. For an OSRD that does not require approval under the subdivision control law, the definitive plan shall be a site plan review submitted to the planning board in accordance with section XII. An OSRD

that involves a subdivision of land must be submitted to the planning board for approval under the planning board's subdivision rules and regulations.

(A) The planning board may approve a definitive plan that substantially complies with the special permit granted under section 10(G) above and meets all of the following additional requirements for common facilities, operations and maintenance:

- (1) Each unit and the OSRD as a whole shall be served by a private water supply and privately owned and maintained on-site sewage disposal or treatment systems. Notwithstanding the requirements of section VI(1)(F) of this Bylaw, an approved on-site sewage disposal or treatment system serving more than one dwelling unit may be located on land owned in common by the owners of the residential units in the OSRD, subject to requirements of the Princeton board of Health and Title 5 of the Massachusetts Environmental Code or approved in accordance with the requirements of Department of Environmental Protection Groundwater Discharge Permit Program.
- (2) To ensure that common open space and common facilities will be maintained properly, each OSRD shall have a residents association in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments properly recorded at the registry of deeds or the Land Court. As part of the definitive plan submission, the applicant shall supply copies of such proposed instruments to the planning board.
- (3) There shall be not more than two (2) off-street parking spaces for each dwelling unit in an OSRD, excluding covered or enclosed parking spaces in garages, and suitable parking to serve any open space uses as determined by the planning board.

(B) The planning board may conditionally approve an OSRD definitive plan that does not substantially comply with the special permit. A conditional approval shall identify where the plan does not substantially comply with the special permit, identify the changes required to bring the plan into compliance with the special permit, and require the special permit to be amended within a specified time. The public hearing on the application to amend the special permit shall be limited to the significant changes identified in the planning board's conditional approval. These are the only considerations that the planning board may take into account in deciding whether to amend the special permit.

(C) The planning board may disapprove a definitive plan for failure to comply with the special permit or for failure to meet the OSRD design standards in subsection 13 below. The definitive plan will be considered not to comply with the special permit if the planning board determines that any of the following conditions exist:

- (1) Any increase in the number of buildings or dwelling units;
- (2) A significant decrease in acres of common open space; or

- (3) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation.
13. Minimum Design Standards. An OSRD definitive plan shall address the following design standards and any supplemental design regulations or guidelines adopted by the planning board under subsection 15.
- (A) Landscape Preservation. Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree removal and grade changes. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The location and orientation of individual building sites shall be such as to maintain maximum natural topography and limit the removal of trees with four inches or more of diameter at breast height (dbh). Topography, viewsheds, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as elements that can be changed to follow a particular development scheme.
- (B) Roadway Design. 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.
- (C) Cultural Resources. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized.
- (D) Architectural Design. In scale, massing, height, exterior materials and roofline articulation, residential buildings in an OSRD shall be compatible with surrounding residential areas.
- (E) Buffer Areas. An OSRD that abuts residentially zoned or residential developed property shall provide a buffer area of at least 100 feet to the property line of adjacent homes. Within the buffer area, no vegetation will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the OSRD, except that roads or driveways necessary for access and egress to and from the site may cross such buffers. The planning board may waive buffer requirements when it determines that a smaller buffer will suffice to accomplish the objectives of this section. The planning board may also approve the inclusion of buffer area within the area provided as common open space under section 7 above.
- (F) Drainage. The planning board shall encourage and may require the use of non-structural stormwater management techniques, such as swales, and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- (G) Common/Shared Driveways. A common or shared driveway shall serve not more than four single-family dwelling units unless the planning board determines that a common driveway serving more than four units will further the purposes of this section.
- (H) Pedestrian Circulation. Where appropriate, walkways should be provided within the OSRD to link residences with parking areas, recreation facilities and open space, and adjacent land uses.

- 14. Public Benefit Incentives. The planning board may authorize an increase in the number of dwelling units determined under section 7 above, as follows: for each additional ten percent (10%) of the site set aside as common open space (over and above the required 50%), the number of units may be increased by 10%, but in no event shall the additional units exceed 30% of the base maximum number of dwelling units.
- 15. OSRD Regulations and Design Guidelines. The planning board may adopt rules, regulations and guidelines to administer this section, following a public hearing.
- 16. Severability. If any portion of this section is declared to be invalid, the remainder shall continue to be in full force and effect.

