

Act of Incorporation

ASHLAND CODE

Chapter Act

ACT OF INCORPORATION

Division 1: The Charter

INTRODUCTION

Chapter CI

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Chapter C

CHARTER

[HISTORY: Adopted 1-9-2019 as Ch. 409, Acts of 2018.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Finance Committee — See Ch. 23.

Department of Public Works — See Ch. 54.

Legal affairs — See Ch. 35.

Town Meetings — See Ch. 63.

1. Editor's Note: Chapter 409 of the Acts of 2018 also repealed the former Charter, adopted 12-18-2008 as Ch. 405, Acts of 2008.

Part 1
Incorporation And Authority

Section 1-1. Incorporation Continued.

The inhabitants of the town of Ashland, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Ashland".

Section 1-2. Short Title.

This instrument shall be known and may be cited as the "Ashland Home Rule Charter".

Section 1-3. Division of Powers. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

All legislative powers of the town shall be exercised by a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch comprised of the select board and elected independent boards pursuant to their enabling legislation.

Section 1-4. Powers of the Town.

The intent and purpose of the charter is to secure for the voters of the town of Ashland, through the adoption of the charter, all the powers possible to secure for their government under article LXXXIX of the amendments to the constitution and laws of the commonwealth, as fully as though each such power was specifically and individually enumerated herein.

Section 1-5. Interpretation of Powers.

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of any particular power shall not limit the general powers of the town as stated in section 1-4.

Section 1-6. Intergovernmental Relations.

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Part 2
Legislative Branch

Section 2-1. Open Town Meeting.

The legislative powers of the town shall be vested in a town meeting open to all voters.

Section 2-2. Presiding Officer.

All sessions of the town meeting shall be presided over by a town moderator, elected as provided in part III. The town moderator shall regulate the proceedings, decide questions of order and make public declarations of all votes. The town moderator shall have all the powers and duties given to moderators under the constitution and the laws of the commonwealth and such additional powers and duties as may be authorized by the charter, by bylaw or by other town meeting vote.

Section 2-3. Annual Town Meeting.

The annual town meeting shall be held on such date or dates as may from time to time be fixed by bylaw.

Section 2-4. Special Town Meetings. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

Special town meetings shall be held at the call of the select board at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the laws of the commonwealth.

Section 2-5. Clerk of the Meeting.

The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the town moderator shall appoint a clerk pro tempore. The town clerk shall keep a journal of the proceedings and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw or by other town meeting vote.

Part 3
Elected Town Officers

Section 3-1. Elected Town Officers, in General.

- (a) The offices to be filled by the voters shall be a select board, a school committee, a town moderator, a board of assessors, a board of health, a planning board, a board of trustees of the public library and a housing authority. Regional authorities, districts, committees or such other entities as may be established by law or intergovernmental agreement may also be filled by the voters. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) The elected bodies referred to in subsection (a) of section 3-1 may, by law, the charter, bylaw or vote of the town appoint any temporary or ad hoc multiple member bodies as in their judgment shall from time to time be necessary or desirable specifically for assisting said elected boards in the exercise and fulfillment of their powers and duties referred to in the charter.
- (c) Any registered voter shall be eligible to hold any elective town office except that:
 - i. no employee of the town reporting to the select board, either directly or through the town manager, may simultaneously hold the position of select board member; and **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
 - ii. no employee of the school district may simultaneously hold the position of school committee member.

Section 3-2. Select Board. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

- (a) There shall be a select board composed of five (5) members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) The executive powers of the town shall be vested in the select board which shall serve as the chief policymaking body of the town. The select board shall have and exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth and such additional powers and duties authorized by the charter, by bylaw or by vote of the town. The select board shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer its policies and aid the board in its official duties, the select board shall appoint a town manager, as provided in part V.
- (c) The select board shall appoint a town manager, town counsel, an external auditor to perform the town's annual financial audit, and registrars of voters as well as all other such town officers and multiple member bodies except as otherwise provided by the charter. The select board shall also appoint such officers and multiple member bodies that the select board may hereafter be directed to appoint by law, bylaw or vote of the town.
- (d) The select board may investigate or may authorize the town manager to investigate the affairs of the town and the conduct of any town agency.
- (e) The select board, unless otherwise provided by law or the charter, shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest. The select board shall enforce the laws relating to all businesses for which it

issues any licenses.

- (f) No member of the select board shall concurrently hold any other elected town position.

Section 3-3. School Committee.

- (a) There shall be a school committee composed of five (5) members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.
- (b) The school committee shall have all the powers, duties and responsibilities given to school committees by the laws of the commonwealth, the charter, bylaws or town meeting vote. Nothing in the charter shall be construed to affect the powers and duties of the school committee as provided by law.

Section 3-4. Town Moderator.

- (a) A town moderator shall be nominated and elected by the voters for a term of three (3) years. In the event of absence of the town moderator, the town meeting shall elect a temporary town moderator for the purpose of presiding during the town moderator's absence. The town moderator shall not hold any other town office, elected or appointed.
- (b) The town moderator shall appoint the finance committee and have other powers and duties provided that office by the constitution and the laws of the commonwealth, bylaws or by town meeting vote.
- (c) In making appointments to the finance committee, the town moderator shall follow the appointment process in section 8-1.

Section 3-5. Board of Health.

- (a) There shall be a board of health composed of 5 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.
- (b) The board of health shall be responsible for the formulation and enforcement of rules and regulations concerning public health. The board shall have all the powers and duties given to boards of health by the laws of the commonwealth, the charter, by-laws or town meeting vote.

Section 3-6. Board of Assessors.

- (a) There shall be a board of assessors composed of three (3) members elected for terms of three (3) years each, so arranged that the term of one (1) member expires each year.
- (b) The board of assessors shall have all the powers and duties given to boards of assessors by the laws of the commonwealth, the charter, bylaws or town meeting vote.

Section 3-7. Planning Board.

- (a) There shall be a planning board composed of five (5) members elected for terms of five (5) years each, so arranged that the term of one (1) member expires each year.
- (b) The planning board shall have all the powers and duties given to planning boards by the laws of the commonwealth, the charter, bylaws or town meeting vote.

Section 3-8. Board of Library Trustees.

- (a) There shall be a board of library trustees composed of five (5) members elected for terms of three (3) years, so arranged that the terms of as nearly an equal number of members as is possible expire each year.
- (b) The board of library trustees shall have all the powers and duties given to boards of library trustees by the laws of the commonwealth, the charter, bylaws or town meeting vote. The board shall have control over the selection of library materials and have custody and management of such. All money and property that the town may receive for library purposes by gift or bequest shall be administered by the board in accordance with the provisions of the gift or bequest.

Section 3-9. Housing Authority.

- (a) There shall be a housing authority composed of five (5) members serving terms of five (5) years each, so arranged that the term of one (1) member expires each year. Four (4) members shall be elected by the voters, and the fifth (5th) member shall be appointed as the laws of the commonwealth provide.
- (b) The housing authority shall have all the powers and duties given to housing authorities under the laws of the commonwealth, the charter, bylaws or town meeting vote. The authority shall also make studies of the housing needs of the town and shall provide programs for housing.

Section 3-10. Holding Multiple Offices.

- (a) A member of the finance committee, shall during the term for which they were appointed, be ineligible to hold any other elective or appointive town office or position except as otherwise provided herein.
- (b) Whenever the town shall undertake to construct or improve a municipal building or property, one member of the finance committee may be appointed to serve as a voting member on the building committee to which the planning and construction or acquisition of such building or property is delegated.
- (c) A member of the finance committee may serve as a full voting member of any sub-committee of the finance committee authorized by the finance committee.

Part 4
Recall Of Elected Officers

Section 4-1. Application.

Any holder of an elected office in the town may be recalled therefrom by the voters of the town as herein provided, except the maximum number of members of a multiple-member body that may be recalled is a majority.

Section 4-2. Recall Affidavit and Petition.

- (a) A recall may be initiated by filing with the town clerk an affidavit containing at least one hundred and fifty (150) signatures of persons representing to be voters, the name of the officer sought to be recalled and a statement of the grounds for recall.
- (b) The town clerk shall, within one (1) business day of receipt, submit the affidavit to the registrars of voters of the town and the registrars shall, within five (5) business days, certify thereon the number of signatures which are names of voters.
- (c) If the registrars certify that the affidavit contains the signatures of at least one hundred and fifty (150) voters, the town clerk shall, within one (1) business day, deliver to any one or more of the voters making the affidavit copies of petition blanks demanding such recall. Said blanks shall be issued by the town clerk, with the town clerk's signature and the official town seal affixed thereto. The blanks shall be dated, addressed to the select board, contain the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (d) A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.
- (e) Said recall petition shall be returned and filed with the town clerk during regular business hours no later than the close of twenty-eight (28) days after the certification of the affidavit. Before being returned and filed with the town clerk, said petition shall have been signed by no less than fifteen (15) percent of the voters as of the date such affidavit was filed with the town clerk.
- (f) The town clerk shall, within one (1) business day of receipt, submit the petition to the registrars of voters of the town and the registrars shall, within fifteen (15) business days, certify thereon the number of signatures which are names of voters.

Section 4-3. Recall Election.

- (a) If the petition shall be found by the registrars of voters to contain signatures of at least fifteen (15) percent of the voters, it shall be certified by the town clerk to be sufficient and the town clerk shall submit the same with such certificate to the select board within five (5) business days. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) The select board shall, within five (5) business days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) business days thereafter, order an election to be held on a date fixed by them not more than sixty-five (65) days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred (100) days after the date of the certificate, the select board shall postpone the holding of the recall election to the date of such other election. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

- (c) No person shall be subject to recall if the term of office of such person expires within one hundred and eighty (180) days of the filing of an affidavit with the town clerk. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

Section 4-4. Office Holder and Vacancy.

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall. If recalled, the official shall be deemed immediately removed and the office vacant. The vacancy created thereby shall be filled under part VIII of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular town election. Should the person filling the vacancy be a candidate in the subsequent election, that person shall not be allowed to have "candidate for re-election" appear on the ballot at such election.

Section 4-5. Ballot Proposition.

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

If the majority of the votes cast upon the question of recall are in the affirmative, and provided at least fifteen percent (15%) of the total number of voters that were registered as of the date of the most recent town election have participated at such recall election, the recall is affirmed.

Section 4-6. Repeat of Recall.

In the case of an officer subjected to a recall election and not recalled thereby, no recall affidavit shall be filed until at least one hundred and eighty (180) days after the election at which the officer's recall was submitted to the voters.

Section 4-7. Office Holder Recalled.

- (a) No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person shall subsequently be appointed to fill the vacancy created by the recall or resignation of the person who was the subject of the recall.
- (b) No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person shall subsequently become a paid employee of the town or an appointed member of a multiple member body within one year (1) after such recall election or such resignation.
- (c) In the event that a person who is the subject of a recall is recalled or who has resigned from office while recall proceedings were pending against such person, the vacant position created by the recall or resignation shall be filled in accordance with section 8-4.
- (d) For purposes of this section, recall proceedings begin once the select board give written notice of the receipt of the certification pursuant to section 4-3 to the officer whose recall is being sought.
[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

Part 5
Town Manager

Section 5-1. Appointment; Qualifications; Term of Office. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

- (a) The select board shall appoint, for a term of up to three (3) years, a town manager and shall, at least annually, evaluate the performance of the town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least three (3) years previous experience in public administration as a city or town manager, a city or town administrator, an assistant city or town manager or a position with substantially similar functions.
- (b) The town manager shall devote his or her full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the town manager engage in any other business, occupation or profession during his or her term, unless such action is approved in advance, in writing, by the select board.

Section 5-2. Vacancy in Office. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

Any permanent vacancy in the office of town manager shall be filled as soon as possible by the select board. Pending appointment of the town manager, the select board shall, within a reasonable period of time, appoint some other qualified person to perform the duties of the town manager.

Section 5-3. Temporary Absence. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

- (a) The town manager may designate, by letter filed with the select board and town clerk, a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability.
- (b) If such temporary absence or disability shall exceed fourteen (14) days, any designation made by the town manager shall be subject to the approval of the select board.
- (c) If the town manager fails to make such designation or if the person so designated is for any reason unable to serve or is deemed not qualified by the select board, the select board may designate some other qualified person as temporary town manager to perform the duties of the town manager until the town manager shall return.
- (d) The powers and duties of the temporary town manager shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment, but shall not make permanent appointments or designations, or suspensions or terminations without approval of the select board.

Section 5-4. Compensation. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

The town manager shall receive such compensation for services as the select board shall determine, but such compensation shall be within the limits of available appropriations.

Section 5-5. Powers of Appointment.

- (a) The town manager shall appoint, based upon merit and qualifications, a police chief, a fire chief, a treasurer collector, a town accountant, a town clerk and all other department heads, officers, subordinates and employees for whom no other method of selection is provided in the charter, except

employees of the school department and employees identified in subsection (c) of section 5-5.

- (b) Appointments proposed by the town manager, except as noted in subsection (e) of section 5-5, shall become effective on the fifteenth (15th) day following the day on which notice of the proposed appointment is filed at a select board meeting, unless the select board shall within such period, by a majority vote of the select board, vote to reject such proposed appointment or vote to waive the fifteen (15) day period. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) The town manager shall appoint, based upon merit and qualifications:
 - i. A health agent with the consent of the board of health;
 - ii. An assessor with the consent of the board of assessors;
 - iii. A planner with the consent of the planning board; and
 - iv. A library director and all other library employees with the consent of the board of library trustees.

For the purpose of this section, consent shall mean that each multiple member body cited herein shall interview job candidates and make appointment recommendations to the town manager. The town manager shall not make an appointment under this section without the consent of the multiple member body cited herein. In the case of employees appointed under this section, the town manager shall inform the chair of the appropriate multiple member body prior to the commencement of any disciplinary action or termination process, except in cases of an emergency, and provide an opportunity for the chair to confidentially comment on the proposed action directly to the town manager.

- (d) Relative to appointments made by the town manager under subsection (c) of section 5-5, the policies established by each multiple member body derived directly from statutory authority for non-administrative policy shall be adhered to by those appointed in subsection (c), the town manager and his or her staff.
- (e) Appointments made by the town manager under subsection (c) of section 5-5 shall be effective immediately and shall not be subject to rejection by vote of the select board. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

Section 5-6. Administrative Powers and Duties. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

The town manager shall be the administrative officer of the town and shall be responsible to the select board for the proper operation of town affairs for which the town manager is given responsibility under the charter. The powers, duties and responsibilities of the town manager shall include, but not be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all employees appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by the charter, by bylaw, by town meeting vote or by the select board;
- (b) To administer, either directly or through persons supervised by the town manager, general and special laws applicable to the town, all bylaws and all regulations established by the select board;
- (c) To coordinate all activities of town departments under the direction of the select board and the town

manager with the activities of departments under the control of officers or multiple member bodies elected directly by the voters of the town;

- (d) To keep the select board fully informed as to the needs of the town and to recommend to the select board for adoption, such measures requiring action by them or by the town as the town manager deems necessary or expedient;
- (e) To ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the select board as may be required;
- (f) To administer personnel policies, practices or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town, except for school department agreements;
- (g) To fix the compensation of all town employees appointed by the town manager within the limits established by appropriation and any applicable compensation plan;
- (h) To negotiate all contracts with town employees over wages and other terms and conditions of employment, except employees of the school department; provided, however, that the town manager may employ, subject to the approval of the select board, special counsel to assist in the performance of these duties; and provided further, that all collective bargaining agreements negotiated under this section shall be subject to the approval of the select board;
- (i) To prepare and submit an annual operating budget and capital improvement program as provided in sections 7-1 and 7-3;
- (j) To keep the select board and the finance committee fully informed as to the financial condition of the town and to make recommendations to the select board and to other elected and appointed officials as the town manager deems necessary or expedient;
- (k) To investigate or inquire into the affairs of any town department or office under the supervision of the town manager or the job-related conduct of any officer or employee thereof; and
- (l) To perform such other duties as necessary or as may be assigned by the charter, by bylaw, by town meeting vote or by the select board.

Section 5-7. Removal of Town Manager.

- (a) The select board may, by the affirmative vote of three (3) members, vote to terminate, remove or suspend the town manager from office in accordance with this section. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) Prior to removal, suspension or termination, the select board shall adopt a preliminary resolution of removal by the affirmative vote of three (3) members. The preliminary resolution may suspend the town manager for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered to the town manager forthwith. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) If so requested by the town manager, the select board shall provide a written statement setting forth the reasons for the proposed removal, suspension or termination. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (d) Within five (5) days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the select board. If a hearing is

requested, the hearing shall be held at a meeting of the select board not later than twenty (20) days after the date of request. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

- (e) If a public hearing has not been requested by the town manager, the select board may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of three (3) of its members at any time after ten (10) days following the date of delivery of a copy of the preliminary resolution to the town manager. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (f) If the town manager requests a public hearing, the select board may, at the conclusion of the hearing, or within five (5) days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of three (3) members. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (g) The town manager shall continue to receive a salary until the final date of removal unless otherwise provided.
- (h) The action of the select board in terminating, removing or suspending the town manager shall be final. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

Part 6
Administrative Organization

Section 6-1. Organization of Town Departments.

- (a) The town manager may, from time to time, prepare and submit to the select board for its consent plans for the organization or reorganization of town departments, multiple member bodies and offices for which the town manager is the appointing authority. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) In the case of departments, multiple member bodies and offices which have responsibilities to independently elected boards or committees, the town manager shall consult with the appropriate independently elected multiple member bodies prior to submitting any plans of organization or reorganization to the select board. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) Whenever the town manager prepares such a plan, the select board shall hold at least one (1) public hearing on the plan, after posting of the time, date, location and subject matter of the hearing not less than fourteen (14) days prior to the date of the public hearing. A plan prepared by the town manager shall become effective after a majority vote in favor of the plan by the select board. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (d) Except as otherwise provided in the charter, the town meeting may, by bylaw, reorganize, create, consolidate or abolish departments, multiple member bodies and offices, in whole or in part, may establish new departments, multiple member bodies or offices as deemed necessary and may transfer powers, duties and responsibilities of one (1) department, board, multiple member body or office to another.

Part 7
Financial Provisions

Section 7-1. Budget Process.

- (a) Annually, not later than October 1, the town manager, with the approval of the select board and after consultation with the finance committee, shall establish and issue a budget schedule which shall set forth the calendar dates relating to the development of the annual operating budget for the ensuing fiscal year. The budget schedule shall include: **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
 - i. A date for the finance committee to receive the budget which shall be at least one hundred and five (105) days in advance of the annual town meeting; and
 - ii. A date by which the select board shall adopt a balanced budget for operations which shall be, as far as practicable, fifty-five (55) days in advance of the annual town meeting.
 - iii. A date by which the select board shall adopt a budget for capital for presentation at the annual or a special town meeting.
- (b) The town manager shall notify the finance committee of material changes to the budget then under consideration by the finance committee as soon as reasonably possible after the identification of any such change.
- (c) Annually, not later than November 1, the finance committee, after consultation with the select board, the school committee and the town manager, shall issue a policy statement that shall establish the guidelines for developing the next town budget.
- (d) All department heads, boards and committees, including the school committee, that have expense budgets shall submit detailed budgets to the town manager in accordance with the budget schedule established in subsection (a).
- (e) Upon receipt of the budgets referenced in subsection (d), the town manager shall prepare a budget in accordance with the schedule established in subsection (a). This budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the town manager, in consultation with the finance committee and select board, may establish. The town manager's budget shall indicate proposed expenditures for current operations and for capital projects and expenditures during the ensuing fiscal year, detailed by each town department and by specific purposes and projects. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (f) Annually, in accordance with the budget schedule established in subsection 7-1(a), the town manager shall also issue a budget report. This budget report shall explain the town manager's budget both in fiscal terms and in terms of what specific projects are contemplated for addition, deletion or deferral in the ensuing fiscal year. It shall also include:
 - i. A description of the important features of the budget;
 - ii. An indication of any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes;
 - iii. Actuals for the previous fiscal year;
 - iv. A summary of the town's debt position;

- v. A report showing an estimate of revenues from all sources for the ensuing fiscal year, along with the probable amount required to be levied and raised by taxation;
 - vi. A budget, including revenue, expenses and general subsidies for all enterprise funds and revolving accounts for town government and the school department; and
 - vii. Such other material as the town manager and the school superintendent may deem appropriate.
- (g) Annually, in accordance with the budget schedule established in subsection (a), the school committee shall also issue a budget report. This budget report shall explain the school department's budget both in fiscal terms and in terms of what specific projects are contemplated for addition, deletion or deferral in the ensuing fiscal year. It shall also include:
- i. A description of the important features of the budget;
 - ii. An indication of any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes;
 - iii. Actuals for the previous fiscal year;
 - iv. A report showing an estimate of revenues from all sources for the ensuing fiscal year, along with the probable amount required to be levied and raised by taxation;
 - v. A budget, including revenue, expenses and general subsidies for any and all enterprise funds and revolving accounts for the school department; and
 - vi. Such other material as the school superintendent and school committee may deem appropriate.
- (h) In addition to any notice required by the laws of the commonwealth, the select board shall cause the report and recommendations of the finance committee to be made available to the voters at least seven (7) days prior to the annual town meeting. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

Section 7-2. Finance Committee Action.