And to amend Section III, Residential-Agricultural District, by adding a new subsection O as follows:

O. Subject to a special permit granted by the planning board under Section XIV, an open space-residential design development.

And to amend Section VI (1) (F) by inserting a comma after the word “serves,” and inserting the following words thereafter:

except that upon the recommendation of the board of health, the planning board may waive this requirement for an open space-residential development approved under Section XIV.

Discussion:

Planning Board member Rick McCowan presented an example of changes that would be possible under the proposed Article 2 by using an example of a development under the old Article 2 and the proposed Article 2. The purpose of this Article is to allow alternatives for developers to situate houses in more creative ways to conserve land and retain the rural character of the roads.

Concerns about fire and police protection, tax implications, and cluster developments were discussed.

Motion to move the question was seconded and passed 8:34PM

Moderator declared the Article passed by 2/3 8:35PM

Point of Order by Patti Gates – Since the vote must be 2/3 can the Town Clerk certify the vote based on a voice vote. Town Counsel, Judy Pickett, was asked to rule on the 2/3 voice vote. Town Counsel stated that Section 11 of the Town By-laws states that the 2/3 vote can be a voice vote.

Point of Order by Phil Mighdoll – Reminded the audience that there is a mechanism through the Planning Board to make amendments at a future time if the need arises.

ARTICLE 3: Voted to amend the Princeton Zoning Bylaws by adding the following new Section XV and to amend Section III, Residential – Agricultural District, by adding a new subsection P.

SECTION XV. BACKLOT DEVELOPMENT

- 1. Purposes. The purposes of the backlot development bylaw are to protect views from the road, open space, agricultural and forestry land, viewsheds, wetlands and wildlife corridors, and historical and archeological resources, in a manner consistent with the goals of the

Princeton Master Plan; to encourage environmentally sensitive design; and to reduce the number of curb cuts on existing streets.

2. **Applicability.** In the Residential-Agricultural District, the planning board may grant a special permit for backlot development pursuant to the regulations hereunder. As used in this Bylaw, backlot development is a development on a tract of land or contiguous tracts of land under common ownership or control, resulting in the creation of at least two but not more than five lots. The single-family dwellings in a backlot development shall be set back from the road, on lots that may have reduced frontage or area, with permanently protected open space separating dwellings from the road or in other locations on a parcel. Backlot development is intended as an alternative to a conventional division of land into "Approval Not Required" lots under M.G.L. c.41, § 81P. A backlot development shall be exempt from section XIV of this Bylaw.
3. **Permitted Uses.** A backlot development may include the following uses:
 - (A) Single-family detached dwellings and uses accessory thereto.
 - (B) Open space, conservation areas, or passive recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
 - (C) Agricultural, equestrian and horticultural uses.
4. **Dimensional Regulations; Maximum Number of Dwelling Units.**
 - (A) The maximum number of dwelling units shall be the number of lots that could be created on the site under a conventional ANR plan plus one additional lot. There shall be not more than one dwelling unit per lot.
 - (B) The applicant shall demonstrate the number of conventional ANR lots that could be created on the site under the Area and Yard Regulations in section VI(1) of this Bylaw. The applicant shall have the burden of proof with respect to the design and engineering standards for such lots.
 - (C) Upon determining the number of conventional ANR lots that could be created on the site, the planning board may authorize a reduction in minimum lot frontage or lot area, or both, in order for the applicant to create the number of backlot development lots allowed under subsection (A) above in a manner consistent with the purposes of this section.
 - (D) Backlot development lots may have reduced lot frontage on the public way, or the planning board may waive lot frontage provided that any lot without frontage has an access easement over abutting property by way of the common driveway serving the development, in accordance with subsection 5(B) below. However, no lot shall have less than 50% of the minimum lot area required in the Residential-Agricultural District unless a further reduction is necessary to achieve the purposes of this section.
 - (E) Irregular lot shapes are permitted in a backlot development when, in the opinion of the planning board, they further the purposes of this section.
 - (F) No lot in a backlot development shall be further divided or reduced in area. The planning board shall require deed restrictions to assure these requirements.

(G) The planning board may authorize a reduction in yard setbacks on a backlot development lot when such reduction furthers the purposes of this Bylaw, except that side and rear yard setbacks shall not be waived on a lot abutting an existing residential lot with an existing residence.

5. Minimum Requirements and Design Standards. The planning board may grant a special permit to waive certain dimensional or other requirements of the applicable zoning district in exchange for the protection of open space, stone walls, mature trees and scenic views. To be eligible for an backlot development special permit, an backlot development shall meet the following minimum requirements:

(A) All dwellings in a backlot development shall be set back at least 300 feet from the road unless the planning board approves an alternative setback plan that meets the purposes of this section. Except for land used for roadway, driveway or emergency access shown on the plan, all contiguous land within 250 feet of the public right of way shall be protected in perpetuity and either conveyed to the Town of Princeton to be under the care and control of the Princeton Conservation Commission, or to a charitable non-profit conservation organization, acting pursuant to MGL C. 40, Sec. 8C for open space or conservation purposes, provided that the parcel shall be protected by a perpetual conservation restriction or an agricultural restriction meeting the requirements of M.G.L. c.184, ss. 31-33. The open space shall:

- (1) Remain as naturally existing woods, fields, meadows or wetlands, and maintained in accordance with good conservation practices;
 - (2) Not be disturbed by land clearing, grading or alteration for any construction or improvements required to serve the development, except for the construction of the roadway or driveway providing access and utility connections to the dwellings;
 - (3) Not be used for detention or retention ponds that may be necessary for the construction of any improvements shown on the plan. However, the planning board may waive this requirement if it determines that the integrity and significance of the open space and the public benefits of the open space are not compromised, and that the open space conforms to the purposes of this section. In no event shall permanent clearing for drainage improvements or utilities, including detention and/or retention ponds, exceed 5% of the open space in an backlot development.
- (B) Except as provided below, dwellings in a backlot development shall be served by a single common driveway. The driveway need not cross the designated frontage of all lots in the development. However, the driveway must cross the designated frontage of at least one such lot except where the planning board has waived lot frontage, in which case the common driveway shall cross abutting property. The abutting property may be the open space under subsection 5(A) above or a lot created for a residence that existed on the tract of land prior to the special permit application.

No dwelling unit in a backlot development shall be served by an individual driveway unless the planning board determines that one additional driveway is necessary for public safety and serves the purposes of this section.

The following regulations shall apply to common driveways:

- (1) The centerline intersection with the street centerline shall not be less than 60 degrees;

- (2) A minimum cleared width of 12 feet shall be maintained over the entire length of a common driveway serving three or fewer dwellings; or 16 feet for a common driveway serving more than three dwellings.
 - (3) The common driveway shall be paved in accordance with the planning board's rules and regulations unless the planning board approves a gravel driveway, which shall have a minimum roadway surface of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown;
 - (4) The driveway shall be located entirely within the boundaries of the lots being served by the driveway, except when the driveway crosses abutting property in a back-lot development proposal;
 - (5) Proposed documents shall be submitted to the planning board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest; and where applicable, lots in a back-lot development without frontage on the public way shall have suitable access easements.
- (C) A backlot development located adjacent to land in active agricultural or forestry use shall preserve a continuous buffer along the perimeter of at least 100 feet, unless waived by the planning board in order to further the purposes of this section.
- (D) Notwithstanding the requirements of section VI(1)(f), lots in a backlot development may be served by a shared septic system, subject to applicable state laws and regulations and the regulations of the board of health.
6. Transfer Parcel. The planning board may approve a density bonus to allow not more than two additional dwelling units in a backlot development if the applicant proposes to protect in perpetuity a separate parcel of land ("transfer parcel") of at least two acres in size in the RA District, subject to the following requirements.
- (A) The transfer parcel shall be:
- (1) Determined by the planning board to be of special importance because of its visual prominence or relationship to scenic vistas, ecological significance or fragility, value as agricultural or recreational land, or because it is identified in the Princeton Open Space and Recreation Plan;
 - (2) Not wetlands, as defined in M.G.L. c. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
 - (3) Conveyed to the Town of Princeton, to be under the care, custody and control of the Princeton Conservation Commission or to a charitable non-profit conservation organization, acting pursuant to MGL C. 40, Sec. 8C for open space or conservation purposes, provided that the parcel is subject to a perpetual conservation or agricultural restriction pursuant to M.G.L. c.184, ss. 31-33.
- (B) The planning board may approve reductions in minimum lot area in order to accommodate density bonus dwellings in a backlot development in exchange for preservation of an approved transfer lot.