- (a) The finance committee shall, upon receipt of the budget, including enterprise funds and revolving accounts, and a capital improvement program, consider in public meetings the detailed expenditures for town departments proposed by the town manager. The finance committee may confer with representatives from any town department in connection with its deliberations. The finance committee may request the town manager or any town department to provide additional information.
- (b) The finance committee shall file a proposed budget and report of its recommendations for action fourteen (14) days prior to the scheduled date of the annual town meeting. The budget to be acted upon by town meeting shall be the budget proposed by the town manager with the accompanying recommendations of the finance committee.

Section 7-3. Capital Improvements Program.

- (a) The town manager shall submit a capital improvements program to the select board and finance committee in accordance with the budget schedule established in subsection (a) of section 7-1. Such program shall include a list of any improvements proposed to be undertaken during the next five (5) fiscal years and their estimated costs, including: non-routine repairs and major maintenance; renovations or additions to existing facilities; construction of new facilities; land acquisition; equipment and vehicle purchases; and public works projects. The list shall include items relating to

all town departments, including the school department and the enterprise funds, and shall include items in excess of a dollar limit to be set annually by the select board. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

- (b) The town manager shall also submit to the select board a status report of any capital improvements that were approved as part of the budget process for the current year's budget, but which have not yet been substantially completed. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) Both the capital improvements program and the status report shall be included in the presentation to the town meeting which is considering the capital budget.

Section 7-4. Approval of Warrants for Payments. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

Warrants for payments of town funds prepared by the town accountant shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town. The town manager shall have the authority to designate in writing and filed with the town clerk and the select board, an individual who, in the town manager's absence, shall have the authority to approve the warrants which shall be sufficient to authorize payment by the town.

Section 7-5. Financial Reporting.

The town manager on behalf of town government, the school superintendent on behalf of the school department and the finance committee shall create consistent, quarterly budget reports to be shared with town government, the school department and the public. Such reports shall include:

- (a) A description of the important features of the report;
- (b) An indication of any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes;
- (c) Actuals for the current fiscal year;
- (d) A report showing an estimate of revenues from all sources for the ensuing fiscal year, along with the probable amount required to be levied and raised by taxation;
- (e) A report, including revenue, expenses and general subsidies for all enterprise funds and revolving accounts for town government and the school department; and
- (f) Such other material as the town manager, school superintendent and finance committee may deem appropriate.

Part 8
Appointments And Vacancies

Section 8-1. Appointments.

- (a) The select board, the school committee, the town moderator and other multiple member bodies may create and appoint members to any multiple member body as permitted under this charter, the town bylaws, laws of the commonwealth or vote of the town meeting, in accordance with the provisions herein. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) Appointments to any multiple member body shall be drawn from a pool of volunteer candidates who have submitted applications and qualifications to the select board or school committee, if the school committee is the appointing authority, who will maintain a system for identification of residents willing to serve on any standing or ad hoc multiple member body. For each appointment made by each appointing authority, the appointing authority and the multiple member body with the vacancy shall obtain the applications and qualifications of candidates who expressed an interest in being appointed to the vacant position. The appointing authority shall develop and publish its selection criteria, interview and evaluate prospective candidates at an open meeting and provide for the record its reasons for the selection and appointment of the successful candidate. Notwithstanding the foregoing, the moderator shall not be required to hold a public meeting subject to all open meeting law requirements, but shall, in the interest of transparency, conduct his or her interviews in public and provide notice of the interviews in a manner consistent with public meetings. The appointing authority shall give written notice of the new appointment to the town clerk within seven (7) days. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) The requirements of subsection (b) do not preclude the preferential appointment to a regional or state multiple member body of an elected or appointed official or town employee where such elected or appointed official or town employee has traditionally been appointed, or, in the case of a newly constituted regional or state multiple member body is anticipated by virtue of the membership of the multiple member body or the reappointment of an existing member of a multiple member body.
- (d) Any appointed multiple member body may make a recommendation for a candidate being considered under subsection (b) to the appointing authority who shall consider it.
- (e) Should the select board's office fail to supply a list of candidates within thirty (30) days of the date of a request, the appointing authority may make an appointment from those candidates that apply directly to the appointing authority in accordance with subsection (a). **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (f) All appointed multiple member body members shall be residents of the town unless otherwise specifically provided in the charter or the bylaws or required by law.

Section 8-2. Resignations and Removals.

- (a) Any person holding an appointive or elective office may resign the office by filing an original letter, not electronic, of resignation with the town clerk with an electronic or written notification to the chair of the respective multiple member body. The effective date of resignation shall be upon receipt by the town clerk unless a time certain is specified therein when it shall take effect. The town clerk shall notify the appointing authority within three (3) days of receipt of a letter of resignation by forwarding a copy of the letter with date received.

- (b) Members of the multiple member body may, by majority vote, petition the appointing authority to remove a person in accordance with the procedures herein.
- (c) Any person appointed to an office or multiple member body may be removed by the appointing authority after a hearing for the following reasons: (1) a violation of the town's Code of Conduct for Elected and Appointed Officials or (2) as otherwise set forth in section 8-3. Where the appointing authority is a body consisting of more than one member, a majority vote by a quorum of the originally constituted appointing authority shall be required for removal.
- (d) Prior to the removal, the appointee shall first have been served with written notice of the appointing authority's intention and reasons for rescinding said appointment and the date of the hearing and vote. The hearing shall be held not less than ten (10) days nor more than thirty (30) days after the date of the notice. The notice of such proposed or pending vote shall be delivered by hand or by registered or certified mail, return receipt requested, to the last known address of such person.
- (e) Nothing in this section shall be construed as granting a right to a hearing when a person who has been appointed for a fixed term is not reappointed when his or her term expires.

Section 8-3. Loss of Office, Excessive Absenteeism.

- (a) Any person holding an appointive or elective office who has been convicted of a state or federal felony while holding office or an appointment shall be deemed to have vacated the office.
- (b) Any person holding an appointive position that requires him or her to be a resident of the town who subsequently moves from the town shall cease to hold the appointed position unless the appointing authority reconfirms the appointment after he or she moves from the town in accordance with subsection (f) of section 8-1.
- (c) If any person appointed as a member of a multiple member body shall fail to attend six (6) consecutive meetings, or one-half (1/2) of all the meetings of such body held over a twelve (12) consecutive month period, the remaining members of the multiple member body may, by majority vote, petition the appointing authority to remove such person in accordance with the procedures established in section 8-2; provided, however, that not less than ten (10) business days prior to the date said vote is scheduled to be taken, the body shall deliver in hand or by registered or certified mail, return receipt requested, to the last known address of such person notice of such proposed or pending vote.

Section 8-4. Filling Vacancies.

- (a) Whenever a vacancy occurs in an appointed or elective multiple member body, the remaining members shall notify the town clerk in writing within thirty (30) days, unless the town clerk has been otherwise notified. The town clerk, upon notification of such vacancy shall, within three (3) business days of notification of such vacancy, notify in writing the designated appointing authority of the vacancy or in the case of a vacancy in an elective office, the select board. The appointing authority shall cause public notice of the vacancy or impending vacancy to be posted on the town bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) A vacancy in an appointed multiple member body shall be filled in accordance with section 8-1.
- (c) If there is a vacancy in an elected office or elected multiple member body or the school committee,

other than the office of the select board or town moderator, it shall be filled by the select board together with the remaining members of the appropriate board in accordance with the General Laws and this section. The select board and the remaining member or members of such multiple member body shall jointly fill the vacancy by a roll call vote within forty-five (45) days of the vacancy. The select board shall give notice of the vacancy fourteen (14) days before the planned appointment. The vote of a majority of the officers entitled to vote shall be necessary for this appointment. No vacancy shall be filled under this section if a regular town election is to be held within one hundred days following the date the vacancy is declared to exist, but said vacancy shall be filled at the next regular town election by the voters. Persons appointed under this section shall serve until the next annual town election. Persons appointed under this section who are candidates in the subsequent election shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot. The select board shall give written notice of the new appointment to the town clerk within seven (7) days. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**

- (d) When a vacancy or vacancies occur in the membership of the select board, the select board shall call a special town election within one hundred and twenty (120) days to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than one hundred and eighty (180) days prior to the annual election and not less than three members of the select board remain in office, the vacancy or vacancies shall remain unfilled until such annual election. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (e) If there is a failure to elect or if a vacancy occurs in the office of town moderator, the town meeting members, at the next session of any town meeting following such vacancy, by a majority vote of those present and voting on a motion to elect a particular person as town moderator, shall fill such vacancy until the next town election. Until town meeting fills such vacancy the town clerk shall serve as temporary presiding officer of such body.

Section 8-5. Failure to Fill Vacancies.

- (a) Should an appointing authority other than the select board fail to notify the town clerk that it has filled a vacancy on a multiple member body in accordance with section 8-1 within forty-five (45) days of having been notified in writing by the town clerk of said vacancy, the town clerk shall notify the select board in writing within three (3) days, who shall then become the appointing authority and shall make such appointment within thirty (30) days thereafter in accordance with section 8-1. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (b) Upon the failure of the select board to fill a vacancy in an appointed position within forty-five (45) days as set forth in subsection (a), the majority of remaining members of the multiple member body shall then become the appointing authority and shall make such appointments within thirty (30) days thereafter in accordance with section 8-1. The appointment shall be made by majority vote of a quorum of the multiple member body as originally constituted. The multiple member body shall give written notice of the new appointment to the town clerk within seven (7) days. **[Amended 1-6-2021 by Ch. 380 of the Acts of 2020]**
- (c) If a vacancy in an elected office or multiple member body consisting of two (2) or more members is not filled within the required timelines under section 8-4, the vacancy or vacancies shall be filled at the next session of any regular or special town meeting following such failure to fill the vacancy or vacancies, by a majority vote of those present and voting on a motion to elect a particular person or persons to fill the vacancy or vacancies. Persons appointed to fill a vacancy by town meeting shall serve only until the next regular town election, when the office shall be filled by the voters.

Part 9
General Provisions

Section 9-1. Charter Revision or Amendment.

The charter may be replaced, revised or amended in accordance with any procedure made available by article LXXXIX of the amendments to the constitution of the commonwealth and any laws of the commonwealth enacted to implement said article LXXXIX.

Section 9-2. Periodic Charter Review. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

Commencing in the year 2010 and at least every five (5) years after submission of the report and the date of the public hearing thereafter, a charter review committee shall be appointed by the select board for the purpose of reviewing the provisions of the charter and to make reports concerning any proposed amendments or revisions which such committee deems necessary and such report shall be presented to the select board within twelve (12) months after the charter review committee's first meeting. The select board shall hold a public hearing on the report's recommendations within sixty (60) days after the report is presented to the board. The twelve (12) month period may be extended by the select board.

Section 9-3. Severability.

The provisions of the charter are severable. If any of the provisions of the charter shall be held to be unconstitutional or invalid, the remaining provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 9-4. Rules of Interpretation.

The following rules shall apply when interpreting the charter:

- (a) To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.
- (b) Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; and words imparting the masculine gender shall include the feminine gender.
- (c) All references to the general laws or the laws of the commonwealth shall refer to the General Laws and shall include any amendments or revisions thereto or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.
- (d) In computing time under the charter, if seven (7) days or less, only business days shall be counted; if more than seven (7) days, every day shall be counted except that if the last day counted in a computation does not fall on a business day, the last day of computation shall be extended to the next business day thereafter.

Section 9-5. Definitions. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

The following words, as used in the charter, shall have the following meanings, unless another meaning is clearly apparent from the manner in which the word is used:

"Business day", any day on which the town hall is open to the public to conduct business.

"Charter", the charter and any amendments made through any methods provided under article LXXXIX of the amendments to the constitution.

"Commonwealth", the commonwealth of Massachusetts.

"Ex-officio", a member of any multiple member body who serves by virtue of his or her office or position.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

"Law", any statute enacted by the General Court or any statute enacted by the Congress of the United States and whether otherwise called a General Law or a special law or a public law.

"Majority vote", a majority of those present and voting, provided that a quorum is present when a vote is taken, unless a higher number is required by law or the charter.

"Multiple member body", any board, commission, committee, sub-committee or other body consisting of three (3) or more persons whether elected, appointed or otherwise constituted, but not including the select board or the school committee.

"Town", the town of Ashland.

"Town agency", any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

"Voters", the registered voters of the town.

Section 9-6. Continuation of Existing Laws.

All bylaws, resolutions, rules, regulations and votes of town meeting which are in force at the time the charter is amended and that are not inconsistent with the provisions of the charter, shall continue in force until further amended or repealed.

Section 9-7. Precedence of Charter.

Where provisions of the charter conflict with provisions of town bylaws, rules, regulations, orders, town meeting votes and acceptances of General Laws, the charter provisions shall govern.

Section 9-8. Code of Conduct. [Amended 1-6-2021 by Ch. 380 of the Acts of 2020]

The select board shall develop a code of conduct provided it is consistent with the law and applicable to all elected offices and elected and appointed multiple member bodies, the select board and the school committee. The code of conduct shall be approved by town meeting.

Division 2: Town Meeting Enactments

Part I: Administrative Legislation

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town of Ashland: Art. I, May 1993 Special Town Meeting; Art. II, May 1993 Special Town Meeting; Art. III, May 1993 Special Town Meeting. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted May 1993 STM]

§ 1-1. Adoption.

The Town shall repeal all the By-laws of the Town of Ashland, with the specific exception of the Zoning By-laws, and adopt substantially the same said by-laws in the form and with the numbering and organizational system contained in the document entitled the Code of the Town of Ashland, Massachusetts, as prepared by the Town of Ashland By-Law Review Committee and General Code Publishers, Corp. of Rochester, New York.

§ 1-2. through § 1-15. (Reserved)

ARTICLE II
General Penalty
[Adopted May 1993 STM]

§ 1-16. Violations and penalties.

Unless otherwise provided, persons violating the provisions of this Division 2 of the Code of the Town of Ashland shall be liable to a fine of not exceeding twenty dollars (\$20.) for each offense.

ARTICLE III
Zoning By-Laws
[Adopted May 1993 STM]

§ 1-17. Acceptance of by-laws.

The Town shall accept the renumbering and organization of the Zoning By-Laws of the Town of Ashland, from the original numbering and organization, to the new numbering and codification arrangement, sequence and captions, as is contained in the Code of the Town of Ashland, Massachusetts, as prepared by the Town of Ashland By-Law Review Committee and General Code Publishers, Corp., of Rochester, New York, said zoning by-laws of the Town having had no substantive changes in the text, content or subject matter.

Chapter 3**AFFORDABLE HOUSING TRUST**

[HISTORY: Adopted by the Town of Ashland 11-14-2007 Annual Town Meeting, Art. 13. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 282.

§ 3-1. Name of the Trust

The trust shall be called the "Town of Ashland Affordable Housing Trust Fund."

§ 3-2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Ashland for the benefit of low and moderate income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real property, personal property, or money, both tangible and intangible, of every sort and description; to use such property, both real and personal, and money in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property and money held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of Ashland of affordable housing for the purposes for which this Trust was formed.

§ 3-3. Board of Trustees [Amended 11-16-2009 STM, Art. 12; 11-20-2019STM, Art. 13]

There shall be a board of trustees of the Ashland Affordable Housing Trust Fund, in this section called the board, which shall include five (5) Trustees to be appointed by the Select Board of which one (1) Trustee so appointed shall be a member of the Select Board. Trustees shall serve for a term not to exceed two years. A quorum is to be three (3) authorized trustees of the board. Only persons who are residents or employees of the Town of Ashland shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Select Board. Any Trustee who ceases to be a resident or employee of the Town of Ashland shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument, signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Select Board to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

§ 3-4. Meetings of the Trust [Amended 5-7-2008 ATM, Art. 14]

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice

of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees, qualified and present in person.

§ 3-5. Powers of Trustees

The powers of the board of trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;
- (11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral; to the extent of trust net assets, and subject to approval by 2/3 vote from Town Meeting for greater than the extent of trust net assets. Total trust fund borrowing shall not exceed \$15,000,000 at any one time without Town Meeting approval.

[Amended 5-1-2013 ATM, Art. 25]

- (12) to make distributions or divisions of principal in kind;
- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- (15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (16) to extend the time for payment of any obligation to the trust.

§ 3-6. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

§ 3-7. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

§ 3-8. Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

§ 3-9. Duration of the Trust [Amended 11-20-2019STM, Art. 13]

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

§ 3-10. Titles

The title to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

ASHLAND CODE

Chapter 4

AGING, COUNCIL ON

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Appointment — See Charter, Section 3-2(c).

§ 4-1. Purpose. [Amended 11-20-2019STM, Art. 13]

The Select Board shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under M.G.L.A. C. 6, § 73.

§ 4-2. Appointment of members; terms of office; compensation. [Amended 5-12-1999 ATM, Art. 24; 11-20-2019STM, Art. 13]

The Select Board shall appoint a Council on Aging consisting of nine (9) members. Members shall be appointed for terms of three (3) years so that terms of three (3) members shall expire each year. Members may be reappointed for consecutive terms. The members of the Council shall serve without pay.

§ 4-3. Vacancies.

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

§ 4-4. Officers. [Amended 5-12-1999 ATM, Art. 24]

The Council of Aging shall, annually in April of each year, elect from its membership a Chairperson, Vice Chairperson (who shall also act as Treasurer) and Secretary. If a vacancy occurs in any of the above offices, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

§ 4-5. Annual reports.

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

§ 4-6. Appointment of clerks and employees.

The Council may appoint such clerks and other employees as it may require.

Chapter 9**COMMUNITY PRESERVATION COMMITTEE**

[HISTORY: Adopted by the Town of Ashland 10-16-2002 ATM, Art. 4. Amendments noted where applicable.]

GENERAL REFERENCES

Historical Commission — See Ch. 31.

§ 9-1. Authority.

Pursuant to Massachusetts General Laws, Chapter 44B, there is hereby established a Community Preservation Committee (the "Committee") comprised of seven (7) members appointed as described below and serving such terms as are prescribed herein.

§ 9-2. Membership. [Amended 5-11-2005 ATM, Art. 14]

The Community Preservation Committee shall be comprised of the following members:

- a. one member of the Ashland Conservation Commission designated by the Commission;
- b. one member of the Ashland Historical Commission designated by the Commission;
- c. one member of the Ashland Planning Board designated by the Board;
- d. one member of the Ashland Housing Authority designated by the Authority;
- e. one member of the Ashland Open Space and Recreation Committee designated by the Committee; and four members shall be voters in the Town of Ashland who hold no appointed or elected office identified above, nor are employees of the town, and shall be appointed At-Large by the Select Board. **[Amended 5-4-2016 ATM, Art. 13²; 11-20-2019STM, Art. 13]**

Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by a majority vote of such Commission, Board or Authority.

§ 9-3. Terms of Office. [Amended 5-11-2005 ATM, Art. 14; 5-4-2016 ATM, Art. 13]

Each member of the Community Preservation Committee shall serve a term of three (3) years, expiring on August 31st, or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. A member may be reappointed for one successive term (not to exceed a total of 6 years), so long as the person remains a member of the respective Board, Commission, or Authority. If said member resigns from the designating Board, Commission or Authority, the member's term on the Committee shall be co-terminus.

2. Editor's Note: This article also repealed former Subsections f. and g., which immediately followed.

At-Large members shall be appointed to the following initial terms: One (1) for a one year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. Appointees shall serve three-year terms. There shall be a limit of two consecutive terms served by any individual. All other members shall serve a term determined by their designating bodies, not to exceed six years. All members, At-Large and otherwise, are eligible for reappointment per the terms identified herein. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor. No At-Large or other member of the Community Preservation Committee shall serve more than six consecutive years at a time. A waiting period of one year shall be imposed on any member of the Committee after serving six consecutive years.

A vacancy on the Committee shall be filled by the relevant appointing or designating authority.

§ 9-4. Purpose.

- a. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the conservation commission, historical commission, planning board, open space committee and the housing authority in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the town.
- b. The Committee shall make recommendations to the town meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historical resources, for the acquisition, creation and preservation of land for recreation use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historical resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- c. The Committee may include in its recommendation to the town meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with the community preservation.

§ 9-5. Meetings and Actions.

- a. The Community Preservation Committee shall be subject to the Open Meeting Law, so called (MGL Chapter 39, § 23A & B). It shall not meet or conduct business without the presence of a quorum. For the purposes of this chapter, a quorum shall constitute a majority of the CPC members then in office. **[Amended 5-4-2016 ATM, Art. 13]**
- b. The Committee shall approve its actions by majority vote of its members, except as otherwise required by law. **[Amended 5-4-2016 ATM, Art. 13]**
- c. Recommendations to the town meeting shall include their anticipated costs.

§ 9-6. Officers.

The Committee shall elect a Chairman and vice-chairman from among its members and shall elect a secretary who need not be a member of the Committee.

§ 9-7. Rules and Regulations.

After having a public hearing and requesting recommendations from town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities.

§ 9-8. Removal of a Committee Member. [Added 5-4-2016 ATM, Art. 13³]

Removal of a Committee member by their Designating Board, Commission, or Authority:

Any member of the Committee may, after a public hearing before the Designating Board, Commission, or Authority that appointed the said member, be removed for cause or dereliction of duty by a majority vote of such Board, Commission or Authority. Cause, or dereliction of duty, shall be defined as: a) the repeated failure to attend Committee meetings (i.e. missing half of the scheduled meetings of the Committee during any calendar year; b) the commission of an ethical violation (as finally determined by the State Ethics Commission); or c) a violation of the Open Meeting Law, (as finally determined by the Office of the Attorney General and if in the opinion of the Appointing Committee said violation is pervasive and impairs the position of the appointee to adequately represent the Appointing Committee). Removal of a Committee member should be accomplished by a letter from the Designating Board, Commission, or Authority chairperson confirming the vote in favor of removal of their member from the Committee, and when known, the person who will be replacing them on the Committee.

§ 9-9. Severability.

In the event that any section, paragraph or part of this Chapter is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

3. Editor's Note: Former § 9-8, Severability, was renumbered as § 9-9 at the direction of the Town.

Chapter 11**EMERGENCY MANAGEMENT**

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Appointment — See Charter, Section 9-5(c).

§ 11-1. Department of Emergency Management established. [Amended 5-14-1997 ATM, Art. 36⁴]

There is hereby established a Department of Emergency Management (hereinafter called the "Department"). It shall be the function of the Department to have charge of emergency management as defined in Section 1, Chapter 639, Acts of 1950, and to perform emergency management functions as authorized or directed by said Chapter or by any and all executive orders or general regulations promulgated thereunder and to exercise any authority delegated to it by the Governor under said Chapter 639.

§ 11-2. Director. [Amended 5-14-1997 ATM, Art. 36]

- A. The Department shall be under the direction of a Director of Emergency Management (hereinafter called the "Director"), who shall be appointed by the Town Manager. The Director shall have direct responsibility for the organization and for the administration of the Department, subject to the direction and control of the Town Manager. The Director may, within the limits of the amount appropriated therefor and subject to the approval of the Town Manager, appoint such experts, clerks and other assistants as the work of the Department may require and may remove them and may make such expenditures as may be necessary to execute effectively the purpose of Chapter 639 of the Acts of 1950.
- B. The Director shall also have authority, subject to the approval of the Town Manager, to appoint district coordinators and may accept and may receive on behalf of the town services, equipment, supplies, materials or funds by way of gifts, grant or loan for purposes of emergency management offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

§ 11-3. Mutual aid.

- A. The Police and Fire Departments, subject to approval of the Town Manager, are hereby authorized to enter into agreement(s) with other municipalities for providing and receiving aid in cases of emergency. All such agreements shall be consistent with applicable state law.
- B. In the absence of any such formal agreement, the Police Chief and the Fire Chief shall, both individually and collectively, have the discretion to supply aid to and request aid from other

4. Editor's Note: This article also provided for the chapter title change of "Civil Defense" to "Emergency Management."

municipal departments in any special or unusual situation where necessary for the protection of public safety. Such aid sent from Ashland to any other municipality shall be done with due regard for the need to adequately protect the citizens of the Town of Ashland.

ASHLAND CODE

Chapter 15

COLLECTIVE BARGAINING

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions — See Section 5-6(k) through (m).

Finances — See Ch. 26.

§ 15-1. Compliance with state law and provisions of Charter.

All collective bargaining shall be carried out in compliance with applicable state law and shall be consistent with the provisions of Part V, Section 5-6, Subsections (k) through (m), of the Charter of the Town of Ashland.

FINANCE COMMITTEE

Chapter 23

FINANCE COMMITTEE

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Financial activities of town — See Charter, Part VII.

Town Meetings — See Ch. 63.

Finances — See Ch. 26.

§ 23-1. Membership; appointment; terms; compensation; vacancies.

There shall be a Finance Committee consisting of seven (7) registered voters who shall be appointed by the Moderator for three-year overlapping terms. Members shall serve without compensation and shall not serve on any other town board. In-term vacancies shall be filled by the Moderator for the remainder of the term.

§ 23-2. Consideration of Articles and referendums; reports.

The Finance Committee shall consider all articles in warrants for all Town Meetings and/or referenda. It shall, after due consideration, report thereon, in print, its recommendation as to each Article. It shall hold one (1) or more public hearings with respect to the Warrant and shall distribute its report to each registered voter household and/or provide the same at convenient distribution places. The report shall state the total amount of appropriation recommended, and the Finance Committee may, at its option, include the approximate tax rate based upon such recommendation.

§ 23-3. Officers.

The Committee shall annually choose a Chairman, Clerk or any such officers it chooses. It may employ, subject to an appropriation therefor, a Recording Secretary.

§ 23-4. Requests for information.

Upon request, any town department or committee shall furnish the Finance Committee with such information concerning specific receipts or expenditures of funds as the Finance Committee deems necessary to make a proper recommendation at Town Meeting.

ASHLAND CODE

Chapter 24

FINANCE, DEPARTMENT OF

[HISTORY: Adopted by the Town of Ashland 11-14-2007 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

GENERAL REFERENCES

Finance Committee — See Ch. 23.

§ 24-1. Establishment; statutory authority.

Pursuant to the Ashland Home Rule Charter and all other power and authority enabling, there is hereby established the Ashland Department of Finance.

§ 24-2. Divisions. [Amended 11-20-2019STM, Art. 13]

The Ashland Department of Finance may consist of the following divisions and/or other applicable functions to be determined by the Town Manager with the approval of the Select Board:

- A. Treasury.
- B. Tax Collections.
- C. Accounting.
- D. Information Systems.
- E. Human Resources.
- F. Procurement.

§ 24-3. Director.

The Department shall be under the direction of a Finance Director (hereinafter called the "Director"), who shall be appointed by the Town Manager in accordance with the Town Charter. The Director shall have direct responsibility for the administration of the Department, subject to the direction and control of the Town Manager. The person holding the position of Director may also be appointed to hold other positions within the Town except that no one person shall hold both the Town Accountant and Treasurer position at the same time.

§ 24-4. Intra-Department Cooperation. [Amended 11-20-2019STM, Art. 13]

The Select Board may, and are authorized, to develop a formal process of cooperation with other elected Town officials and/or departments that have impacts on financial operations.

Chapter 26**FINANCES**

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Financial actions of town — See Charter, Part VII.

Finance Committee — See Ch. 23.

Collective bargaining — See Ch. 15.

Town Meetings — See Ch. 63.

§ 26-1. Collection of accounts owed town.

- A. The Town Treasurer/Collector shall collect all accounts due the town.
- B. All accounts due the town shall forthwith be committed by the several boards and officers of the town to the Treasurer/Collector, together with all available information in relation thereto.
- C. If it shall seem advisable to the Treasurer/Collector that suit should be instituted on behalf of the town for the establishment or collection of any account due the town, he shall so notify the Town Manager and Selectmen and he shall report to them semiannually and at such other times as they may direct upon all uncollected accounts in his hands. The Manager shall take such action with respect to all such accounts as he deems expedient and consistent with the interest of the town.
- D. This section shall not apply to interest on investments of trust funds.

§ 26-2. Disposition of town property. [Amended 11-20-2019STM, Art. 13]

Whenever any property of the town, other than real estate, shall become obsolete, disused, worn out or necessary to replace, the town official or officials having jurisdiction thereof shall so certify, in writing, to the Town Manager. The Town Manager shall reserve action to abandon, trade or sell such property at either private or public sale until such time as he has sent written notice of the proposed action to the Select Board and the Finance Committee.

§ 26-3. Contracts.

- A. All contracts shall conform to the requirements contained in Town Charter.
- B. (Reserved)⁵

§ 26-4. Conflicts of interest.

- A. No officer or board of the town shall make any contract on behalf of the town in which such officer or any member of such board is directly or indirectly financially interested, except competitive contracts.

5. Editor's Note: Former Subsection B, providing for advertisement requirements, was repealed 11-17-1993 STM, Art. 2.

- B. No town officer or board of town officers having power or authority to appoint any town officer or agent shall appoint himself or any member of such board to any salaried office or position, but this shall not prohibit any town officer from being Chairman or Clerk of any board of which he shall be a member.

§ 26-5. Departmental Revolving Funds. [Added 5-3-2017 ATM, Art. 3]

A. Purpose.

- (1) This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

B. Expenditure Limitations.

- (1) A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
- (a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [, except for those employed as school bus drivers2].
 - (b) No liability shall be incurred in excess of the available balance of the fund.
 - (c) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

C. Interest.

- (1) Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

D. Procedures and Reports.

- (1) Except as provided in General Laws Chapter 44, § 53E1/2 and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town accountant auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town accountant auditor provides the department, board, committee, agency or officer on appropriations made for its use.

- A. Authorized Revolving Funds. **[Amended 5-3-2023ATM, Art. 5; 5-1-2024ATM, Art. 5]**
The Table establishes:

- a. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- b. The department or agency head, board, committee or officer authorized to spend from each fund,
- c. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
- d. The expenses of the program or activity for which each fund may be used,
- e. Any restrictions or conditions on expenditures from each fund,
- f. Any reporting or other requirements that apply to each fund, and
- g. The fiscal years each fund shall operate under this by-law.

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEARS
Senior Program Revolving	Monies paid by those who avail themselves of such programs for such programs	Director of Elder Affairs	The purpose of which shall be to pay for programs conducted by the Council on Aging for the benefit of Ashland senior citizens	2018 and subsequent years
Town Building Rental (Previously Senior Center Rental)	Rent or Rental fees for any use of Town Property including Senior Center, Main Street Fire Station, and any other future Town properties that collect rental or use fees	Recreation Director, Assistant Town Manager, Town Manager	The purpose of which shall be to pay for expenses and maintenance incurred for the rental of said building	2025 and subsequent years

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEARS
Town of Holliston Animal Control Revolving	Monies paid by the Town of Holliston and that such monies represent the cost of providing Animal Control services	Town Manager	The purpose of which shall be to pay for expenses incurred for the care and capture of animals on behalf of the Town of Holliston	2018 and subsequent years
Library Materials Replacement Fund	Monies paid by the borrowers of the lost or damaged materials and that such monies represent the replacement cost of the materials	Library Director with approval of Board of Trustees	The purpose of which shall be to acquire equivalent Public Library materials to replace items lost or damaged by those who borrow such materials	2018 and subsequent years
Hazardous Waste Revolving Fund	Drop off cost the resident will pay for the service	Town Manager	The purpose of which shall be to be able to continue to drop off programs for TV's & Computers	2018 and subsequent years
Sidewalk Construction Fund	Monies paid by those who avail themselves of such programs for such programs	Planning Board	The purpose of which shall be to pay for sidewalks	2018 and subsequent years
Guidance Revolving Fund	Fees paid by those who will be taking the PSAT and/or AP exams	High School Principal	The purpose of which shall be to pay for the institutional, per student cost for our students who take the PSAT and/or Advanced Placement (AP) tests and to pay for proctors during the exams	2018 and subsequent years

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEARS
Food Inspection Program Revolving Fund	Monies paid by those who avail themselves of such inspections, investigations and reviews for such programs, including the monies collected for food establishment permit fees	Director/Agent of Board of Health	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for food establishment programs provided by the Board of Health for the delivery of routine inspections, investigations and reviews for food establishments	2018 and subsequent years
Electrical, Plumbing, & Gas Inspections Revolving Fund	Permit and Inspection revenue from Electrical, Plumbing, & Gas Inspections	Town Manager, Building Commissioner	The purpose of which shall be a self-supporting program which will collect fees charged received by the Building Department for electrical, plumbing and gas inspections and permits. During each fiscal year, the Building Department may incur liabilities against and spend monies from the Revolving Fund for salaries or wages for inspectors performing electric, plumbing or gas inspections, education, contractual services and any other expense in connection with the operation of the inspectional services program	2023 and subsequent years

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEARS
Tobacco Program Revolving Fund	Monies paid by those who avail themselves of such programs, including the monies collected for tobacco sales permit fees	Director/Agent of Board of Health	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for inspections and programs provided by the Board of Health for the delivery of tobacco control comprehensive inspections at tobacco sales locations and for evidence based education programs that will benefit the residents of Ashland	2018 and subsequent years
Ambulance Revolving Fund	Monies paid to the Town from ambulance receipts	Town Manager	The purpose of which shall be to pay for the costs of providing ambulance and emergency response services	2018 and subsequent years
Recreation Revolving	Participant fees for any program offered by the Recreation Department	Recreation Director	Costs associated with implementing recreation programs including part-time and full-time staff, contracted services, equipment and supplies	2024 and subsequent years
Vaccination Clinic Revolving Account	Reimbursements from implementing vaccination clinics	Health Director/Health Agent	Support costs associated with hosting vaccination clinics and community health and other expenses	2024 and subsequent years

§ 26-6. Municipal Charges Liens. [Added 11-28-2018 STM by Art. 15]

- A. Authority. This by-law is adopted pursuant to the authority of G.L.c. 40, § 21 and G.L.c. 40, § 58, as amended, and any other relevant statutes and regulations.
- B. Purpose. The purpose of this section is to establish a municipal charges lien program to provide a cost-effective method of collecting a charge, fine, penalty, and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge or charges, fine or fines, penalty or penalties, and/or fee or fees when due, by placing a lien upon real estate owned by the property

owner.

- C. **Applicability.** The municipal charges lien shall apply to the following municipal charges and/or fees:
 - a. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of development agreements.
 - b. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of contracts with the Town.
 - c. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of tax agreements.
- D. **Lien Takes Effect.** The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, unpaid amounts due, fines, penalties, and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.
- E. **Collection of the Lien.**
 - a. The Tax Collector shall be in charge of collecting the lien.
 - b. The Treasurer who is the person responsible for collecting the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees shall notify the Assessors of all unpaid municipal charges, unpaid amounts due, fines, penalties, and fees that have not been paid or appealed to the court at the end of each month.
 - c. The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Middlesex South Registry of Deeds.
- F. **Unpaid Municipal Charges Liens.**
 - a. If unpaid municipal charges, unpaid amounts due, fines, penalties, and fees fine, secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees to the Assessors' Department and the Assessors shall add the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
 - b. If the property to which the unpaid municipal charges, unpaid amounts due, fines, penalties, and/or fees relates is tax exempt, the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees shall be committed as a tax on said property.
- G. **Release of the Lien.** The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all unpaid municipal charges, unpaid amounts due, fines, penalties, and fees constituting a lien, together with any interest and costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

ASHLAND CODE

Chapter 29

HEALTH, BOARD OF

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 245.

Board of Health regulations — See Division 4.

ARTICLE I
Enforcement of Provisions
[Adopted May 1993 STM]

§ 29-1. Authorization to use statutory provisions providing for noncriminal disposition.

The Ashland Board of Health, its members and agents may, at its discretion, enforce any of the rules and regulations it is authorized to adopt and enforce under M.G.L.A. C. 111, § 31, and to enforce any of those rules and regulations of any other state or federal agency that it is authorized to enforce, in the methods provided in M.G.L.A. C. 40, § 21D, Noncriminal disposition of certain violations.

§ 29-2. Violations and penalties, Criminal Disposition. [Added 10-19-1994 STM, Art. 20; amended 5-12-1999 ATM, Art. 16]

Violations of health regulations adopted pursuant to M.G.L.A. Chapter 111, § 31 shall be those as stated in said § 31 as, from time to time, amended. Each day or part thereof of violation of any provision of such health regulations, whether continuous or intermittent, shall constitute a separate and succeeding offense.

§ 29-3. Violations and penalties, Non-criminal Disposition. [Added 5-12-1999 ATM, Art. 16]

- A. Violations of any provision of health regulations adopted pursuant to M.G.L.A. Chapter 111, § 31 may be processed pursuant to Chapter 40, § 21D of the general laws of the commonwealth. Fines for violations shall be assessed according to the schedule listed in § 29-4 hereunder.
- B. If a violator fails to respond to a citation within twenty-one (21) days, the Health Director shall forward a copy of the citation to the District Court where it shall be handled under the provisions of M.G.L.A. Chapter 40, § 21D.
- C. Each day or part thereof of violation of any provision of such health regulations, whether continuous or intermittent, shall constitute a separate and succeeding offense.

§ 29-4. Penalties and/or fines. [Added 5-12-1999 ATM, Art. 16; amended 5-2-2007 ATM, Art. 21]

- A. Food Establishment Regulations (105 CMR 590.000)

(1) Non-critical Violations (as defined by CMR)

First offense	\$20.00
Second offense	\$40.00
Third offense	\$80.00
Each subsequent offense	\$80.00

(2) Critical Violations (as defined by CMR)

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

B. Housing Code Violations, Rental Units (105 CMR 410.000)

(1) Conditions deemed to endanger or impair health or safety (105 CMR 410.750)

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

(2) Roach infestations (105 CMR 410.550) [**Amended 11-14-2007 ATM, Art. 30**]

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

C. Violations of regulations relative to nuisance (M.G.L. Chapter 111, § 122)

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

D. Tanning facilities

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

E. Prohibiting Smoking in Membership Associations

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Each subsequent offense	\$300.00

F. Body Art Establishments and Practitioners

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00

Each subsequent offense \$300.00

G. Management of Fats, Oil and Grease [**Added 5-7-2008 ATM, Art. 17**]

First offense: \$100.00

Second offense within 24 months of the first violation: \$200.00

Third offense within 24 months of the current violation, including the current violation: \$300.00

If subsequent offenses do not occur within 24 months of prior offense, the fine for a first offense shall apply

H. Keeping of Animals Regulation

First offense: \$100.00

Second offense within 24 months of first violation: \$200.00

Third offense within 24 months of the current violation, including the current violation: \$300.00

If subsequent offenses do not occur within 24 months of prior offense, the fine for a first offense shall apply

I. Tobacco Regulations - Sale to a Minor: [**Added 11-17-2015 ATM, Art. 10⁶**]

First offense: \$300.00

Second offense: \$300.00

Third offense: \$300.00

J. Tobacco Regulations - Point of Sale/Signage: [**Added 11-17-2015 ATM, Art. 10**]

First offense: \$50.00

Second offense: \$50.00

Third offense: \$50.00

Each subsequent offense: \$50.00

K. All other regulations:

First offense: \$100.00

Second offense: \$200.00

Third offense: \$300.00

6. Editor's Note: This article also provided for the redesignation of former Subsection I, All other regulations, as Subsection K.

Each subsequent offense: \$300.00

ASHLAND CODE

Chapter 31

HISTORICAL COMMISSION

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Appointment — See Charter, Section 9-5(c).

§ 31-1. Establishment; terms.

The town accepts M.G.L.A. C. 40, § 8D, for the purpose of establishment of an Historical Commission to consist of seven (7) members to be appointed by the Selectmen as follows, with their successors to be appointed for terms of three (3) years each:

- A. Three (3) members for one-year terms.
- B. Two (2) members for two-year terms.
- C. Two (2) members for three-year terms.

LEGAL AFFAIRS

Chapter 35

LEGAL AFFAIRS

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Appointment of Town Counsel — See Charter, Section 9-5(c).

§ 35-1. Prosecution and defense of litigation. [Amended 11-20-2019STM, Art. 13]

The Select Board shall have authority to prosecute and defend all litigation to which the town is a party and to employ counsel therefor.

§ 35-2. Settlement of claims and suits.

- A. The Town Manager, with the approval of the Select Board, may settle any legal and valid claim or suit to which the town is a party which does not require the payment of more than five thousand dollars (\$5,000.). Said five thousand dollars (\$5,000.) shall not include fees for defense or prosecution of such suit. **[Amended 11-20-2019STM, Art. 13]**
- B. Any settlement requiring a payment greater than five thousand dollars (\$5,000.), except when authorized by law, shall be made only when authorized by the voters of the Town Meeting.

§ 35-3. Execution of deeds. [Amended 11-20-2019STM, Art. 13]

Whenever it shall be necessary to execute any deed conveying land or any other instrument required to carry into effect any vote of the town, such deed or instrument shall be executed by the Select Board on behalf of the town unless the town shall vote otherwise.

§ 35-4. Town Counsel. [Amended 11-20-2019STM, Art. 13]

The Selectmen shall hereafter annually on or before the first day of July or whenever a vacancy shall exist choose a competent lawyer to act as Town Counsel. He/she shall receive such salary or compensation as the Select Board may determine subject to appropriation by Town Meeting. Town Counsel shall be available for advice to all the town departments under the supervision of the Selectmen or Town Manager and shall perform such duties as the Selectmen or Town Manager may prescribe.

ASHLAND CODE

Chapter 42

CAPITAL IMPROVEMENT COMMITTEE

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

§ 42-1. Appointment of members; terms. [Amended 5-12-1999 ATM, Art. 25; 5-7-2014 ATM, Art. 21⁷; 11-20-2019STM, Art. 13]

The Select Board shall appoint a Capital Improvement Committee consisting of seven (7) members, one of which will be the Public Facilities Director. Members shall be appointed for terms of three (3) years so that as near an equal number of members' terms shall expire each year, except that in the first year three (3) members shall be appointed for three (3) years, three (3) members shall be appointed for two (2) years, and one (1) member shall be appointed for one (1) year. Vacancies on this Committee shall be filled for the remaining term of the open seat.

§ 42-2. Function. [Amended 5-7-2014 ATM, Art. 21]

- A. The function of this Committee shall be to study the town's need for departmental capital improvements utilizing the town's capital general fund, capital stabilization account, water enterprise account or sewer enterprise account, and provide a recommendation to the Town Manager for the prioritization, planning, financing, and coordination of such improvements, except as otherwise provided by law; or pass any vote or take any action relative thereto. **[Amended 5-4-2016 ATM, Art. 4]**
- B. It shall be the further function of this Committee to recommend to the Select Board, for certain extensive capital improvement projects, to appoint a specific building committee to perform the project management functions for the project including to negotiate, contract for, supervise and accept the building or installation of the capital improvement authorized by the Town Meeting, subject to the approval of the Town Manager and Select Board. **[Amended 11-20-2019STM, Art. 13]**

§ 42-3. Election of officers; secretary.

The Committee annually shall elect one of its members to serve as Chairman and another to serve as Clerk and select and hire its own secretary.