7. Procedures. The special permit application, review and decision procedures shall be in accordance with this section, section VIII(3) of this Bylaw and M.G.L. c.40A, § 9. The planning board may grant a special permit for a backlot development only upon finding that the application complies with the purposes of this section. In making its decision, the planning board shall consider the degree to which the application, viewed in its entirety:
- (A) Addresses the goals of the Princeton Master Plan.
 - (B) Protects adjoining premises against detrimental or offensive uses.
 - (C) Protects open space, farmland, historic resources, or views from the road.
 - (D) Provides more environmental or aesthetic benefits than the alternative of a conventional division of land.
 - (E) Makes adequate provisions for water supply, disposal of sanitary sewage, storage and disposal of refuse and solid wastes resulting from the uses permitted on the site, and drainage and retention of surface water.
8. Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval or endorsement of any division of land nor any construction. The special permit is a preliminary approval, authorizing the applicant to submit an Approval Not Required plan or a plan requiring approval under the Subdivision Control Law, M.G.L. c.41, §§ 81K-81GG, that complies with all material aspects and conditions of the special permit granted hereunder. The ANR or subdivision plan shall be submitted to the planning board in accordance with the planning board's subdivision rules and regulations.

And to amend Section III as follows:

- P. Subject to a special permit granted by the planning board under Section XV, a backlot development.

Discussion:

Planning Board member Rick McCowan gave an overview of the intention of this bylaw change. Mr. McCowan state the most development today is the typical single, ANR lot which must be approved by the Planning Board if the frontage and acreage minimums are met. This bylaw change would encourage landowners who submit plans for 2-4 lots to locate the houses 300 feet back from the road and utilize a single driveway. This is an optional, not required, by-law. The incentive for using this bylaw is the approval of an additional lot for the landowner.

Doug Andrysick supported the bylaw change as a good development tool but objected to the requirement in Section 5A that developers deed the land in the front of the development to either the Town or a conservation charity. He suggested that this language be deleted.

The Moderator at this point clarified the process for making an amendment to the Article.

Doug Andrysick made a motion, which was seconded, to amend Section 5A to delete the section that begins at "all contiguous land within 250 feet of a public right of way shall be protected in perpetuity and either conveyed to the Town of Princeton" and add a deed restriction that would restrict the removal of vegetation or building of structures within 250 feet of a public way.

The Moderator clarified for the audience the specific section that was put forth for amendment and Mr. Andrysick’s proposal for new language.

Phil Mighdoll proposed a friendly amendment as an alternative to the language proposed by Mr. Andrysick. The two gentlemen discussed Mr. Mighdoll’s proposed amendment, and it was placed in front of the voters to consider as an alternative.

Rick McCowan asked that Town Counsel render an opinion on the new amendment. Town Counsel and the Planning Board had no objections to the language and the following was put to a vote.

To amend Section 5(A) by deleting the following language:
[or to a charitable non-profit conservation organization, acting pursuant to MGL C. 40, Sec. 8C for open space or conservation purposes, provided that the parcel shall be protected by a perpetual conservation restriction or an agricultural restriction meeting the requirements of M.G.L. c.184, ss. 31-33.]

and replacing it with the following language:

[to a charitable non-profit conservation organization, acting pursuant to MGL C.40, Sec 8C for open space or conservation purposes, or to a corporation or trust owned or to be owned by the owners of the lots or residential units within the backlot development. Such ownership shall pass with conveyance of the lots or residential units. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or the Conservation Commission under M.G.L. c.184, ss.31-33 shall be recorded providing that such land shall be kept in perpetuity in an open or natural state.]

Amendment was accepted.