7. Editor's Note: This article also changed the name of the Municipal Improvement Committee to the Capital Improvement Committee.

(RESERVED)

Chapter 52

(RESERVED)

[Former Ch. 52, Post-Audit Committee, adopted at the May 1997 ATM, was repealed 5-9-2001 ATM by Art. 27.]

ASHLAND CODE

Chapter 54

PUBLIC WORKS, DEPARTMENT OF

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting; amended in its entirety 10-18-2000 Annual Town Meeting, Art. 14. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Appointment — See Charter, Section 9-5(c).

Rules and regulations of Department — See Division 5.

§ 54-1. Establishment; statutory authority.

Pursuant to the Ashland Home Rule Charter and all other power and authority enabling, there is hereby established the Ashland Department of Public Works.

§ 54-2. Divisions.

The Ashland Department of Public Works shall consist of the following divisions:

- A. Highway Division.
- B. Water and Sewer Division.
- C. Cemetery, Park and Tree Division.

Chapter 63**TOWN MEETINGS**

[HISTORY: Adopted by the Town of Ashland 11-29-2006 Annual Town Meeting, Art. 18.⁸ Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions — See Charter, Part II.

§ 63-1. Closing of Warrant for Annual Town Meeting. [Amended 11-20-2019STM, Art. 13]

The Select Board shall give legal notice of the date of closing the Warrant for the Annual Town Meeting and the last date for receiving Articles for insertion therein.

§ 63-2. Posting of Warrants.

Posting of Warrant - Attested copies of the warrant for the Annual Town Meeting shall be posted at least seven (7) days before the date of holding the same. Attested copies of any Special Town Meeting Warrant(s) shall be posted at least fourteen (14) days before the time of holding the same. Attested copies of the Warrant shall be posted at the Ashland Town Hall and in one public place in each Precinct of the Town of Ashland, MA. Notification of a Special Town Meeting shall be made by posting Attested copies of the Warrant in the Ashland Town Hall and in one public place in each Precinct of the Town of Ashland, MA.

§ 63-3. Quorum. [Amended 5-7-2014 ATM, Art. 27]

The presence of at least twenty-five (25) citizen voters at any Annual or Special Town Meeting shall be required for the transaction of any business or to take any action on Articles or reports calling for the appropriation or transfer of moneys.

§ 63-4. Moderator to preside.

The Moderator shall preside over the Town Meeting.

§ 63-5. Order of business.

All Articles in the Warrant shall be taken up in the order of their arrangement in the warrant unless otherwise decided by a majority vote.

§ 63-6. Committee reports.

When a report of a committee is placed in the hands of the Moderator, it shall be deemed to be properly before the Meeting for its action thereon, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations without a special vote to adopt it.

8. Editor's Note: This bylaw also repealed former Ch. 63, Town Meetings, adopted at the May 1993 Special Town Meeting, as amended.

§ 63-7. Annual Town Election.

The Annual Town Election of the Town of Ashland for the election of town officers and for determination of all other matters to be decided by ballot of the voters shall be held on the third Tuesday in May.

§ 63-8. Town Meetings. [Amended 11-19-2008 STM, Art. 16]

The Annual Town Meeting shall be held on the first Wednesday in May. Unless Town Meeting votes otherwise, the Annual Town Meeting shall continue on the following Monday evening and successive evenings thereafter until the warrant has been dissolved.

§ 63-9. Prohibition of meeting on Election or Town Meeting dates.

No Town Board, Committee, Commission, Department, or Officer shall hold a meeting on any date that a Town, State, or Federal Election is being held. No Town Board, Committee, Commission, Department, or Officer shall hold a meeting outside of Town Meeting while a Town Meeting is in session.

§ 63-10. Speaking time. [Added 5-3-2023ATM by Art. 10]

Any individual who wishes to address the Town Meeting shall, when recognized by the Moderator, complete their remarks in three minutes, or less, unless extended by leave of the Moderator and yield the floor.

Part II: General Legislation

Chapter 77**ALARM SYSTEMS**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Ashland 10-19-2005, Art. 8.⁹ Amendments noted where applicable.]

§ 77-1. Definitions.

AUTHORITY HAVING JURISDICTION (AHJ) — The Fire Chief and/or his designee

CENTRAL STATION OPERATING COMPANY — A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Ashland Fire Department (AFD) the location of any such alarm the central station operating company receives.

CENTRAL STATION — A device capable of sending a signal by way of phone or radio to the Central Station operating Company

COMMERCIAL BUILDING — Any building other than a low-rise residential as defined in 780 CMR

FIRE ALARM SYSTEM — Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal.

FIRE ALARM SYSTEM MALFUNCTION — The transmittal of a fire alarm to a central station operating company which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is not an actual fire or situation that reasonably could evolve into a fire.

FIRE ALARM SYSTEM OWNER — An individual or entity who owns the title to, and/or has on his business premises or Commercial Building, or uses a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the AFD by way of a wire master box or radio transmitted master box.

FIRE CHIEF — The Chief of the Ashland Fire Department

LOW RISE RESIDENTIAL OR RESIDENTIAL BUILDING — Residential occupancy buildings (R-2, R-3, R-4 or R-5 as defined in 780 CMR) three stories or less in height

MASTER BOX OWNER — An individual or entity who has on his business premises, or who uses, a fire alarm system equipped to send a fire alarm signal directly to the AFD (radio or hard wire) by way of a master box.

§ 77-2. Connection by way of master box.

As of July 1, 2006 all Master Boxes shall be removed from the Town of Ashland and shall be replaced with Central Station.

§ 77-3. Connection by way of central station.

As of July 1, 2006 and there after all commercial buildings in the Town of Ashland shall have a fire alarm system approved by the Ashland Fire Department and shall be connected by way of central station.

9. Editor's Note: This article also repealed former Ch. 77, Alarm Systems, which consisted of the following: Art. I, Fire Alarms, adopted May 1993 STM, as amended; Art. II, Burglar Alarms, adopted May 1993 STM; and Art. III, Violations and Penalties, adopted 10-18-2000 ATM, Art. 20.

§ 77-4. Building Owners responsibilities.

As of July 1, 2006 all commercial buildings in The Town of Ashland that have a Fire Alarm Systems shall comply with 527 CMR 1.06-2 and 24.08. That Fire Alarm System owner's shows proof of data that their Fire Alarm System has been tested annually to 100% in accordance with 527 CMR 24.00 M.G.L 148 and NFPA-72.

§ 77-5. Testing.

As of July 1, 2006 any person or company hired to install, work on, make repairs to or test a Fire Alarm System, Sprinkler system and/or Central station system on a commercial buildings shall first secure an approval permit by Authority Having Jurisdiction (AHJ) in accordance with M.G.L 148, M.G.L 268 s32, 527 CMR 1.00, 24.00 and NFPA-72.

§ 77-6. Failure to test annually.

Failure to test Fire Alarm, Sprinkler and/or Fire protection systems on commercial buildings annually or in accordance with NFPA standards shall result in a fine of \$50.00 per day after the annual expiration date.

§ 77-7. Occupancy, resale or upgrade of property.

As of July 1, 2006 for all commercial buildings, as condition of occupancy, resale of, in the Town of Ashland; a Fire Alarm System shall be installed with Central Station connection and annual testing as stated in ss 77-4 and 77-5

§ 77-8. Central Station Company and Equipment Requirements.

Central Station Company shall be certified and listed with Underwriters Laboratories (U.L.) and/or with Factory Mutual (FM). All equipment and operations of said central station company shall be in accordance with NFPA-72, 527 CMR 24.00, and M.G.L 148 and at the discretion of the Authority Having Jurisdiction (AHJ).

§ 77-9. Information to be provided.

Before any central station operating company is connected to a commercial building located in the Town of Ashland the Ashland Fire Department shall be furnished with the following information.

1. The name, address, telephone numbers of the central station company.
2. The name, address, telephone numbers of a Fire Alarm Company providing 24hr emergency service and able to respond within two (2) hours to repair or service said equipment and/or central station equipment.
3. A signed maintenance contract with proof of a 100% Fire Alarm System test in accordance with 527 CMR 24.00 and NFPA-72

§ 77-10. Updating of information required.

All Fire Alarm system owners of commercial buildings shall be responsible for updating the information herein required to be provided to the Authority Having Jurisdiction (AHJ). If a fire alarm owner fails to comply with this section, the Authority Having Jurisdiction (AHJ) shall assess a fine of fifty dollars (\$50.).

§ 77-11. False Alarms.

If there is a fire alarm system malfunction, as defined herein, the Authority Having Jurisdiction (AHJ) may assess a fine against the fire alarm system owner commercial or residential for each malfunction per calendar year according to the following schedule:

First and second malfunction: no charge. Upon receiving of the second false alarm by the Fire Department, the Authority Having Jurisdiction (AHJ) shall inform the owner of the building, in writing and by certified mail, of the Department's policy with regard to charging for false alarms.

Third and each successive malfunction: three hundred dollars (\$300).

Any false fire alarm which is the result of the failure of the property owner, occupant or his agents to notify the Ashland Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with this section.

For the purpose of this regulation, a "false fire alarm" shall be defined as follows:

1. The operation of a faulty smoke- or heat-detection device.
2. A faulty control panel or associated equipment
3. A water pressure surge in automatic sprinkler equipment
4. Accidental operation of an automatic sprinkler system
5. An action of an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant causing accidental activation of the internal fire alarm system.

Property owners shall be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to The Town of Ashland Fire Department.

If the bill is not paid within thirty (30) days, a second notice will be sent. If the bill is not paid after another period of thirty (30) days, a final notice will be sent informing the owner and/or occupant that a order of notice shall be delivered to cease and desist all operations.

§ 77-12. Appeals.

Any fire alarm system owner who is aggrieved by an action taken by the Authority Having Jurisdiction

(AHJ) under this Article may, within ten (10) days of such action, file an appeal, in writing, with the Town Manager of the Town of Ashland (the "Manager"). After notice, the Manager, or his/her designee, shall hold a hearing and shall issue a decision in which he affirms, annuls or modifies the action taken by the Authority Having Jurisdiction (AHJ), giving reasons therefore.

The Manager shall send the decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Manager, or his/her designee, shall be the final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Middlesex County Superior Court

§ 77-13. Regulations and enforcement.

The Authority Having Jurisdiction (AHJ) may promulgate such regulations as may be necessary to implement this Article. The Authority Having Jurisdiction (AHJ) is authorized to pursue such legal action as may be necessary to enforce this Article.

§ 77-14. Disposition of fines and permit fees.

All fines and permit fees assessed herein shall be payable to The Town of Ashland Fire Department.

§ 77-15. Severability.

The provisions of this Article shall be deemed to be severable, and if any of these provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

§ 77-16. Tape dialers and similar automatic telephone devices.

No fire alarm system shall be equipped with tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone line of the Ashland Fire Department. If, at the passage of this Article, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from the passage of this Article to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Authority Having Jurisdiction (AHJ) may assess a fine of fifty dollars (\$50.).

§ 77-17. False alarms. [Added 5-2-2007 ATM, Art. 20]

If a burglar alarm in any commercial, industrial or residential structure is falsely activated more than three (3) times in a calendar year, the owner, lessee or individual in charge of that structure shall be liable for a fine of \$50.00 for the fourth false alarm, and \$100.00 for the fifth and subsequent false alarms.

Failure to pay the fee within 30 days will result in court action for violation of a town bylaw until the fee is paid.

§ 77-18. Time for audible alarms. [Added 5-2-2007 ATM, Art. 20]

All alarm systems that emit an audible signal on the exterior of a building shall be equipped with a device for limiting the length of the audible signal to 15 minutes. Any user of an alarm system that either does not have such a device or has a malfunction that allows the audible signal to continue for more than 15 minutes shall, after the police department has recorded three separate violations, be assessed for the fourth and subsequent violations a fee of \$50. Failure to pay such fee within 30 days will result in court action for

violation of a Town bylaw until the fee is paid.

§ 77-19. Exemptions. [Added 5-2-2007 ATM, Art. 20]

All federal, state and municipal buildings and property shall be exempt from the provisions of this bylaw.

ASHLAND CODE

Chapter 80

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Loitering — See Ch. 181.

Streets and sidewalks — See Ch. 249.

§ 80-1. Public consumption. [Amended 11-20-2019STM, Art. 13]

No person shall keep, use, consume or have in his possession any alcoholic beverage, as defined in M.G.L.A. C. 138, § 1, in any building or room owned or occupied by the town; nor shall any person consume any such alcoholic beverage while in or upon any public way without permission of the Select Board or without permission of the owner or person in control thereof upon any way, place or building to which members of the public have access as invitees or licensees, any park or playground or any private land, building or place.

§ 80-2. Violations and penalties.

Any person violating the provisions of this chapter may be arrested without a warrant.

MARIJUANA

Chapter 81

MARIJUANA

**[HISTORY: Adopted by the Town of Ashland Annual Town Meeting 5-2-2018, Art. 15.
Amendments noted where applicable.]**

GENERAL REFERENCES

Public consumption — See Ch. 187

§ 81-1. Marijuana establishments prohibited.

- A. Consistent with G.L. c. 94G, § 3(a)(2), "marijuana establishments" as defined in M.G.L.A. C. 94G, § 1, shall be prohibited within the Town of Ashland.
- B. This section 81-1 shall be effective upon passage by the voters at a Town Election.

§ 81-2. Exception.

This prohibition shall not apply to a Medical Marijuana Dispensary as defined in Chapter 282 of the Town of Ashland General Bylaws.

§ 81-3. Enforcement. [Amended 11-20-2019STM, Art. 13]

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be \$300 for each offense.

ASHLAND CODE

Chapter 84

AMUSEMENT DEVICES

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting; amended in its entirety 11-20-2019STM, Art. 13. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. A352.

§ 84-1. Approval for operation required.

Any owner of a commercial establishment seeking to use or derive benefit from or allow others to derive benefit from the operation of automatic amusement devices shall be required to make application in proper form, pay the appropriate fee therefor and obtain approval from the Select Board. The fee or fees applicable to such permit or approval shall be approved by the Select Board and shall be included in the fee schedule.¹⁰

§ 84-2. Issuance of permit.

The Select Board shall hold a public hearing on each such application and, subject to any applicable state law, may issue such a permit where it is found that the operation or use of such devices will not be detrimental to the public.

10. Editor's Note: See Ch. A352, Fees.

Chapter 87

ANIMAL CONTROL

[HISTORY: Adopted by the Town of Ashland 10-15-1997 Annual Town Meeting, Art. 6, which article also provided for the repeal of former Ch. 87, Animals, Art. I, Dogs, adopted May 1993 STM. Amendments noted where applicable.]

§ 87-1. Statement of Purpose.

This bylaw is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of Ashland.

§ 87-2. Reference to Massachusetts General Laws. [Amended 5-1-2013 ATM, Art. ATM, Art. 22]

Any reference to a "section" in this bylaw shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated. The provisions of MGL Chapter 140, sections 136A through 174E inclusive as may be amended from time to time and except as modified herein, are incorporated into this bylaw relating to the regulation of dogs.

§ 87-3. Definitions.

Unless otherwise set out in this bylaw, any term defined in section 136A shall have the same meaning in this bylaw, and shall be expressly incorporated herein.

ANIMAL CONTROL OFFICER — the person or firm appointed to enforce the provisions of this bylaw.

BOARD — The Town of Ashland Select Board.[Added 5-1-2013 ATM, Art. 22; amended 11-20-2019STM, Art. 13]

KENNEL: — A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.[Amended 5-1-2013 ATM, Art. 22]

COMMERCIAL BOARDING OR TRAINING KENNEL: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the Owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under G.L. c. 129, § 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL: A facility operated, owned or maintained by a domestic charitable corporation registered with the Department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose providing veterinary treatment and care.

PERSONAL KENNEL: A pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering or the distribution of such breed dogs from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the Department may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.

VETERINARY KENNEL: A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care.

LICENSE PERIOD — The initial license period for a license issued under this Chapter 87 shall be from the date of issuance until the December 31 next occurring, whereupon renewals for any license shall be for a full license period from January 1 to December 31 of each year. **[Amended 5-1-2013 ATM, Art. 22]**

LICENSING AUTHORITY — The Town Clerk shall be the Licensing Authority with respect to this bylaw. **[Added 5-1-2013 ATM, Art. 22]**

OWNER: — Any person or persons, individual, partnership, company, firm, association or corporation owning, keeping or harboring a dog within the Town.

§ 87-4. Effective Implementation Of This Bylaw. [Amended 5-1-2013 ATM, Art. 22]

This bylaw shall go into effect on December 31, 1997, or earlier if so adopted by the State Attorney General or passed by the Legislature. Until said date, all current statutes and bylaws shall remain in effect.

§ 87-5. Animal Control Officer. [Amended 5-1-2013 ATM, Art. 22; 11-20-2019STM, Art. 13]

The Select Board shall annually appoint an animal control officer under the provisions of G.L. c. 140, §§ 151 and 151A to carry out the provisions of this bylaw, and perform such other duties and responsibilities as may, from time to time, be determined.

The Animal Control Officer shall seek out, catch and confine all dogs within the city or town which

then have not been licensed, collared or harnessed, and tagged, as required by this bylaw, and to enter and prosecute a complaint for failure to comply with the provisions of this bylaw against the owners or keepers thereof, if known, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-called, a euthanasia solution not under the control of the federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine chloride, any drugs that have curariform-like action, electrocution or any other method which causes an unnecessarily cruel death each such dog which after being detained by or for him for a period of ten days shall not then have been licensed, collared or harnessed, and tagged; provided, that at the end of ten days such Animal Control Officer may make available for adoption any dog not found to be diseased, for a sum not less than three dollars and shall keep an account of all moneys received by him for such adoption and shall forthwith pay over such sums to the town treasurer in the same manner as dog license money as provided in G.L. c. 140, § 147.

It shall be the duty of the Animal Control Officer to make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in his custody:

The date and location of each apprehension; a description of each animal; place of confinement; if tagged, the name and address of owners of such animal; name and address of new owner including the date of sale or transfer of such animal; and, if animal is destroyed, the dog officer shall record the method and date of destruction and the name of the person who executed such animal. The Animal Control Officer shall forward a copy of said record to the Town Clerk as soon as possible. The Town Clerk shall retain a copy of such record for a period of two years.

§ 87-6. Dog Fund.

A special dog fund account is hereby created by the Town of Ashland. Said fund shall be used as a depository for all monies collected as fees, fines, charges, penalties and other like monies imposed under this bylaw. Funds may be appropriated from this fund to make purchases necessary to administer this bylaw and to pay any expenses relating to this bylaw or for any other costs that Chapter 140 MGL requires to be paid. Receipts allocated to this fund shall be deposited in a special account by the Treasurer/Collector.

§ 87-7. Vaccination Requirement. [Amended 5-1-2013 ATM, Art. 22]

- (A) Whoever is the owner of a dog, cat or ferret six (6) months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the vaccine's manufacturer. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog, cat or ferret to a collar or harness made of suitable material to be worn by the dog, cat or ferret; provided, however, that the owner of a cat or ferret may choose not to affix a tag to his cat, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag.
- (B) Unvaccinated dogs, cats and ferrets acquired or brought into the Town shall be vaccinated within thirty (30) days after acquisition or entry into the Town or upon reaching the age of six (6) months, whichever comes later.
- (C) The Licensing Authority may grant an exemption from this section for a dog, cat or ferret that:
 - i. the Board of Health has declared exempt from the rabies vaccination requirement upon presentation of a veterinarian's certificate stating that because of an infirmity, or other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specific period

of time for such reasons;

- ii. is in transit;
- iii. was brought into the Town temporarily for the sole purpose of display in a show or for exhibition.

(D) Failure to comply with this Section 87-7 shall result in a fine of not less than \$100.00 for the first offense and not less than \$200.00 for each offense thereafter in any twelve (12) month period.

§ 87-8. Licensing Requirements. [Amended 5-1-2013 ATM, Art. 22]

- (A) Every dog (6) months old or older kept in the Town of Ashland shall be duly registered, numbered, described and licensed.
- (B) Every person who becomes owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, shall obtain such license from the Licensing Authority. The Owner or Keeper shall submit an application on the form prescribed along with proof of vaccination or notarized letter from a licensed veterinarian stating that the dog has been vaccinated, or Board of Health Declaration that the dog is exempt from the vaccination requirement to the Licensing.
- (C) The registering, numbering, describing and licensing of a dog shall be done by the Licensing Authority, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.
- (D) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form proscribed and distributed by the Licensing Authority when a license is issued. Such tag shall state "Town of Ashland," the year of issue and tag number. The Licensing Authority shall maintain a record of the identifying numbers.
- (E) If any such tag is lost the owner shall secure a substitute tag issued by the Licensing Authority.
- (F) The Licensing Authority shall not grant any license until and unless a current rabies vaccination certificate or Board of Health Declaration that the dog is exempt from the vaccination requirement for the animal has been presented.
- (G) A transfer license from another location in Massachusetts shall be granted upon application provided that adequate proof is presented to the Licensing Authority at the time of application. Such application shall occur within thirty (30) days of establishing residency within Ashland.
- (H) The license fee for spay or neutered dogs shall be \$15.00 and shall be \$20.00 for intact dogs. There shall be no license fee for persons over the age of seventy (70) years. [Added 11-19-2013 STM, Art. 9]

§ 87-9. Kennel Registration and Fees. [Amended 5-1-2013 ATM, Art. 22]

- (A) Any person maintaining a Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Personal Kennel, or Veterinary Kennel, upon application shall be issued a kennel license. Prior to the issuance of a kennel license, the Animal Control Officer may inspect the proposed facilities to insure they comply with any rules and regulations as they may

relate to Kennels.