Unanimous 9:02PM

There was no additional discussion on this article, and the Moderator moved for a vote

Unanimous 9:02PM

ARTICLE 4: Voted to amend the Princeton Zoning Bylaws by adding the following new section XVI, Rural Preservation Overlay District, and to amend Section II, Zoning Districts, by adding a new subsection (2)(D):

SECTION XVI. RURAL PRESERVATION OVERLAY DISTRICT:

1. Purposes. The purpose of the Rural Preservation Overlay District (RPOD) is to preserve scenic vistas now available on Princeton’s roads, minimize the number of driveway cuts onto scenic roads, reduce the number of mature trees removed during the development process, and maintain Princeton’s rural character. Where the overlay district imposes more stringent standards than those set forth in the underlying district, the overlay district shall control. Uses available in the underlying district otherwise are available in the overlay district.
2. District Boundary: The boundary of the RPOD is set back 300 feet from the center line layout of the following streets: Gregory Hill Road and Sterling Road to Forslund Road and Hubbardston Road from Allen Hill Road to Gates Road.
3. Applicability. The following activities shall require site plan approval by the Planning Board under section XII of this bylaw:

- (A) Construction of any building, principal or accessory;
 - (B) A change in existing topographical features of more than two feet;
 - (C) Clearing in excess of one-quarter acre of ground area, in aggregate;
 - (D) The alteration of more than 2,000 square feet of earth or the removal of more than 2,000 square feet of natural vegetation;
 - (E) Creating any impervious surface area of more than 500 square feet; or
 - (F) Construction of a driveway to serve a structure not within the RPOD.
4. Use Regulations. Uses within the Rural Preservation Overlay District shall be limited to those permitted in the underlying district(s). Uses that are prohibited in the underlying district(s) are also prohibited in the Rural Preservation Overlay District.
5. Procedures. No building permit shall be issued for construction or alteration of a building, and no site alteration or removal of vegetation as set forth above shall take place, until the Planning Board has approved a site plan for such activities pursuant to section XII. Applications for site plan approval in the RPOD shall be submitted in accordance with section XII and the rules and regulations of the Planning Board.
6. Decision. The Planning Board may approve the site plan or approve the plan with conditions. In making its decision, the board shall consider the extent to which the proposed plan maintains Princeton's rural character by:
- (A) Minimizing unreasonable departure from the character and scale of buildings in the vicinity, as viewed from public ways;
 - (B) Appropriately screening structures and driveways by plantings, topography, or other means as viewed from public ways;
 - (C) Minimizing disruption of woods and scenic views as seen from public ways;
 - (D) Minimizing the number of curb cuts on public ways;
 - (E) Preserving the natural grades, vegetation and unique features of the site and minimizing the removal of mature trees and the length of removed stone walls;
 - (F) Locating principal structures, to the extent feasible, downgrade from the ridgeline so that building silhouettes do not visibly intersect the ridgeline or exceed the elevation of the ridgeline as viewed from any public way.
7. Conditions. The Planning Board may impose reasonable conditions in granting site plan approval, including but not limited to:
- (A) Required landscaping or plantings to mitigate the removal of existing vegetation associated with the proposed activity;
 - (B) Maintenance or reconstruction of stone walls;
 - (C) Appropriate siting of proposed buildings to minimize visibility from public ways;

(D) Location of curb cuts for driveway access;

And to amend SECTION II, ZONING DISTRICTS, by adding a new subsection (2)(D), as follows:

D. Rural Preservation Overlay District, as set forth in Section XVI.

Advisory Board Does Not Approve

Discussion:

Planning Board member Rick McCowan opened the discussion with a summary of the reasons for the proposed bylaw. He stated that much of what people see when they drive through Princeton is the woods, stone walls, historic villages and that defines the nature of the town. The scenic route defined in the bylaw would help to retain the town's rural character. He explained that the underlying zoning by laws remains in effect and that this new bylaw would be an option for new development. The Planning Board would not be able to disapprove plans that did not conform to this bylaw but otherwise satisfied all other requirements. The intent is not to overburden residents or developers but encourage them to consider following the recommendations of this bylaw.

Advisory Board chairman Scott Mellicker congratulated the Planning Board for their hard work on the bylaws and reminded voters that the AB did approve 4 of the 5 articles. The vote was 4-3 against Article 4. The minority of the board felt that this was a valuable tool for the Planning Board to use to implement the Town Plan.