- (B) An owner or keeper of less than four (4) dogs, three (3) months old or older, who does not maintain a Kennel may elect to secure a Kennel license in lieu of licensing each dog individually, provided however that such owner or keeper shall be subject to all provisions of this bylaw relating to the maintenance, operation and licensing of Kennels as if he or she were maintaining a Kennel.
- (C) The Animal Control Officer may at any time inspect any Kennel located in the Town of Ashland.
- (D) Petitions or complaints against any such Kennel shall be filed with the Select Board. The Board, as well as the Town Manager, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Manager who, within seven days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Select Board within fourteen (14) days after the date of such notice. After such public hearing the Board may make an order either revoking or suspending such kennel license or otherwise regulating such Kennel, or dismissing said petition. Within ten days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in G.L. c. 140, § 137C. Any person maintaining a Kennel after the license has been revoked, or while such license is suspended shall be punished as set forth in the penalty provision of this bylaw. **[Amended 11-20-2019STM, Art. 13]**
- (E) A kennel license shall be in lieu of any other license for a dog kept at a Kennel during any portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog kept in its Kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. Such tags shall be provided to the kennel licensee by the Licensing Authority and shall state "Town of Ashland," the year of issue and kennel license number.
- (F) Failure to comply with this Section 87-9 shall result in a fine of not less than \$50.00 for the first offense and not less than \$100.00 for each offense thereafter in any twelve (12) month period.
- (G) Kennel owners/operators shall be subject to § 87-10 (Failure to License) of this bylaw.

§ 87-10. Failure to License. [Amended 10-17-2001 ATM, Art. 24; 5-2-2012 ATM, Art. 14; 5-1-2013 ATM, Art. 22]

The owner who fails to license a dog on or before April 15th of each year shall be fined in accordance with § 87-21 of this bylaw. Payment of the fine under this section is made to the Licensing Authority at the time of licensing, unless, after hearing before the Licensing Authority, such fine is waived.

Any owner of a dog who fails to license the dog for a previous year, shall pay a fine to the Licensing Authority at the time of licensing for the new year. Said fine shall be stated in § 87-21 of this bylaw.

No refunds shall be granted for owners obtaining duplicate licenses within any licensing period, nor in the event that the dog becomes deceased or moves from the owner of record of from Ashland.

§ 87-11. Liability for Dogs. [Amended 11-20-2019STM, Art. 13]

The owner of a dog which has done damage to livestock or fowls shall be liable in tort to the Town for all damages so done and in which the Town has been requested to pay as provided by MGL Chapter 140 or by this bylaw. Such action may be brought by the Select Board, Town Manager or any officer of the town designated by the Board or Town Manager to do so.

§ 87-12. Non-Criminal Disposition of Violation (Ch. 140, section 173A). [Amended 5-1-2013 ATM, Art. 22]

Violations of any provision of this bylaw, or of any duly adopted and filed rules and regulations applicable to the control of animals, may be processed pursuant to G.L. c. 40, § 21D of the general laws of the commonwealth. Fines for violations shall be assessed according to the schedule listed in section 87-21 hereunder.

If the owner of a dog fails to respond to a citation within twenty-one days, the Animal Control Officer shall forward a copy of the citation to the District Court where it shall be handled under the provisions of G.L. c. 40, § 21 D.

Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Animal Control Officer, members of the Board of Health when so designated by the Board, any person having police powers, or other person so designated by the Town Manager shall have enforcement powers under this paragraph.

Each day or part thereof of violation of any provision of this bylaw or such rules and regulations, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.

§ 87-13. (Reserved)¹¹**§ 87-14. Dog Waste Disposal.**

Each person who owns, possesses or controls a dog walking in any area within the Town other than his/her own private property is responsible for the removal and disposal of any feces left by the dog on any location within town.

§ 87-15. Disturbing the Peace.

No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the public peace.

§ 87-16. Complaint of Nuisance. [Amended 5-1-2013 ATM, Art. 22]

If any person shall make a complaint in writing to the Board that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board shall investigate or cause an investigation by the Animal Control Officer of such complaint, which may include an examination under oath of the complainant. If such investigation is carried out by the Animal Control Officer, such Officer shall submit a written report to the Board (copy to the Town Manager) of his/her findings and recommendations, together with the written complaint. Upon completion of its investigation or receipt of such report, examination of the complainant under oath if necessary and public hearing, the Board shall make a determination of whether such dog is nuisance or a dangerous dog. If the Board determines that such dog is a nuisance, it may order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior. If the Board determined that such dog is a dangerous dog, it shall order one of more of the following:

- (i) that the dog shall be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to any inanimate object including, but not limited to, a tree, post or building;

11. Editor's Note: Former § 87-13, Criminal disposition, as amended, was repealed 5-1-2013 ATM, Art. 22.

- (ii) that the dog shall be confined to the premises of the keeper of such dog; provided, however that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground not less than two (2) feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect such dog;
- (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length;
- (iv) that the owner or keeper of the dog shall provide proof of a policy of insurance in an amount not less than \$100,000 insuring such owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of such dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued. If such a policy has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court or proof of efforts to obtain same if such a policy has not been issued.
- (v) that the owner or keeper of the dog shall provide to the licensing authority or animal control officer, or such other entity identified in the order, information by which such dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of such methods of identification;
- (vi) that unless an owner or keeper of the a dog provides evidence that a veterinarian is of the opinion the such dog is unfit for alterations because of medical condition, the owner or keeper of the dog shall cause the dog to be altered such that the dog shall not be reproductively intact; or
- (vii) that the dog shall be humanely euthanized.

The owner of keeper of any dog subject to an order of the Board shall have the right to appeal such order in accordance with G.L. c. 140, § 157.

Failure to comply with an order issued under this Section 87-16 shall result in a fine of not more than \$300.00 for each offense. Each day of said violation shall constitute a separate offense.

§ 87-17. Running at large.

No person who owns or keeps a dog shall allow the animal to run free when not restricted to the premises of said owner or keeper. When off said premises, such dog(s) shall be leashed and curbed. Excepted and excluded from the provisions of this section shall be such dog(s) when the same are under the supervision and control of their trainer, owners or keepers and engaged in a sporting event or hunting and not otherwise prohibited by law.

§ 87-18. Restraining. [Amended 5-1-2013 ATM, Art. 22]

The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, for any dog for any of the following reasons:

- (A) if found at-large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;

- (B) for having bitten any person;
- (C) if found at-large in a school, school yard, or public recreational area;
- (D) for having killed or maimed or otherwise damaged any other domesticated animal, including livestock and fowl;
- (E) for chasing any vehicle upon a public way or ways open to public travel in the Town; or
- (F) for any violation of sections 87-15, 87-16 or 87-17 supra.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board (copy to Town Manager) a report of his/her action and the reason therefore. Upon receipt of such report the Board may take action in accordance with Section 87-16. If the Board fails to act upon report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

§ 87-19. Appeal. [Amended 11-20-2019STM, Art. 13]

The owner or keeper of any dog that has been ordered to be restrained, muzzled or disposed of under this bylaw may, within ten (10) days after such an order is issued, bring petition in the District Court requesting that such order be reviewed by the Court and the Court shall review such action, hear witnesses and reaffirm or reverse the order of the Select Board. The decision of the Court shall be final and conclusive on both parties.

§ 87-20. Severability Clause.

If any part, section or provision of the bylaw is found to be invalid, the remaining parts, sections, or provisions of this bylaw shall not be affected thereby.

In the event that a conflict arises between MGL and this bylaw, the terms shall be interpreted liberally in favor of this bylaw.

§ 87-21. Fees (license/kennel), Penalties and/or Fines. [Amended 5-13-1998 ATM, Art. 38; 5-1-2013 ATM, Art. 22]

- (A) The Licensing Authority shall determine fees for dog and kennel licenses pursuant to G.L. c. 40, § 22F, provided:
 - i. the license fee for unneutered males/unspayed females shall be more than the license fee for neutered males/spayed females;
 - ii. no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulation promulgated thereunder; and
 - iii. no fee shall be charged for a kennel license issued to a Domestic Charitable Corporation Kennel.
- (B) Non-criminal Disposition Fines for violations of any provision of this bylaw, except where otherwise indicated shall be:

ASHLAND CODE

First offense in any twelve (12) month period \$25.00

Second and each subsequent offense in any twelve (12) month period \$50.00

Each day of all said violations shall constitute a separate offense.

Failure to obtain license (\$ 87-10) \$50.00 per license year

(C) Exemption(s)

Residents over seventy (70) years of age shall be exempt from the fees set forth in section (A) above.

Chapter 94**BOATS: REGULATION OF MOTOR BOATS, ETC.**

**[HISTORY: Adopted by the Town of Ashland 5-14-1997 Annual Town Meeting, Art. 33.
Amendments noted where applicable.]**

GENERAL REFERENCES

Abandoned, junked and unregistered vehicles — See Ch. 265.

Parks and recreation areas — See Ch. 322.

Vehicles and traffic — See Ch. 293.

Water — See Ch. 334.

§ 94-1. Purpose.

The purpose of this bylaw is to protect the welfare and safety of those persons using Waushakum Pond.

§ 94-2. Motor Boats.

- (A) All motor boats must (except when prevented by a narrow channel or other boats or passing under bridges or rounding sharp bends) keep one hundred and fifty (150) feet distance from anchored or moored boats, piers, rafts, floats, a line of floats outlining swimming areas, skin divers' flags, or the shore line. In all such cases, the speed of such motor boats shall be reduced to headway speed, so as to provide full visibility and control, and prevent the boat's wash from being thrown into, or causing excessive rocking to other boats, barges, aquaplanes, and other devices being towed by power. The operator of the towing boat shall be responsible for compliance therewith.
- (B) The use of powered craft generally described as a "JET SKI," "SURF JET," "WET BIKE," or otherwise described as a "PERSONAL WATERCRAFT" is prohibited except when used by law enforcement personnel in the course of their duties.

§ 94-3. Definitions.

PERSONAL WATERCRAFT — means a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing, or kneeling on the vessel. The term includes, but is not limited to a jet ski, wet bike, or surf jet, so called.

§ 94-4. Penalty.

- (A) Criminal disposition. Any violation of this chapter shall be punished by a fine of not more than one hundred dollars (\$100.00) for each offense.
- (B) Non-criminal disposition. Violations of any part of this chapter may be processed pursuant to Chapter 40, section 21D of the general laws of the commonwealth. Fines for violations shall be assessed as follows:

First offense: fifty dollars
(\$50.00)

Second and subsequent
offenses: one hundred dollars
(\$100.00).

Any person having police powers shall have authority to issue
notices of violations under this paragraph.

BUILDING CONSTRUCTION

Chapter 98

BUILDING CONSTRUCTION

GENERAL REFERENCES

Electrical standards — See Ch. 132.

Gas — See Ch. 157.

Plumbing — See Ch. 218.

Zoning — See Ch. 282.

Septic systems and wells — See Ch. 300.

Water supplies — See Ch. 312.

Sewers — See Ch. 326.

Street excavations — See Ch. 330.

Subdivision of land — See Ch. 344.

BUILDING CONSTRUCTION

§ 94-4

ARTICLE I

Building Code

[Building construction in the Town of Ashland is regulated by the Massachusetts State Building Code. See 780 CMR and M.G.L.A. C. 143.]

ARTICLE II

Life Safety

[Adopted 10-18-2000 ATM, Art. 18]

§ 98-1. Life Safety. [Amended 10-19-2005 ATM, Art. 10]

Every commercial building shall have clearly posted on the entrance thereto closest to the Master Fire Alarm Box or the fire alarm annunciator panel a sign indicating that the construction of said building is of the "truss construction" type. Such sign shall be in a color contrasting with the building's color and shall be in a form and location as prescribed by the Fire Chief. All commercial building owners who lease/sub-let in part or whole any portion of said building to another for the purpose of conducting a business, shall notify the Building Department and Fire Department when a new tenant occupies said space or when significant change(s) in the type of business being conducted by a current tenant takes place.

Said purpose of the notification is to allow the Building Department and Fire Department to review and inspect for life safety hazards.

§ 98-2. Penalty.

- A. Criminal Disposition. Any violation of this chapter shall be punished by a fine of not more than three hundred dollars (\$300.00) for each offense.
- B. Non-Criminal Disposition. Violations of any part of this chapter may be processed pursuant to Chapter 40 § 21 D of the general laws of the commonwealth. Fines for violations shall be assessed as follows:

First offense: \$50.00

Failure to post the required notice within thirty (30) days of receiving a violation notice: \$300.00

Each day's failure to comply with this bylaw shall constitute a separate offense.

The building inspector, fire chief (or his designee) and any person having police powers shall have authority to issue notices of violations under this bylaw.

ARTICLE III
Stretch Energy Code
[Adopted 5-2-2012 ATM, Art. 18]

§ 98-3. Definitions

- A. International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.
- B. Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ 98-4. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ 98-5. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ 98-6. Authority

The Town of Ashland, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 115 AA.

§ 98-7. Stretch Energy Code and Specialized Energy Code [Amended 5-1-2024ATM, Art. 13]

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Ashland General Bylaws, Chapter 98.

§ 98-8. Specialized Energy Code [Added 5-1-2024ATM, Art. 13¹²]

The Specialized Energy Code shall be adopted for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of January 1, 2025.

§ 98-9. Enforcement

The Stretch Code is enforceable by the building inspector official.

12. Editor's Note: This article also provided for the redesignation of former § 98-8 as § 98-9.

ARTICLE IV

Net Zero Greenhouse Gas Emissions by the Town of Ashland, Inclusive of the Ashland Public Schools**[Adopted 5-3-2023ATM by Art. 14]****§ 98-10. Findings and Purpose.**

Greenhouse gas emissions exceeding the capacity of the environment to absorb them leads to accelerated climate change. Accelerated climate change will lead to challenges that will be difficult for many humans to survive. Alternatives to emitting greenhouse gases must be implemented to mitigate this accelerated climate change.

§ 98-11. Definitions.

100% RENEWABLE ELECTRICITY — Electricity generated from renewable resources as defined in the statutes, regulations and guidelines administered by Massachusetts Department of Energy Resources Renewable Energy Division.

GREENHOUSE GAS EMISSIONS — Generation or leakage of gases that trap heat in the Earth's atmosphere including carbon dioxide, methane, nitrous oxide and fluorinated gases. Though water vapor is a greenhouse gas, it is not generally driven directly by human behavior and is not included in this definition of greenhouse gas emissions.

§ 98-12. Vehicles and Equipment.

The Town of Ashland will consider buying or leasing vehicles and equipment that have zero greenhouse gas emissions by comparing total lifecycle costs where a zero greenhouse gas emission option is available. Though this section does not require the purchase of zero greenhouse gas emission vehicles and equipment at this time, the transition to zero greenhouse gas emission vehicles and equipment must begin in order to meet the commitment to Net Zero in 2040.

§ 98-13. Buildings.

The Town of Ashland shall only implement zero greenhouse gas emission technologies in new buildings and improvements or retrofits of existing buildings. Examples of building functions using greenhouse gas emitting technologies include space and water heating, cooking, and backup power. Heat pumps and battery storage are examples of zero greenhouse gas emission technologies that can be used in these building functions. Natural gas plumbing must not be added to new buildings or as part of a retrofit to a building.

§ 98-14. Electricity Supply.

The Town of Ashland shall only purchase electricity that is from 100% renewable sources. Contracts to purchase electricity that does not meet the 100% renewable requirement, existing at the time of adoption, will continue, but will not be extended.

§ 98-15. Exemptions.

Buildings may have equipment repaired and replaced that is functionally equivalent to existing equipment. Improvements and retrofits to existing building equipment are not exempt from the requirement to implement zero greenhouse gas emission technologies. Buildings may use greenhouse gas emitting

technologies for safety purposes if specifically approved by the appropriate building authority.

§ 98-16. Effective Date.

This bylaw shall take effect in the fiscal year after the year when the bylaw is approved by the Town of Ashland or July 1, 2024, whichever is later.

ASHLAND CODE

Chapter 102

BUILDINGS, NUMBERING OF

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 344.

§ 102-1. Affixing of assigned numbers required.

All persons shall affix to buildings owned by them and located on or near the line of public or private ways the street numbers designated for such buildings by the Zoning Inspector, and no person shall affix or allow to remain on any building owned by him a street number other than the one designated by the Zoning Inspector.

§ 102-2. Numbers to be visible from roadway.

All numbers shall be affixed so that they will be plainly visible from the roadway, and any building which is not plainly visible from a roadway shall have at the entrance of its driveway, visible from said roadway, the designated number.

§ 102-3. Requirements for the assignment of numbers; exceptions.

The assignment of designated numbers shall be made consecutively in ascending order, beginning at the principal street from which the street to be numbered runs. The odd numbers shall be on the righthand side of said street in the direction of the ascending numbers. The Zoning Inspector may waive the requirements of this section for any roadway which is already numbered where renumbering in accordance with this section would cause substantial hardship.

BUSINESSES

Chapter 106

BUSINESSES

[HISTORY: Adopted by the Town of Ashland: Art. I, May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Retail establishments — See Ch. 227.

ARTICLE I
Registration Required
[Adopted May 1993 STM]

§ 106-1. Commercial and industrial businesses to register with Police and Fire Departments.

All commercial and industrial businesses in the town shall register with the Fire Department and Police Department on an annual basis.

§ 106-2. Business certificates. [Added 5-12-1999 ATM, Art. 20]

- A. Any person conducting a business in the Town of Ashland under any title other than the real name of the person conducting the business, whether individually or as a partnership, shall file in the office of the town clerk a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title under which, it is conducted.
- B. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each such person in the presence of the town clerk or a person designated by the town clerk or in the presence of a person authorized to take oaths.
- C. The town clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon such request, produce evidence thereof satisfactory to such clerk, the clerk shall enter a notation of that fact on the face of the certificate.
- D. A person who has filed such a certificate shall, upon his discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or the location where the business is conducted, file in the office of the town clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership or of such change of his residence or of the location of such business. In the case of the death of such a person, such statement may be filed by the executor or administrator of his estate.
- E. A certificate issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. **[Amended 10-19-2005 ATM, Art. 11]**
- F. Copies of such certificates shall be available at the address at which such business is being conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.
- G. Fees for filings under this section shall be those established pursuant to § 141-1 of this Code.
- H. Certificates issued pursuant to this section shall be in lieu of those required under § 5 of MGL chapter 110.

§ 106-3. Criminal Disposition for Violation. [Added 5-12-1999 ATM, Art. 20]

Violations of § 106-2 shall be punished pursuant to § 5 of said Chapter 110 by a fine of not more than three hundred dollars for each month during which such violation continues.

§ 106-4. Non-criminal Disposition for Violation. [Added 5-12-1999 ATM, Art. 20]

Violations of § 106-1 and § 106-2 may be processed pursuant to § 21D of Chapter 40 of the general laws

of the commonwealth. Fines for violations shall be assessed according to the schedule listed in § 106-5 hereunder.

Enforcement of this bylaw shall be carried out by the Town Clerk or other person so designated by the Town Manager.

§ 106-5. Penalties and/or fines. [Added 5-12-1999 ATM, Art. 20]

Non-criminal disposition.

- A. Prior to assessing a penalty, the enforcing person shall cause a notice to be sent via certified mail to the violator informing him of such violation and giving the violator fourteen (14) calendar days in which to comply with this bylaw.
- B. Thereafter, a fine of \$25.00 shall be assessed for each month during which such violation continues.

Chapter 125**DEMOLITION DELAY BYLAW FOR HISTORICALLY OR ARCHITECTURALLY
SIGNIFICANT BUILDINGS**

[HISTORY: Adopted by the Town of Ashland 10-17-2001 ATM by Art. 21. Amendments noted where applicable.]

§ 125-1. Intent and Purpose. [Amended 11-16-2022STM by Art. 3]

The intent of the by-law is not necessarily to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions, and to allow time to explore economic opportunities which may allow for preservation for properties threatened with demolition. The by-law is intended to encourage owners to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town- To achieve these purposes, the Ashland Historical Commission is authorized to advise the Inspector of Buildings with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits of significant buildings is regulated as provided by this bylaw.

§ 125-2. Procedure. [Amended 5-2-2012 ATM, Art. 17; 11-16-2022STM by Art. 3]

1. No permit for the demolition of a building which, in whole or in part that is 70 or more years old shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws and bylaws applicable to the demolition of buildings and the issuance of permits generally.
2. Application Contents - Every application for a demolition permit for a building that is 70 or more years old shall be filed with the Inspector of Buildings and shall contain the following information:
 - a. The address of the building to be demolished;
 - b. The owner's name, address and telephone number;
 - c. A brief description of the type of building and the condition requiring the issuance of the permit;
 - d. The date of the building as established by the Board of Assessors, deed or documentation verifying the year of construction; and,
 - e. A brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.
3. Within seven Business Days from receipt of an application for a demolition permit for a building that is 70 or more years old the Inspector of Buildings shall forward a copy to the Commission. No demolition permit shall be issued during this time.
4. Within 25 Business Days after receipt of the application for a demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall notify the Inspector of Buildings in writing. Upon receipt of such notification, or after the expiration of 25 Business Days from the date of submission to the Commission without such notification being received from the Commission, the Inspector of Buildings may issue the demolition permit.

5. Upon determination by the Commission that the building is architecturally and/or historically significant, the Inspector of Buildings and the applicant shall be so notified in writing, and the demolition permit shall not be issued. The Commission shall hold a public hearing within 25 Business Days of the Determination of Significance to determine whether the building should be preferentially preserved. Public notice of the time and place of the hearing shall be published by the Inspector of Buildings at the expense of the applicant in a newspaper of general circulation in the Town not less than seven calendar days before the date of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven calendar days before the date of said hearing. The applicant shall provide any relevant architectural plans, elevations, site plans, photographs, or materials to assist the Commission in making its required determinations.
6. If, after a public hearing, the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Inspector of Buildings, in writing, within five Business Days of the hearing and the Inspector of Buildings may issue a demolition permit upon receipt of the written decision.
7. If, after a public hearing, the Commission determines that the significant building should be preferentially preserved, the Commission shall so notify the Inspector of Buildings, in writing, within five Business Days of the hearing, and no demolition permit may be issued until twelve months after the date of the determination by the Commission.
8. Notwithstanding anything contained in paragraph 7 above, the Inspector of Buildings may issue a demolition permit for a preferably preserved building at any time after receipt of written notification from the Commission to the effect that either:
 - a. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, and
 - b. The Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful. For further clarity continuing, bona fide and reasonable efforts shall be made to provide the historic commission with a list of efforts the applicant intends to make to fulfill this requirement within 30 days of being issued a determination of twelve month demotion delay due to preferentially preserved status. This list should include preferably five separate planned attempts and must satisfy no less than three separate planned attempts to show the applicant is looking for someone to purchase, preserve, rehabilitate or restore such building. The applicant will also be required to provide two written updates, one at four months and one at 8 months, to the historic commission showing the status of the reasonable efforts being fulfilled prior to the end of the twelve month demolition delay period.

§ 125-3. Responsibility of Owners.

It shall be the responsibility of the owner of record or the owner's designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises, for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

§ 125-4. Emergency Demolition.

Nothing in this bylaw shall restrict the Inspector of Buildings from immediately ordering the immediate

demolition of any building in the event of imminent danger to the safety of the public.

§ 125-5. Enforcement and Remedies. [Amended 11-16-2022STM, Art. 3; 5-1-2024ATM, Art. 12]

The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent any threatened violation thereof.

1. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.
2. If the building or premises changes ownership without an approved plan, the new owner must resubmit a request for a Demolition Permit and the Demo Delay Process will be repeated per Chapter 125.
3. After 3 years from the date of determination, in the absence of an accepted plan by the Planning Board the Demo Delay Process must be repeated per Chapter 125, regardless of ownership.

§ 125-6. Historic District Act.

Nothing in this bylaw shall be deemed to conflict with the provisions of the "Historic District Act" (MGL Chapter 40C). If any of the provisions of this bylaw do so conflict, the Act shall prevail.

§ 125-7. Severability.

In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

§ 125-8. through § 125-98. Reserved.

§ 125-9. Definitions.

Building shall mean any combination of materials forming a shelter for persons, animals or property.

Buisness Days shall mean all calendar days Monday to Thursday, excluding all State and Federal Holidays. **[Added 11-16-2022STM by Art. 3]**

Commission shall mean the Ashland Historical Commission.

Demolition shall mean any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

Demolition Permit shall mean the permit issued by the Inspector of Buildings as required by the State Building Code for a demolition, substantial demolition or removal of a building.

Historically or Architecturally Significant Building shall mean any building, in whole or in part, which is 70 or more years old, and: **[Amended 11-16-2022STM by Art. 3]**

- a. which is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or which is the subject of a pending application for such listing, or is eligible for such listing; or,
- b. has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either
 - i. is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth, or
 - ii. is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Inspector of Buildings shall mean the person occupying the office of Inspector of Buildings or otherwise authorized to issue demolition permits.

Preferentially Preserved shall mean any historically or architecturally significant building which the Commission determines to be in the public interest to be preserved or rehabilitated rather than to be demolished.

Chapter 126**DONATION COLLECTION BINS**

[HISTORY: Adopted by the Town of Ashland 5-4-2016 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§ 126-1. Purpose and Intent.

This bylaw is enacted to promote public safety, health and welfare, of the residents of the Town of Ashland, and to ensure a clean and attractive condition of the Town by regulating the location, method of maintenance, frequency of disposal and registration of "Donation Collection Bins."

§ 126-2. Definitions.

- A. Donation Collection Bin: A closed receptacle or container made of metal, wood, steel, fiberglass or similar material designed or intended for the donation, collection and temporary storage of clothing, shoes, textiles, books or other goods or materials, which is accessible to and allows the public to deposit said items without assistance, and which is owned, operated or controlled by an entity other than the owner or lessee of the lot on which it is located.
- B. Property Owner: The person or entity having legal title to real property and/or the person shown as the owner on the current assessment rolls of the Town.
- C. Person of Lawful Possession of Property: Party that has express or implied authority through employment, by contract or apparent authority to act for the Property Owner so as to bring the Owner into contractual relationships with other parties.
- D. Operator: Any person or legal entity that owns, operates or is otherwise in control of a Donation Collection Bin and that receives a permit to operate a Donation Collection Bin in the Town of Ashland.

§ 126-3. Permits, Standards and Prohibitions.

- A. It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate a Donation Collection Bin within the Town of Ashland without first obtaining an annual permit from the Building Commissioner.
- B. A permit issued under this Bylaw shall be valid for one year and will be renewable for one-year periods. An application for license shall be provided on a yearly basis to the Building Commissioner.
- C. The Donation Collection Bin shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking or any requirement of Chapter 282 regarding setbacks from property lines for the district in which it is located, and shall be placed on a concrete or other paved surface. The Donation Collection Bin shall be placed such that there is safe and convenient pedestrian and vehicular access to it. The Town shall not grant a permit to place, use or employ a Donation Collection Bin if it determines that the placement of the Donation Collection Bin is in violation hereof or notwithstanding compliance, would constitute a public safety hazard.
- D. The Donation Collection Bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents may not be accessed by anyone other than those responsible for the retrieval of the contents.

- E. The front of every Donation Collection Bin shall display the name, address and telephone number of the owner and Operator of the bin.
- F. Permittee must maintain the aesthetic presentation of the Donation Collection Bin in a neat and clean condition including fresh paint, readable signage and general state of good repair, free of trash, debris, refuse or like material.
- G. Each Donation Collection Bin must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed on the surrounding area and if they are must be removed immediately.
- H. Permittee must provide the Property Owner or owner's agent with a telephone number for requests to respond to Donation Collection Bin maintenance complaints. Permittee must respond to Donation Collection Bin maintenance complaints within 24 hours of receiving notification during regular business hours.
- I. If a Donation Collection Bin becomes damaged or vandalized, it shall be repaired, replaced or removed within 5 days of notice of such condition, unless the damage is such as to constitute a danger to persons or property in which case it shall be made safe within 24 hours of notice of such condition.

§ 126-4. Application for License.

- A. Any person or entity desiring a Donation Collection Bin license under this Bylaw shall file an application with the Building Commissioner.
- B. The application shall provide the following information:
 - 1. Name, address, telephone number and name of contact person or persons of the organization applying for the permit and responsible for maintaining each Donation Collection Bin.
 - 2. Proof that the applicant is a registered charitable 501(C)(3) organization and information pertaining to the applicant's status with the Commonwealth of Massachusetts. Or if applicant is a for-profit entity, information pertaining to the applicant's status with the Commonwealth of Massachusetts.
 - 3. A description of the Donation Collection Bin, the address where the bin will be located, including a site plan showing the proposed location of the bin on the property as well as existing conditions on the property.
 - 4. Written consent from the Property Owner or owner's agent or person of lawful possession (lessee) of the property where each such Donation Collection Bin shall be placed.
 - 5. The regular interval schedule at which the Operator of person identified on the application collects the items donated and performs regular maintenance. The interval shall not exceed thirty (30) days.
- C. The Building Commissioner shall deny a license application which does not comply with the requirements of this Bylaw or which she/he determines that the placement of the Donation Collection Bin, notwithstanding compliance herewith, would constitute a public safety hazard. Said denial shall be in writing and set forth the reasons for said denial.

§ 126-5. Fees Required.

§ 126-5

DONATION COLLECTION BINS

- A. The application fee for a Donation Collection Bin shall be \$25.00 for each bin. The license period for each Donation Collection Bin shall be January 1 through December 31 of each year.
- B. The renewal application fee for a Donation Collection Bin shall be \$25.00 for each bin.
- C. Upon the granting of a license, a permit (sticker) issued to the applicant shall be affixed to the Donation Collection Bin. The permit (sticker) shall be clearly placed on the same side as the chute used to deposit donated items.

§ 126-6. Applicability.

- A. The provisions of the Bylaw shall apply to both existing and future Donation Collection Bins within the Town of Ashland. Property owners with existing Donation Collection Bins prior to the effective date of this Bylaw shall come into compliance as follows:
 - 1. Within sixty (60) days of the effective date of this Bylaw, the Operator shall file an application for a license as required for each Donation Collection Bin. The application shall demonstrate how the existing bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance. Within ninety (90) days after the effective date of this Bylaw, each existing Donation Collection Bin shall be brought into compliance with this Bylaw or removed by the Town.

§ 126-7. Violations, Penalties and Enforcement.

- A. Any person or entity who violates any provision of this Bylaw shall be subject to a penalty (fine) of \$50.00 for the first offense and \$100.00 for each subsequent offense.
- B. Each violation shall be deemed and taken to be separate and distinct violations. For every day which the Donation Collection Bin is not in compliance shall be considered a separate violation.
- C. The Property Owner or owner's agent or person of lawful possession (lessee) in control of the property where the Donation Collection Bins being maintained and the Operator of the Donation Collection Bin in violation of this Bylaw shall be jointly and severally liable for each violation.
- D. The Building Commissioner or his designee shall be responsible for the enforcement of this Bylaw.

ASHLAND CODE

Chapter 132

ELECTRICAL STANDARDS

[Electrical work within the Town of Ashland is regulated by the Massachusetts Electrical Code. See 527 CMR 12.00 and M.G.L.A. C. 143, § 3L.]

GENERAL REFERENCES

Building construction — See Ch. 98.

Plumbing — See Ch. 218.

Gas — See Ch. 157.

EXPLOSIVES

Chapter 137

EXPLOSIVES

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 98.

Soil removal — See Ch. 242.

Firearms — See Ch. 145.

Street excavations — See Ch. 330.

§ 137-1. Storage and use governed by statute.

All storage and use of explosives in the Town of Ashland shall be governed by applicable provisions of M.G.L.A. C. 148, and regulations of the Massachusetts Board of Fire Prevention and Fire Protection (527 CMR 13).

ASHLAND CODE

Chapter 141

FEEES

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees -- See Ch. A352.

ARTICLE I
Town Clerk
[Adopted May 1993 STM]

§ 141-1. Schedule of Fees, Town Clerk. [Amended 5-14-1997 ATM, Art. 8; 5-12-1999 ATM, Art. 17]

- A. The Schedule of Fees to be charged by the Town Clerk in accordance with the authority of ~ 34 of Chapter 262 of the general laws shall be those established by the Town Clerk pursuant to ~ 22F of Chapter 40 of the general laws.
- B. The fees adopted under this section shall be subject to approval by the Select Board after a public hearing. A copy of the Schedule of Fees so adopted shall be available in the office of the Town Clerk and shall be posted on the town bulletin board. **[Amended 11-20-2019STM, Art. 13]**

§ 141-1.1. Fees enumerated.

See Chapter A352, Fees.

ARTICLE II
Sealer of Weights and Measures
[Adopted May 1993 STM]

§ 141-2. Schedule of fees, department of weights and measures. [Amended 5-11-1994 ATM, Art. 15; 5-12-1999 ATM, Art. 17]

- A. The Schedule of Fees to be charged by the Department of Weights and Measures, in accordance with the authority of ~ 56 of Chapter 98 of the general laws shall be those established by the Sealer of Weights and Measures pursuant to ~ 22F of Chapter 40 of the general laws.
- B. The fees adopted under this section shall be subject to approval by the Select Board after a public hearing. A copy of the Schedule of Fees so adopted shall be available in the office of the Town Clerk and shall be posted on the town bulletin board. **[Amended 11-20-2019STM, Art. 13]**

ARTICLE III
Fees Received by Officers
[Adopted May 1993 STM]

§ 141-3. Payment into Treasury required.

All officers of the town shall be and hereby are required to pay all fees received by them by virtue of their offices into the Town Treasury immediately upon the receipt of any such fees.

ARTICLE IV
Consulting Fees
[Adopted May 1993 STM]

§ 141-4. Request for reimbursement.

Any town board, agency, authority, committee or officer empowered by General Law, state regulation or Town Charter or bylaw to enter into a contract or issue a license, the duration of which is longer than two (2) years from the date of execution or issuance, shall, by written notice within forty-five (45) days of the time of proposal or application, require the proposed vendor under such a contract or the applicant for such a license, as a prerequisite to the acceptance and execution of such contract or the approval and issuance of such a license, to reimburse the Town of Ashland for the reasonable costs incurred by the town where it contracts for technical, professional and/or legal consultants to advise, to research, to carry out and to review the process of application and negotiation and the proposed terms, conditions and provisions of such contract or license for the benefit of the town and its residents. Such notice to the proposed vendor or applicant shall include the estimated amount of such reimbursement.

§ 141-5. Amount of reimbursement; dispute.

- A. The necessary amount of any such reimbursement shall be certified, in writing, by the appropriate board, agency, authority, committee or officer of the town to the proposed vendor or applicant, and the vendor or applicant shall then either pay the amount so certified or make arrangements acceptable to the appropriate board, agency, authority or officer for such reimbursement.
- B. In the event of a dispute over the amount of reimbursement so required, the vendor or applicant shall notify the town of such dispute, in writing, specifying the basis and facts of such dispute, whereupon the vendor or applicant and the town shall submit such dispute to a certified arbitrator of the American Arbitration Association, and the decision of the arbitrator shall be final and binding on the parties.

§ 141-6. Review process extending over more than one fiscal year.

In the event that the review or negotiating process for such a contract or license extends over more than one (1) fiscal year, multiple partial reimbursements, totaling the full amount of the town's costs, in the discretion of the appropriate board, agency, authority, committee or officer, may be required and accepted at the end of any fiscal year, in accordance with the procedure set forth in §141-5 of this Article.

ASHLAND CODE

Chapter 145

FIREARMS

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Explosives — See Ch. 137.

Streets and sidewalks — See Ch. 249.

§ 145-1. Discharge restricted. [Amended 5-19-1998 ATM, Art. 31; 11-20-2019STM, Art. 13]

No person shall fire or discharge any bow and arrow within the limits of any highway, park or other public property, except with the written permission of the Select Board, or on any private property, except with the written consent of the landowner or legal occupant thereof. No person shall fire or discharge any rifle, shotgun or handgun of .22 caliber or larger within the limits of the Town of Ashland, except on a range or in an area designated for such purpose and approved by the Chief of Police in writing.

§ 145-2. Exceptions.

Nothing in this chapter shall curtail the use of firearms by police or other law enforcement officers nor the right of self defense nor legally justified protection of one's property.

FIRE LANES

Chapter 148

FIRE LANES

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Handicapped parking — See Ch. 164.

Vehicles and traffic — See Ch. 293.

§ 148-1. Obstruction; designation. [Amended 11-20-2019STM, Art. 13]

It shall be unlawful to obstruct or park a vehicle in any fire lane, such fire lane to be designated by the Select Board upon the recommendation of the Chief of the Fire Department and posted as such, said fire lane to be a distance of twelve (12) feet from the curbing of a sidewalk in a shopping center, bowling establishment, theater or similar locations. Where no sidewalk with curbing exists, the distance shall be eighteen (18) feet from the building.

§ 148-2. Violations and penalties. [Amended 5-14-1997 ATM, Art. 37]

- A. The penalty for violations of any part of this chapter shall be fifty dollars (\$50.00) for each offense.
- B. Vehicles may be removed according to the provisions of MGL Chapter 266, section 120D.

ASHLAND CODE

Chapter 150

FIRE PREVENTION

[HISTORY: Adopted by the Town Meeting of the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 77.

Electrical standards — See Ch. 132.

Building construction — See Ch. 98.

Explosives — See Ch. 137.

ARTICLE I

Rapid Entry Key Lock Box System
[Adopted 10-19-2005 ATM, Art. 9]**§ 150-1. Applicability.**

The following structures shall be equipped with a Rapid Entry Key Box which has been approved by the Fire Chief, at an accessible location near the main entrance of the structure or at such location which has been approved by the Chief of the Fire Department or his/her designee.

- A. All buildings within the Town of Ashland having an automatic fire alarm system which either activates a Central Station or the Municipal Fire Alarm System.
- B. Apartment complexes, that have restricted access through locked doors and have a common corridor for access to the living units.
- C. Commercial and Industrial buildings.
- D. Properties which have locked gates limiting access which require keys or a combination to gain entry.
- E. All new construction subject to this section shall have a rapid entry key lock box installed and operational prior to the issuance of a certificate of occupancy.

§ 150-2. Time Limit for Compliance.

All structures in existence, which would be subject to the installation of a Key box under the provisions of Section 150-1 on the effective date of this article shall have 6 months from the effective date of this article to have the rapid entry key box installed and operational.

§ 150-3. Rules and Regulations.

The Fire Chief shall be authorized to implement rules and regulations for the use of the rapid entry key box system.

§ 150-4. Keys.

The owner or operator of a structure required to have a rapid entry key box shall at all times, keep a key, or keys in the lock box that will allow for complete and unobstructed access to the structure interior, all utility rooms, mechanical rooms, Post Indicator Valves, Open stem and Yoke valves, Sprinkler control locks, Fire Alarm Panels, and elevator control keys. These keys shall be marked and identified in a manner approved by the Fire Chief. These keys shall be updated annually, or as changed by the owner or operator of the structure.

§ 150-5. Violations and Penalties.

Any person who owns or operates a structure subject to the provisions of this section, shall be subject to the penalties set forth this article for any violation of this article, provided that the minimum fine for a violation of this article shall be not less than \$100 per violation.

Chapter 153**FOREST**

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Forest — See Ch. 339.

§ 153-1. Availability.

The Ashland Town Forest is available to all Ashland residents and groups, provided that they do not damage or jeopardize the forest and its environment in any way.

§ 153-2. Rules for use.

The rules and regulations are aimed at the preservation and protection of this valuable town resource for the present and future enjoyment of the townspeople.

- A. The forest shall be kept in its natural state and will be maintained for passive recreational use only.
- B. Groups using the forest must be based in Ashland or be sponsored by the Ashland Town Forest Committee.
- C. There shall be no camping in the forest unless authorized by the Town Forest Committee nor shall there be fires without the permission of the Ashland Fire Department.
- D. Trash disposal, littering or other polluting is prohibited.
- E. Hunting and trapping are prohibited. The use of motor vehicles without authorization of the Town Forest Committee is prohibited.
- F. There shall be no removal of soil, live trees or plants, and stone walls are to remain intact.
- G. Selective cutting of firewood will be done under the written permission of the Town Forest Committee. Cutting will be permitted to Ashland residents only. The wood cannot be sold and must be used in Ashland residences only. Cutting will be controlled for the purpose of improving the natural growth throughout the forest.
- H. There will be no unauthorized marking or cutting of trails in the Town Forest. **[Added 11-17-1997 ATM, Art. 20]**

§ 153-3. Liability for injury of persons.

The Ashland Town Forest is a woodland region with winding trails, rock outcroppings and varied terrain. Any person or persons entering or using the forest do so at their own risk. The Town of Ashland and the Ashland Town Forest Committee will not be liable or responsible for any injury, loss or damage.

§ 153-4. Promulgation of additional rules and regulations.

The Town Forest Committee is authorized to promulgate the rules and regulations for the use and enjoyment of the Ashland Town Forest and, upon filing with the Town Clerk, those rules and regulations shall become effective.

§ 153-5. Violations and penalties.

- A. Criminal disposition. Any person who violates any provision of this chapter, or of any duly adopted and filed rules and regulations for the use of the town forest, shall be fined, if convicted, no less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for the first offense and not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00) for each succeeding offense. Each day or part thereof of violation of any provision of this chapter, or such rules and regulations, whether such violation is continuous or intermittent, shall be construed as a separate and succeeding offense.
- B. Non-criminal disposition. Violations of any provision of this chapter, or of any duly adopted and filed rules and regulations for the use of the town forest, may be processed pursuant to Chapter 40, section 21D of the general laws of the commonwealth. Fines for violations shall be assessed as follows:

First offense:	one hundred dollars (\$100.00)
Second offense:	two hundred dollars (\$200.00)
Third and subsequent offenses:	three hundred dollars (\$300.00)

Each day or part thereof of violation of any provision of this chapter or such rules and regulations, whether such violation is continuous or intermittent, shall be construed as a separate and succeeding offense.

Any person having police powers, the conservation officer, zoning enforcement officer or other person so designated by the town manager shall have enforcement powers under this paragraph.

GAS

Chapter 157

GAS

[The use of fuel gas within the Town of Ashland is regulated by the Massachusetts Fuel Gas Code and the National Gas Code. See 248 CMR 3.00 through 8.00, 527 CMR 6, M.G.L.A. C. 142, § 13, and NFPA 54.]

GENERAL REFERENCES

Building construction — See Ch. 98.

PlumbingSee — Ch. 218.