Concerns outlined:

- Disproportional burden on the homeowners within this area
- Safety issues discussed with 300 foot setback. In discussions with the Police and Fire dept. the AB found that both had concerns about the setback. They also pointed out possible safety issues with children being dropped off at the end of the driveways.
- This bylaw is repetitive. Everything can be accomplished in a site review.

Rick McCowan offered the following amendment which was seconded:

Revise the language of paragraph 3A to read "construction of an **[new]** building, principal, or accessory" – adding the word "new" in front of building.

AND

Revise the language of paragraph 5 to delete the words **[or alteration]** in the first line.

A motion to move to vote was made and seconded.

Moderator announced the Amendment passed

9:27PM

There was a question from the audience as to whether the Advisory Board would now change their opinion. The Advisory Board discussed the matter and stated that their vote remained the same.

On a voice vote the Moderator declared the Article carried by 2/3. A voter then requested a ballot vote.

A counted vote was taken by the tellers and announced by the Moderator as follows:

Yeah 70

May 17

Moderator announce that Article 4 passed with a 2/3 majority

9:30PM

Article 5: Voted to amend Section X, Validity, of the Zoning By-law by deleting Section X in its entirety and inserting in place thereof the following:

SECTION X. DEFINITIONS:

In this Bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot," and the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this Bylaw.

Accessory apartment. See "Dwelling."

Accessory building: A subordinate building located on the same lot as the main, or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building or use of the land.

Agriculture: As defined in M.G.L. c.128A, "agriculture" includes farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. When conducted on five or more acres of land, agriculture so defined is an exempt use under M.G.L. 40A, § 3.

Agricultural use, nonexempt: Agricultural use of property on less than five acres of land.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Attached single-family dwelling ("townhouse"). See "Dwelling."

Auto filling or service station: A building or part thereof with not more than three service bays, where the principal activity is the sale of motor vehicle fuel and related products and services; or a car wash. All maintenance and service, other than minor service and emergency repairs, shall be conducted entirely within a building. For purposes of this Bylaw, auto filling or service station shall not include an auto repair shop or auto body shop.

Auto body shop: Establishment where the principal service is the repair and painting of automobiles, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, provided that all but minor repairs shall be conducted entirely within a building.

Auto repair shop: Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, not including an auto service station.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to more than four (4) boarders. Where four (4) or more unrelated individuals rent a dwelling, it shall be considered a boarding house.

Building: A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building height: The vertical distance from the finished grade to the highest point of the roof. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space. Additional height regulations may apply in some zoning districts; see section VI.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Child care (or day care) facility: A day care center or school-age child care program, as those terms are defined in M.G.L. c. 28A, § 9.

Club or lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, boathouse, game preserve, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

Cultural use ("cultural establishment"): A non-profit charitable museum, art gallery, library, facility or hall for live performing arts productions ("legitimate theatre"), or similar use.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. In this Bylaw, "dwelling" includes the following classes:

Detached single-family dwelling: A detached residential dwelling unit designed or intended or used exclusively as a single housekeeping unit for one family, with common cooking and living facilities.

Attached single-family dwelling ("Townhouse"): A residential building of at least three (3) but not more than six (6) one-family attached dwelling units, with sidewalls separated from other dwelling units by a fire wall or walls. Each townhouse unit may be owned by a separate owner and shall have individual at-grade access.

Two-family dwelling: A detached residential building designed or intended or used exclusively as the home or residence of two families. For purposes of this Bylaw, a two-family dwelling includes (1) a building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth, i.e., a duplex in which no part of one dwelling unit is over any part of the other dwelling unit, or (2) a house containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. A two-family dwelling does not include a detached single-family dwelling with an accessory apartment.

Multi-family dwelling: A building designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other and which may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

Mobile home: Any vehicle or object on wheels designed and constructed or reconstructed or added to by means of accessories or facilities to permit the use and occupancy thereof for human habitation; whether resting on wheels, jacks or other foundations and shall include the type of vehicle commonly known as a mobile home, which shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Accessory apartment: A dwelling unit subordinate in size and accessory to an owner-occupied, detached single-family dwelling. The apartment may be located within the single-family dwelling or in a building accessory thereto, such as an attached or detached garage or barn.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Educational use, nonexempt: Educational facilities not exempted from local regulation by M.G.L. c. 40A, § 3.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities.

Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Exempt use. Any use for which communities are prohibited from requiring a special permit or otherwise restricting a use in any zoning district, except for reasonable dimensional controls that do not interfere with or obstruct such use, as defined in M.G.L. c.40A, § 3 or this Bylaw.

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Family day care home: Any private residence operating a licensed facility under M.G.L. c. 28A, § 9.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, § 3.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor area ratio (FAR): A mathematical expression determined by dividing total floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Impervious: Any area impenetrable by surface water.

Institutional use: Public or private, non-profit facilities serving the general public, such as municipal, educational, religious, cultural or social uses.

Light manufacturing: Fabrication, assembly, processing, finishing work or packaging, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat or vibration; and with no outside storage of materials or finished goods.

Lot: A continuous parcel of land with legally definable boundaries.

Lot area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use.

Lot, corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces.

Lot frontage: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot, except as may be authorized by special permit from the planning board under section XV of this Bylaw.

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

Lot, width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Mobile home: See "Dwelling."

Motel or hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Municipal facilities: Facilities owned or operated by the Town of Princeton.

Multi-family dwelling. See "Dwelling."

Nursing home or rest home: An extended or intermediate care facility licensed by the Department of Public Health under M.G.L. c.111, § 71 to provide full-time convalescent or chronic care for hire, and may include a licensed adult day care center.

Personal service establishment: A facility providing personal services directly to consumers, such as hair salon, barber shop, dry cleaning, print shop, photography studio, and the like.

Private non-profit club or membership organization: Premises or buildings of a non-profit organization exclusively serving members and their guests for social, recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the use of the club membership and the purposes of such club.

Professional or business office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Repair shop: A building used for the repair of appliances, office equipment, bicycles, lawn mowers or similar equipment.

Research laboratory ("research and development"): An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast-food restaurant" or "drive-through restaurant."

Restaurant, fast-food: An establishment whose principal business is the preparation of food from a limited menu and selling the same directly to the customer in a ready-to-consume

state, using throw-away food packaging, with ordering and sales typically conducted at a counter or a drive-through and pick-up window.

Restaurant, drive-through: A restaurant from which patrons may receive food or beverages through a window or other fixed station while remaining in their vehicles; including fast-food restaurants, coffee shops, ice cream shops, and similar food establishments with drive-up windows.

Sandwich Shop, Deli, Coffee Shop: A food service establishment where food is prepared and sold at retail and may or may not be consumed on the premises, such as sandwiches, soups, salads, pizza, coffee or baked goods, or other individually portioned food items. For purposes of this Bylaw, a sandwich shop may include a walk-up service window, but does not include a fast-food restaurant or drive-through restaurant.

Retail Store: A building for display and sale of merchandise at retail, such as the following, which will serve as illustrations only and are not to be considered exclusive: drug store, newsstand, food store, candy shop, dry goods and notions store, antique store or gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store. As used in this Bylaw, retail does not include adult entertainment establishments. A retail store may have one or more vendors within it and may occupy one building or a portion of a building.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." However, the following shall not be considered signs within the context of this Bylaw:

Flags and insignia of any government except when displayed in connection with commercial promotion.

Legal notices, or informational devices erected or required by public agencies.

Temporary devices erected for a charitable or religious cause, provided they are removed within seven (7) days of erection.

Temporary displays inside windows, covering not more than thirty (30) percent of window area, illuminated by building illumination only.

Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.

Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.

Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.

Address identification through numerals or letters not exceeding three (3) inches in height.

Sign area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other

irregularities. Structural members not bearing advertising matters shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

Solid waste disposal facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Princeton board of Health for processing, handling, treating, and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items, and sludge but not raw sewage, and similar waste items.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, or mast for radio antenna or the like.

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the building inspector.

Two-family dwelling. See "Dwelling."

Wholesale trade: A business for the sale of commodities in quantity to retailers for resale or for further processing, including associated warehouse or outdoor storage and distribution facilities.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building.

Yard, rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot.

Yard, side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

There was no discussion on this Article.

Unanimous 9:32PM

Motion to adjourn the meeting was made and seconded.

Unanimous 9:33PM

Lynne F. Grettum,

Town of Princeton
Town Clerk

Special Town Meeting

February 26, 2008