Electrical standards — See Ch. 132.

Chapter 164**HANDICAPPED PARKING**

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Fire lanes — See Ch. 148.

Vehicles and traffic — See Ch. 293.

§ 164-1. Provision of spaces required.

Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by M.G.L.A. C. 90, § 2, shall be provided in public and private off-street parking areas.

§ 164-2. Number of spaces required.

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers or residential dwellings or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by M.G.L.A. C. 90, § 2, according to the following formula: If the number of parking spaces in any such area is more than fifteen (15) but not more than twenty-five (25), one (1) parking space; more than twenty-five (25) but not more than forty (40), five percent (5%) of such spaces but not fewer than two (2); more than forty (40) but not more than one hundred (100), four percent (4%) of such spaces but not fewer than three (3); more than one hundred (100) but not more than two hundred (200), three percent (3%) of such spaces but not fewer than four (4); more than two hundred (200) but not more than five hundred (500), two percent (2%) of such spaces but not fewer than six (6); more than five hundred (500) but not more than one thousand (1,000), one and one-half percent (1 1/2%) of such spaces but not fewer than ten (10); more than one thousand (1,000) but not more than two thousand (2,000), one percent (1%) of such spaces but not fewer than fifteen (15); more than two thousand (2,000) but fewer than five thousand (5,000), three-fourths of one percent (3/4 of 1%) of such spaces but not fewer than twenty (20); more than five thousand (5,000), one-half of one percent (1/2 of 1%) of such spaces but not fewer than thirty (30).

§ 164-3. Identification, location and size of spaces.

Parking spaces designated as reserved under the provisions of § 164-2 shall be identified by the use of above-grade signs with white lettering against a blue background and which shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owners Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two (2) eight-foot wide areas with four (4) feet of crosshatch between them.

§ 164-4. Obstruction of spaces and ramps.

No person shall leave any unauthorized vehicle within parking spaces designated for use by disabled veterans or handicapped persons as authorized by § 164-1 hereof or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

§ 164-5. Violations and penalties. [Amended 5-14-1997 ATM, Art. 38; 5-15-2002 ATM, Art. 15]

- A. The penalty for violations of any part of this chapter shall be \$100.00 or the minimum established under MGL Chapter 40, section 22A from time to time, whichever is greater, for each offense.
- B. Vehicles may be removed according to the provisions of MGL Chapter 40, section 22D or Chapter 266, section 120D, whichever is applicable.

ASHLAND CODE

Chapter 178

LICENSING

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 77.

Amusement devices — See Ch. 84.

Fees — See Ch. 141.

Peddling and soliciting — See Ch. 215.

Retail establishments — See Ch. 227.

Secondhand dealers — See Ch. 230.

Soil removal — See Ch. 242.

ARTICLE I

**Requirements for Issuance and Retention
[Adopted May 1993 STM]****§ 178-1. Renewal or granting of certain licenses or permits.**

- A. The Town Collector herein referred to as "Collector" shall annually furnish to each department, board, or commission, hereinafter referred to as the "Licensing Authority" that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter, referred to as the "party" that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges, and that such party has not filed in good faith a pending petition before the appellate tax board. **[Amended 11-28-2018 STM by Art. 16]**
- B. The licensing authority may deny, revoke, or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given to the party and the Collector, as required by applicable provisions of law, and the party is given a hearing, to be held no earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this by-law shall not be reissued or renewed until the licensing authority receives a certificate issued by the Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the town as of the date of issuance of said certificate. **[Amended 5-13-1998 ATM, Art. 39]**
- C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with the said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.
- D. The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268A, MGL. in the business or activity conducted in or on said property. **[Amended 11-20-2019STM, Art. 13]**
- E. This section shall not apply to the following licenses and permits:
1. Open burning, MGL. Chapter 48, Section 13.
 2. Bicycle Permits, MGL. Chapter 85, Section 11A.
 3. Sales of articles for charitable purposes, MGL. Chapter 101, Section 33.

4. Children Work Permits, MGL. Chapter 149, Section 69.
5. Clubs, associations dispensing food and beverages licenses, MGL. Chapter 140, Section 21E.
6. Dog Licenses, MGL. Chapter 140, Section 137.
7. Fishing, Hunting, Trapping licenses, MGL. Chapter 131, Section 12.
8. Marriage Licenses, MGL. Chapter 207, Section 28.
9. Theatrical events, public exhibition permits, MGL. Chapter 140, Section 181.

ARTICLE II
Fingerprint-Based Background Checks
[Adopted 5-1-2019 ATM, Art. 13]

§ 178-2-1. Purpose and authorization.

- A. In order to protect the health, safety, and welfare of the inhabitants of the Town of Ashland, as authorized by Chapter 6, Section 172B 1/2, of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this chapter shall require that:
- (1) Applicants for certain Town licenses to engage in specified occupational activities within the Town as enumerated in § 178-2-2 below, must submit to fingerprinting by the Ashland Police Department;
 - (2) The Ashland Police Department must conduct criminal history record checks based on such fingerprints pursuant to Section 172B 1/2 of Chapter 6 of the Massachusetts General Laws and 28 U.S.C. § 534; and
 - (3) The Town shall consider the results of such background checks in determining whether or not to grant a license.
- B. Under this chapter, fingerprints shall be submitted to the Identification Unit within the Department of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), or its successor, for a state criminal history records check and to the Federal Bureau of Investigation (FBI), or its successor, for a national criminal history records check, as may be applicable and consistent with this chapter. The Town authorizes the licensing authority and the Ashland Police Department to receive and utilize these state and FBI records in connection with such background checks, consistent with this chapter.

§ 178-2-2. Applicant's submission to fingerprinting by Ashland Police Department.

- A. Any applicant for a license to engage in any of the following occupational activities within the Town shall submit, within 10 days of application, a full set of fingerprints taken by the Ashland Police Department for the purpose of conducting a state and national criminal history record check to determine the suitability of the applicant for said license:
- (1) Ice cream truck vendor, MGL c. 270, § 25.
- B. At the time of fingerprinting, the Ashland Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's state and FBI criminal history records.

§ 178-2-3. Police Department processing.

- A. Upon receipt of the fingerprints and payment of the applicable fee, the Police Department shall transmit the fingerprints obtained pursuant to this chapter to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or their successors as may be necessary for the purpose of conducting the fingerprint-based state and national criminal history records checks of license applicants specified in § 178-2-2.
- B. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record

background checks, including FBI records, consistent with this chapter. The Town authorizes the Ashland Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this chapter. The state and FBI criminal history will not be disseminated to unauthorized entities.

- C. The Police Department shall provide the applicant with a copy of the results of their fingerprint-based criminal history record check and provide the applicant an opportunity to complete or challenge the accuracy of the information contained therein, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 CFR Part 16.34 pertaining to FBI identification records.
- D. The Police Department shall not communicate the fingerprint-based criminal history record check to the applicable licensing authority pursuant to the following subsection until it has complied with the preceding subsection and otherwise complied with the Town's policy applicable to Town licensing-related criminal history record checks.
- E. The Police Department shall communicate the results of fingerprint-based criminal history record checks to the applicable licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon their suitability for a license, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.
- F. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (EOPSS) which has issued an Informational Bulletin which explains the requirements for Town bylaws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

§ 178-2-4. Reliance on results.

- A. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal history record checks for the sole purpose of determining the suitability of the applicant for the proposed occupational activity which is the subject of the license applications specified in § 178-2-2.
- B. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations, and Town policies bearing on an applicant's suitability in making this determination.
- C. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

§ 178-2-5. Compliance with law, regulation, and Town policy.

Implementation of this chapter and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized

persons or entities.

§ 178-2-6. Fees.

At the time of filing the application, each applicant shall pay a fee of \$60. A portion of the fee, as specified in MGL c. 6, § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

§ 178-2-7. Severability.

- A. The provisions of this chapter are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.
- B. Any bylaws in conflict herewith are hereby repealed to the extent of such conflict.

LOITERING

Chapter 181

LOITERING

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 80.

Streets and sidewalks — See Ch. 249.

§ 181-1. Prohibited activities; violations and penalties.

Whoever shall be or remain upon any sidewalk, doorstep or other projection of a building not his/her own and thereby create an annoyance to or disturbance of any person or whoever shall stand or loiter for more than five (5) minutes on property not his or her own after being directed by a police officer to move on shall be punished by a fine of twenty-five dollars (\$25.).

Chapter 183**PLASTIC BAG REDUCTION**

[HISTORY: Adopted by the Town of Ashland 11-14-2017 Special Town Meeting, Art. 15. Amendments noted where applicable.]

§ 183-1. Findings and Purpose.

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: harming marine and terrestrial animals through ingestion and entanglement; polluting and degrading the terrestrial and marine environments; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of non-renewable fossil fuel in their manufacture and composition.

The purpose of this bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by eliminating the usage of thin-film single-use plastic checkout bags by all establishments in the Town of Ashland.

§ 183-2. Definitions.

CHECKOUT BAG: Any bag that is provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under this bylaw.

ESTABLISHMENT - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

PRODUCT BAG - A bag integrated into the packaging of the product.

RECYCLABLE PAPER BAGS - Paper bags with or without handles provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, etc. and that (1) are one hundred percent (100%) recyclable, and (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

REUSABLE [CHECKOUT] BAG: A bag, with stitched handles, that is 4.0 mils or thicker, is specifically designed for multiple uses and is made of cloth, fabric, or other durable, washable materials.

THIN-FILM SINGLE-USE BAGS: Plastic bags, typically with handles, with a thickness less than 4.0 mils which are intended for single-use transport of purchased products.

§ 183-3. Use Regulations.

- A. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Ashland.
- B. If an Establishment provides or sells checkout bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable checkout bag.
- C. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Establishments are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

§ 183-4. Exemptions and Alternatives.

§ 183-4

PLASTIC BAG REDUCTION

- A. The following are exempt and not subject to the provisions of this chapter:
 - (1) Thin plastic bags used to protect newspapers upon delivery;
 - (2) Laundry or dry-cleaning bags;
 - (3) Thin film bags, typically without handles, used to contain produce, meat, or fish
 - (4) Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste;
 - (5) Product bags;
 - (6) Town Pay-As-You-Throw trash bags;
- B. Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid Establishments.
- C. Establishments may and are strongly encouraged to distribute reusable bags and boxes to customers with or without charge and educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.

§ 183-5. Inspections and Enforcement.

- A. Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee.
- B. Any enforcing person shall have the right to enter any Establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the Establishment that a violation has occurred and the potential penalties that will apply for future violations.
- C. Any Establishment providing bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L. Chapter 40, § 21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Ashland.
- D. Non-payment of fines may result in the suspension, revocation, or denial of other Town issued license(s) or permits in accordance with G.L. c. 40, § 57.

§ 183-6. Severability and Effective Date.

- A. If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.
- B. This bylaw shall take effect six (6) months following approval of the bylaw by the Town of Ashland and the Attorney General or on July 1, 2018, whichever is later. This will allow time for Establishments to use their existing inventory of thin-film plastic checkout bags and to convert to alternative packaging materials.

ASHLAND CODE

Chapter 187

MARIJUANA OR TETRAHYDROCANNABINOL, PUBLIC CONSUMPTION OF

**[HISTORY: Adopted by the Town of Ashland Annual Town Meeting 5-6-2009, Art. 25.
Amendments noted where applicable.]**

GENERAL REFERENCES

Alcoholic beverages — See Ch. 80.

§ 187-1. Prohibition on use.

- A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume (collectively "Consumption") marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.
- B. In a Motor Vehicle: The Consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

§ 187-2. Violations and penalties.

- A. Whoever violates this bylaw shall be punished by a fine of \$300 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

§ 187-3. Enforcement.

- A. Violations of any provision of this bylaw may be processed pursuant to Chapter 40, section 21 D of the general laws of the Commonwealth and shall be in amount set forth above. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers.

Chapter 204**NUISANCE NOISE**

**[HISTORY: Adopted by the Town of Ashland 5-3-2017 Annual Town Meeting, Art. 16.¹³
Amendments noted where applicable.]**

GENERAL REFERENCES

Alarm systems — See Ch. 77.

Peddling — See Ch. 215, Art. I.

§ 204-1. PURPOSE.

This bylaw is adopted to regulate, prohibit, eliminate and abate, loud, unusual, and unnecessary noise, or noises which annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others within the Town of Ashland.

§ 204-2. SHORT TITLE.

1. This Bylaw may be cited as "The Nuisance Noise Bylaw."

§ 204-3. DEFINITIONS.

- A. "Nuisance Noise" is any noise that prevents a property owner from enjoying the reasonable expectation of enjoyment of their property.
- B. "Reasonable Person" is able to judge in an unbiased manner the appropriateness of a given social situation. A reasonable person is informed, rational, capable, aware of the law, and fair minded when application of the law is sought taking into account the factors in § 204-4 of this Bylaw.
- C. "Responsible Party" is the owner or lessee, which is in control of the property on which the noise is emanating and/or occurring at the time the alleged violation occurs.

§ 204-4. GENERAL PROHIBITIONS.

- A. No person or business shall make, continue, cause or permit to be made or continued, any intermittent or continuous loud or excessive noise by way of music, machinery, motor vehicles or any other means which would disturb any Reasonable Person within the Town of Ashland.
- B. The following factors may be used to determine whether a noise is unreasonably loud or excessive noise and is likely to disturb any reasonable person including, but are not limited to:
 - i) Land use and zoning from which the noise is emanating;
 - ii) Land use and zoning of the surrounding area, including proximity of the sound to any residential use or other use containing sleeping quarters;
 - iii) Time of day and day of week;

13. Editor's Note: This enactment also repealed former Ch. 204, Noise, adopted at the May 1995 Annual Town Meeting, as amended.

- iv) Duration;
- v) Volume;
- vi) Type or nature of the sound;
- vii) The frequency of occurrence;
- viii) The nature of the activity from which the sound emanates; and
- ix) Any other relevant factor.

§ 204-5. SPECIFIC PROHIBITIONS.

A. Motor Vehicle and Machinery Noises.

- i) No person or business shall create loud, excessive, unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane, or thoroughfare within the Town of Ashland whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- ii) No person or business shall emit or cause the emission of any loud, excessive, unusual or unnecessary noise or noises which annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others within the Town of Ashland resulting from any of the following acts:
 - a) The sounding of a motor vehicle signaling device or warning device, or siren, except where required by state or federal law or authorized by this Bylaw.
 - b) The continuous operation of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary unless:
 - 1) The vehicle or machinery is being driven or operated on a public road or private way; or
 - 2) The vehicle, machine, auxiliary equipment, or engine is in an enclosed structure so as to effectively prevent excessive noise emissions; or
 - 3) Weather conditions justify the use of heating, refrigerating or air conditioning systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
 - 4) Prevailing low temperatures make longer idling periods necessary after starting the motor or engine.
- iii) No person shall allow the diesel motor of a tractor, which pulls a trailer or semi-trailer truck to remain running longer than 5 minutes while the tractor-trailer or tractor alone is not in motion in any zone.
- iv) The provisions of § 204-5(A) of this Bylaw do not apply to an emergency vehicle, or to work on a public road or public utility carried out by the Town of Ashland or to a contractor working on behalf of the Town of Ashland.

B. Commercial and Industrial Noise.

- i) No person shall operate a motor vehicle in the course of a commercial enterprise in violation of § 204-5(A) above;
- ii) No person shall load or unload trucks in any area designated as being a residential zone or within three hundred feet of the boundary of such zone between the hours of 10 P.M. and 7 A.M.
- iii) No trash collection or dumpster collection shall take place in any area designated as, or directly abutting a residential zone between the hours of 10 P.M. and 7 A.M.
- iv) Every effort must be taken during trash collection and dumpster collection in commercial and industrial zones (including adjusting pick-up times and routes) so as to reasonably not create a nuisance in neighboring residential zones. Every effort will be made between vendors and the town to accommodate this clause.
- v) No person shall operate loud stationary machinery in any area designated as residential or within three hundred feet of the boundary of such zone between the hours of 10 P.M. and 7 A.M.
- vi) Any establishment granted a license for entertainment that is amplified by microphone, amplifier, or the like will be subject to this Bylaw. The entertainment should not be audible beyond the property boundaries of the establishment.
- vii) No establishment granted a liquor license shall permit crowd noise to be audible beyond the premises between the hours of 10 P.M. and 7 A.M.
- viii) Any establishment granted an entertainment license by the local licensing authority, may further be regulated by said authority; any violations of said license shall be deemed a violation of this by-law.

C. Domestic Noises.

- i) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower powered by an engine of any description in a residential zone between the hours of 8 P.M. and 7 A.M.
- ii) No person shall operate a leaf-blower in a residential zone between the hours of 8 P.M. and 8 A.M.
- iii) No person shall play music, either live or recorded, which interferes unreasonably with the quiet enjoyment of a neighbor's property.
- iv) Any event, private or public, with an outdoor band will require notification to the Police Department.

D. Construction Noises.

- i) No construction activities shall take place between the hours of 7 P.M. and 7 A.M.
- ii) No construction activities shall take place on Sundays or federal holidays without special permission from the Planning Office and/or the Select Board. **[Amended 11-20-2019STM, Art. 13]**
- iii) The provisions of Section D do not apply:

- a. To work carried out by the Town or its contractors; or
- b. To work carried out by an individual homeowner on their own property; or
- c. For emergencies as determined by the Police or Fire Department personnel.

§ 204-6. EXEMPTIONS.

- A. Notwithstanding any of the provisions of this Bylaw, this Bylaw shall not apply to any noise in connection with any of the following activities:
 - i) Emergency Response.
 - ii) The reasonable use of equipment or device to amplify the human voice or music in a public park or recreational area in connection with any public meeting, public celebration, recreational event, or other permitted gathering.
 - iii) Any band or parade approved by the Select Board or designee. **[Amended 11-20-2019STM, Art. 13]**
 - iv) Any outdoor carnival, fair, performance or exhibition approved by the Select Board. **[Amended 11-20-2019STM, Art. 13]**
 - v) Any event authorized by the Town of Ashland on Town owned land.
 - vi) The sounding of bells in churches, religious establishments and schools.
 - vii) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.
 - viii) Use of generators in times of a power outages.
 - ix) Snow removal.

§ 204-7. SPECIAL PERMITS.

- A. The Select Board shall have the authority to grant special permit on a limited basis. Any person seeking a special permit shall file an application with the Select Board. **[Amended 11-20-2019STM, Art. 13]**
 - i) The application shall contain information, which demonstrates that bringing the source of the sound activity into compliance with this Bylaw would constitute an unreasonable hardship on the applicant.
 - ii) The Select Board shall establish appropriate procedures for processing applications for such special permits, including such public hearing as the Select Board deems appropriate.
 - iii) In determining whether to grant or deny the application, the Select Board shall consider the impact on the surrounding properties, and health, safety and welfare of persons residing or working in the abutting properties. Applicants for special permits and persons contesting special permits may be required to submit information the Select Board.
 - iv) The Select Board may issue a special permit for existing residential, commercial, industrial and/or agricultural noise sources, which have been operating on lawful basis prior to the effective date of this bylaw.

- v) The Select Board shall notify the Planning Board, Board of Appeals, the Board of Health, Police Department, and School Committee of the application and the date of the public hearing.
- vi) Special permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. Non-compliance with any condition of the special permits shall be ground to revoke special permit.
- vii) Applications for extension of time limits specified in the special variances or for modification of other substantial conditions shall be treated like applications for initial special permit.
- viii) In granting or denying an application, the Select Board shall place in the office of the Town Clerk a copy of the decision and the reasons for denying or granting the special permit.
- ix) This special permit is granted to the applicant only. Under no circumstances can this special permit be transferred to another party nor shall it "run" with the land or business license.

§ 204-8. ENFORCEMENT AND PENALTIES.

- A. The Police Department, upon a complaint to the Department, will be charged with the enforcement responsibilities of this Bylaw.
- B. Penalties for violations of this bylaw are listed below:
 - i) The first violation of this Bylaw may result in the issuance of a written warning or a citation indicating the reason(s) for the violation and stating, at the investigating officer's discretion, a time period within which the offender(s) must cease production of the noise, or reduce the noise to acceptable levels which will then comply with the restrictions and criteria of this Bylaw.
 - ii) The second violation of this Bylaw shall be punished by a fine of one hundred (\$100.00) dollars.
 - iii) Further violations of this Bylaw shall be punished by a fine of three hundred (\$300.00) dollars for each violation.
 - iv) Each hour such violation occurs or continues shall be considered a separate offense unless it occurs within the time period granted for correcting the offense.
 - v) Violations hereunder shall be issued against the Responsible Party who shall be liable for any fines or violations of this bylaw.

§ 204-9. APPEALS.

- A. An offender who has been cited and/or fined pursuant to this Bylaw can appeal the citation/fine within thirty (30) days after receiving it by presenting to the Select Board or its designee, any alternative information, situational evidence, or explanation of extenuating circumstances. The Select Board or its designee shall hear the appeal, and may in its sole discretion dismiss, or affirm the appeal, request additional details. This appeal is final without further administrative remedy. **[Amended 11-20-2019STM, Art. 13]**
- B. Any appeals of the enforcement hereof, following the exhaustion of the foregoing administrative remedy shall be take in in accordance with G.L. c 40 § 21D.

§ 204-10. SEVERABILITY.

- A. If any provision of this Bylaw shall be determined invalid or unenforceable by final judgement or order of a court of competent jurisdiction, the remaining provisions of this Bylaw shall continue in effect to the fullest extent permitted by law.

PEDDLING AND SOLICITING

Chapter 215

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town of Ashland: Art. I, May 1993 Special Town Meeting; Art. II, May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. 178.

Secondhand dealers — See Ch. 230.

Loitering — See Ch. 181.

Streets and sidewalks — See Ch. 249.

ARTICLE I
Peddling
[Adopted May 1993 STM]

§ 215-1. License required. [Amended 11-20-2019STM, Art. 13]

- A. No person shall hawk or peddle fish, fruit or vegetables within the limits of the town, except as authorized by law, without first obtaining a license therefor from the Select Board upon payment of a fee fixed by law.
- B. No person shall solicit or go from place to place within the town for the purpose of selling magazines or other wares without first obtaining a license so to do from either the Chairman of the Select Board or the Chief of Police. Said requirement shall not apply to persons who sell only fruits and vegetables produced by himself or his family or fish obtained from the labor of his family or himself.

§ 215-2. Hours for conduct of business.

A hawker/peddler shall engage in the conduct of business only during the following hours:

- A. Monday through Friday: 9:00 a.m. to 6:00 p.m.
- B. Saturday, Sunday and holidays: 9:00 a.m. to sunset.

§ 215-3. Vehicle requirements.

Every vehicle used by a hawker/peddler in the conduct of business shall have plainly displayed on each side the name of the hawker/peddler and the license number issued to the hawker/peddler under the provisions of M.G.L.A. C. 101.

§ 215-4. Locations where business prohibited.

- A. A hawker/peddler shall not, at any time, engage in the conduct of business on the following streets:
 - (1) Cherry Street.
 - (2) Summer Street.
 - (3) Park Road.
- B. A hawker/peddler shall not, at any time, engage in the conduct of business in the following locations:
 - (1) In front of church property.
 - (2) In front of school property.
 - (3) In front of public buildings.
 - (4) At or on median strips.
 - (5) At or on traffic islands.
 - (6) At or on rotary circles.
 - (7) Within ten (10) feet of a fire hydrant.

§ 215-5. Parking time limited.

No vehicle in which a hawker/peddler engages in the conduct of business shall be allowed to remain in one (1) location or on any public way for a period in excess of two (2) hours.

§ 215-6. Interference with traffic and maintenance of public ways.

A hawker/peddler shall not engage in the conduct of business in such a manner as to obstruct or interfere with the flow of traffic, the maintenance of public ways or the removal of snow.

§ 215-7. Noise and odors.

No hawker/peddler shall, while in the conduct of business, cause loud noise or cries or emit odors in such a manner as to injure or disturb the public health or comfort.

§ 215-8. Use of signs; permit.

- A. A hawker/peddler may display no signs without first obtaining a permit for such signs from the Building Inspector. The Inspector shall provide the hawker/peddler with an application form for a sign permit upon which the applicant may clearly set forth his name, address, description of the proposed sign and the proposed location or locations of business. Upon the filing of such application, the Inspector shall determine whether the proposed signs meet the applicable standards and forthwith issue or deny a sign permit.
- B. Sign permits shall be subject to the following restrictions:
 - (1) No sign shall exceed four (4) square feet in size.
 - (2) No more than two (2) signs shall be attached to a vehicle.
 - (3) Illuminated signs are prohibited.
 - (4) Displays of balloons, banners, streamers and other similar displays, when used for promotional purposes and not for sale, are prohibited.

§ 215-9. Applicability.

This Article shall not be applicable to route salesmen nor to route delivery persons whose ordinary conduct of business is the sale or delivery to individual homes and places of business, nor shall it apply to hawking/peddling on behalf of a bona fide nonprofit organization.

§ 215-10. Effect upon state licenses.

Nothing in this Article shall be construed as conflicting with any license for hawkers and peddlers issued under authority of the commonwealth.

ARTICLE II
Soliciting
[Adopted May 1993 STM]

§ 215-11. License required.

It shall be unlawful for any solicitor or canvasser, as defined in this Article, to engage in such business within the Town of Ashland without first obtaining a license therefor in compliance with the provisions of this Article.

§ 215-12. Applicability.

The provisions of this Article shall not apply to any person residing within the Town of Ashland and engaging in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted under Chapter 101 of the Massachusetts General Law, nor to any person duly licensed under Chapter 101 of the Massachusetts General Laws, nor to any person exempted by any other provision of the Massachusetts General Laws, nor shall this Article be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon such customers for the purpose of soliciting an order for future periodic deliveries.

§ 215-13. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

SOLICITOR OR CANVASSER — Any person who, for himself or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from house to house or other residential units, taking or attempting to lease or to take orders for the sale of goods, wares, merchandise or service or taking or attempting to take contributions for any purpose, including, without limiting, the selling, distributing, exposing for sale or soliciting of orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements or for services to be performed in the future, whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale and whether or not he is collecting advance payment of such retail sales. (Excluded shall be licensed real estate brokers and life insurance salesmen as the same are not considered "solicitors or canvassers.")

§ 215-14. Application for license; investigation; approval or disapproval. [Amended 11-20-2019STM, Art. 13]

Applicants for a license shall file with the Chief of Police a written application signed under the penalties of perjury. At the time of filing the application, each applicant shall pay a fee as set by the Town Meeting to the Town of Ashland. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity. After investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, a license shall be issued. Any applicant shall have the right to appeal to the Select Board.

§ 215-15. Contents of license; records.

Such license, when issued, shall contain the signature of the Chief of Police and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of three (3) years.

§ 215-16. Badge.

Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Chief of Police, by wearing said badge on an outer garment.

§ 215-17. Enforcement.

Each licensee is required to possess an individual license. The police officers of the Town of Ashland shall enforce this Article.

§ 215-18. Licenses not transferable.

No license shall be transferred.

§ 215-19. Revocation of license.

The Chief of Police is hereby vested with jurisdiction over the revoking of licenses.

§ 215-20. Term of license.

Each license issued under the provisions of this Article shall continue in force for one (1) year from the date of its issue unless sooner revoked.

§ 215-21. Renewal of license.

An applicant requesting a renewal of a license must apply in person for such license renewal and provide such material as required by the Chief of Police.

§ 215-22. Violations and penalties.

Any person violating any provision of this Article may be arrested and punished by a fine not to exceed one hundred dollars (\$100.) for each and every offense.

PLUMBING

Chapter 218

PLUMBING

[Plumbing work within the Town of Ashland is regulated by the Massachusetts State Plumbing Code. See 248 CMR 2.00 and M.G.L.A. C. 142, § 13.]

GENERAL REFERENCES

Building construction — See Ch. 98.

Electrical standards — See Ch. 132.

Gas — See Ch. 157.

Septic systems and wells — See Ch. 300.

Sewage disposal systems — See Ch. 303.

Water supplies — See Ch. 312.

Sewers — See Ch. 326.

Water — See Ch. 334.

ASHLAND CODE

Chapter 227

RETAIL ESTABLISHMENTS

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Registration of businesses — See Ch. 106, Art. I.

Peddling and soliciting — See Ch. 215.

Licensing — See Ch. 178.

ARTICLE I
All-Night Operations
[Adopted May 1993 STM]

§ 227-1. License required. [Amended 11-29-2010 STM, Art. 14; 11-20-2019STM, Art. 13]

No establishment providing services or goods to the general public may operate for business between the hours of 12:00 midnight and 6:00 a.m. without a license for all-night operations issued by the Select Board. Any establishment which operates pursuant to a Common Victualler's License or a License issued pursuant to G.L. c. 138 shall not be required to obtain a license hereunder.

§ 227-2. Application; issuance of license.

Application, public hearing and certified mail notification of abutters is required at the requester's expense. The licensing authority will issue such a license only upon a showing by the applicant that there will be no substantial impact on surrounding areas by reason of traffic, lighting or noise resulting from operation of the establishment between 12:00 midnight and 6:00 a.m.

§ 227-3. License fee. [Amended 11-20-2019STM, Art. 13]

An annual license fee to be determined by the Select Board is to be payable by December 31 of each year.

§ 227-4. Violations and penalties.

Violators of this Article are subject to a fine of one hundred dollars (\$100.) per violation, with each day considered to be a new violation.

Chapter 230**SECONDHAND DEALERS**

[HISTORY: Adopted by the Town of Ashland 5-15-2002 Annual Town Meeting.¹⁴ Amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. 178.

Solid waste — See Ch. 245.

Peddling and soliciting — See Ch. 215.

§ 230-1. License required.

No person, firm, business or corporation shall be a collector of or a dealer in junk, old metals, precious metals, jewelry or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals, precious metals, legal currency, coins, jewelry or secondhand articles unless licensed therefor by the Selectmen.

It shall be unlawful for any person, firm, business or corporation as defined in this Chapter to engage in such business within the Town of Ashland without first obtaining a license therefor in compliance with the provisions of this Chapter.

§ 230-2. Applicability.

The provisions of this Chapter shall not apply to any person residing within the Town of Ashland and engaging in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, or to any person exempted under Chapter 101 of the Massachusetts General Laws, or to any person exempted by any other provision of the Massachusetts General Laws.

§ 230-3. Definitions.

As used in this Chapter, the following terms have the meanings indicated:

SECONDHAND DEALERS — Any person who, for himself or for another person, firm, business or corporation, is a collector or engages in the purchase and sale of or a dealer in junk, old metals, precious metals, jewelry, legal currency, coins or secondhand articles either used or in new condition formerly owned by another and offered for sale to the secondhand dealer and/or sold by the secondhand dealer to another.

SECONDHAND ARTICLES — Any property offered for resale by persons to Secondhand Dealers to include but not be limited to: used property, new property, electronic components, computers, televisions, radios, cd players, video recorders, telephones, appliances or junk, old metals, precious metals, jewelry, legal currency, coins, tools and bicycles.

§ 230-4. Application for license; investigation; approval or disapproval. [Amended 11-20-2019STM,

14. Editor's Note: This Article also repealed former Ch. 230, Secondhand Dealers, adopted May 1993 Special Town Meeting.

Art. 13]

Applicants for a license shall file with the Select Board a written application. At the time of filing the application, each applicant shall pay a fee as determined by the Select Board. Upon receipt of the application, and payment of the fee, the Select Board shall cause to investigate the applicant's reputation as to morals, integrity, and fitness of the applicant and his/her employees to engage in the business of Secondhand Dealer. After the investigation has been completed, the Select Board may grant the license or deny the application. In the event that the Select Board approves the application, a license shall be issued. If the Select Board denies the application, a public hearing may be requested by the applicant for reconsideration.

§ 230-5. Contents of license; records.

Such license, when issued, shall contain the name and signature of the applicant, the address of the Secondhand Dealer's business, the hours of operation, the days of operation, the date of issuance of the license and the expiration date. A copy of any license issued under this Chapter shall be forwarded to the Ashland Police Department.

§ 230-6. Posting of licenses.

Secondhand Dealers shall post their Secondhand Dealers license in a conspicuous place within their place of business in clear view of the public and the police.

§ 230-7. Enforcement. [Amended 11-20-2019STM, Art. 13]

The Chief of Police and/or the police officers of the Town of Ashland shall enforce the provisions of this Chapter and are hereby vested with this authority. The Chief of Police shall notify the Select Board of violations of any provision of this Chapter. The Police Department may enforce any criminal violations by seeking complaints in the court having jurisdiction.

§ 230-8. Licenses not transferable.

No license issued under this Chapter is transferable.

§ 230-9. Revocation of license. [Amended 11-20-2019STM, Art. 13]

The Chief of Police and/or his/her designee shall forward police reports of violations of any provision of this chapter to the Select Board for its action. Such action may include suspension or revocation of any license issued under this Chapter. Prior to any suspension or revocation, the Board shall hold a public hearing giving a written notice to the licensee. Such notice shall be mailed certified mail, return receipt requested, or shall be delivered in hand by a constable authorized to provide such service. Any violation of this Chapter shall be valid reason for revocation of said license by the Select Board.

§ 230-10. Term of license. [Amended 11-20-2019STM, Art. 13]

Each license issued under the provisions of this Article shall continue in force until December 31st in the year it was first issued. Thereafter, it may be renewed annually for each calendar year, unless the Select Board feels such renewal does not serve the public good. If the Board is considering not renewing such license, it shall first give the licensee an opportunity to be heard before the Board. After said hearing, the decision of the Board shall be final.

§ 230-11. Purchases from minors. [Amended 11-20-2019STM, Art. 13]

No person who holds a license under the provisions of this Chapter or any of his/her employees or agents, shall directly or indirectly, conduct any transactions with any minor under the age of eighteen (18) knowing or having reason to believe him/her to be such. Sales over the Internet to minors are strictly prohibited. It shall be the licensee's responsibility to require satisfactory proof of age. Sales to minors shall be valid reason for the revocation of said license by the Select Board.

§ 230-12. Records and inspections.

- A. **RECORD OF PURCHASE FORM:** Every Secondhand Dealer, upon the acquisition of any article enumerated in § 230-3 of this Chapter, shall prepare duplicate transaction records known as RECORD OF PURCHASE FORM, blanks for which shall be furnished by the police department, detailing the proven identity of the seller including his complete name, (first, last and middle initial) date of birth, street address, city or town, zip code, telephone number, and a valid driver's license. If the identity of the seller cannot be proven by a valid driver's license, or another form of government issued identification, no transaction may occur. The RECORD OF PURCHASE FORM shall also contain the month, day, time, and year when the transaction occurred as well as a full, accurate, and detailed description of each article purchased including brand name, model number, serial number, and initials if any, with the price paid therefor, and cause the record to be signed by the seller in person. A copy of the record of purchase form shall be forwarded to the Ashland Police Department as soon as possible, but no later than 48 hours after completion of the transaction. The Secondhand Dealer shall retain a copy of the record at his local place of business for one year from the date of transaction, which, along with any article therein listed, may be inspected by any duly authorized police officer. No article so purchased shall be sold, changed, altered in its appearance or otherwise within seven days (07) after the notification of the police department has been made thereof for all property with the exception of jewelry which shall be 14 days after notification of the police department, except with the written consent of the Chief of Police.
- B. All transactions shall be videotaped or photographed for viewing by the Chief of Police or his designee. Copies shall be made available to the Chief of Police or his/her designee immediately upon request, and a copy provided within 24 hours of said request. Said videotape or photograph shall clearly show the item being purchased or received and clearly show the face of the person selling the item. Any videotapes or photographs required under this section shall be retained by the licensee for a period of ninety days.

§ 230-13. Internet sales.

All provisions of this Chapter shall apply to Internet sales and purchases by Secondhand Dealers.

§ 230-14. Exclusions.

Specifically excluded from the provisions of this chapter are the following:

- A. Purchases from private residences by citizens not engaged in a secondhand dealer type business, yard sales, and charitable fund-raisers for non-profit organizations.
- B. Secondhand clothing, and books businesses.
- C. Antique Dealers.
- D. Select Board Exemption. The Select Board may upon written request by any business to be exempt

§ 230-14

ASHLAND CODE

from the provisions of this chapter, may grant an exemption after holding a public hearing, if they determine the business does not meet the provisions and/or the intent of this chapter. **[Amended 11-20-2019STM, Art. 13]**

- E. Individual items with a sale price of \$10.00 or less.

§ 230-15. Violations and penalties.

- A. Criminal disposition: Any person violating any provision of this Chapter may be arrested and punished by a fine if convicted, according to the following schedule:

During each declaration under this Chapter
First offense not to exceed one
hundred dollars (\$100.00)
Second offense not to exceed two
hundred dollars (\$200.00)
Third and each succeeding offense three
hundred dollars (\$300.00)

- B. Non-criminal Disposition

Violations of this Chapter may be processed pursuant to § 21D of Chapter 40 of the general laws of the commonwealth. Fines for violations shall be assessed according to the following schedule:

First offense \$100.00
Second offense \$200.00
Third and subsequent offenses \$300.00

Enforcement of this bylaw shall be carried out by any duly sworn police officer or other person so designated by the Town Manager.

- C. Holders of Secondhand Dealers shall be deemed in violation of any provision of this Chapter that is violated by their employees or agents.

§ 230-16. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

Chapter 235**SEWER BETTERMENT ASSESSMENT**

[HISTORY: Adopted by the Town of Ashland 5-10-2000 ATM by Art. 33. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 218.

Zoning — See Ch. 282.

Water use restrictions — See Ch. 270.

Subdivision of land — See Ch. 344.

§ 235-1. Statutory Authority; purpose.

This bylaw is authorized pursuant to § 15 of Chapter 83, MGL and is intended to provide an alternative to the conventional betterment assessments for sewer projects in the Town of Ashland. It shall be applied to all sewer betterment assessments levied after the effective date of the bylaw.

§ 235-2. Assessing Owners; definitions. [Amended 11-20-2019STM, Art. 13]

The Town, through its Select Board acting as the Board of Sewer Commissioners, shall assess owners of land abutting a sewer line installed by the Town by a rate based upon a uniform unit method. Such assessments shall be made regardless of whether an owner makes a connection to the sewer line. As used in this bylaw, the terms "uniform unit method," "sewer unit," "general benefit facilities" and "special benefit facilities" shall have the same meanings as set forth in Section 15 of chapter 83 of the General Laws as from time to time amended (the "Statute").

§ 235-3. Calculation of per Unit Assessment.

Whenever the Town constructs sewerage facilities, a betterment assessment shall be levied on properties that receive a benefit from such construction. The betterment assessment per unit shall be calculated by dividing the total cost of the project by the number of existing and potential units. The assessment shall then be apportioned as permitted by the Statute.

§ 235-4. Calculation of Units for Existing Buildings.

Existing sewer units shall be calculated with respect to existing buildings or any building for which a building permit has been issued as follows:

- A. Each single family residence shall be assessed as one sewer unit.
- B. Each dwelling unit in a multiple family building shall be assessed as one sewer unit. As used herein, the term "multiple family building" shall include without limitation apartment houses, complexes, town houses, condominiums and other buildings or groups of buildings containing more than one single family dwelling unit.
- C. Each building not used for residential purposes shall be assessed as the total number of sewer units produced by the following formula:

§ 235-4

ASHLAND CODE

- (1) One sewer unit for the first 10,000 square feet of gross building floor area, or any portion thereof;
- (2) One additional sewer unit for each additional 10,000 square feet of gross building floor area, or any portion thereof, up to a maximum of 50,000 square feet; and
- (3) One additional sewer unit for each additional 25,000 square feet of gross building floor area or any portion thereof in excess of 50,000 square feet.

§ 235-5. Calculation of Units for Proposed Buildings.

Potential sewer units with respect to undeveloped land shall be calculated as set forth in § 235-4 based upon the maximum number and size of buildings that could be built upon such land under the then current zoning bylaw, assuming no further subdivision of such land; provided however, that potential sewer units with respect to land having frontage on the street or way in which the sewer is installed shall be calculated on the basis of the number of lots into which such land could be divided without approval of the Planning Board.

§ 235-6. Connection Fees.

In addition to the betterment assessments provided for in this bylaw, the Town may charge fees for connections made to any sewer line.

§ 235-7. Other Fees.

In addition to all other betterment assessments and fees provided for in this bylaw, the Town shall charge each owner of a building or dwelling unit using the town sewer system such fees as are in effect from time to time together with the cost of any service work, materials or inspection with respect to connecting lines from the main to the building.

§ 235-8. Authority to Collect Assessments.

Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division re-assessment, abatement, and collection of sewer assessment, division, re-assessment, abatement, and collection of sewer assessments to liens therefor and to interest thereon shall apply to assessments made under this bylaw, and the Tax Collector of the Town shall have all of the powers conveyed by the General Laws.

Chapter 242**SOIL REMOVAL**

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. 178.

Street excavations — See Ch. 330.

Zoning — See Ch. 282.

Subdivision of land — See Ch. 344.

§ 242-1. Definitions.

As used in this chapter the following terms shall have the meanings indicated:

BOARD — The Planning Board of the Town of Ashland.

EARTH — All forms of soil, including, without limitation, loam, sand, gravel, clay, peat, hardpan or rock.

LOT — A single piece or parcel of land lying in a solid body, under single, joint or several ownership, and separated from contiguous land by property lines or street lines.

OWNER — The owner of the land with respect to which earth is sought to be removed or the person lawfully standing in the stead of such owner as, for example, a lessee or tenant.

REMOVAL — Stripping, digging, excavating or blasting earth from one lot and removing or carrying it away from said lot.

§ 242-2. Applicability; effect on zoning regulations.

- A. This chapter shall apply to all earth removal activities in the Town of Ashland, except those undertaken on public land and except as otherwise limited herein. It shall apply to all areas regardless of zoning district.
- B. Nothing in this chapter, however, shall be deemed to amend, repeal or supersede Chapter 282, Zoning, as now in force or as later amended. Nothing herein shall derogate from the intent and purpose of said Chapter 282, Zoning.
- C. In cases of dual application, the provisions of this chapter and Chapter 282, Zoning, must both be met and satisfied.

§ 242-3. Permits.

- A. Except as otherwise provided in §§ 242-4 and 242-5 herein, no earth shall be removed from any lot in the Town of Ashland unless a permit shall have first been obtained by the owner from the Board.
- B. Applications for earth removal permits shall be made to the Board. A majority vote of the Board shall be sufficient to grant a permit. The applicant shall pay such filing fee as is established by the Board.
- C. The procedure to be followed by applicants shall be as follows:

- (1) An applicant shall submit adequate evidence of his ownership to seek the permit.
 - (2) An applicant shall submit three (3) copies of a plan showing original grades in the area from which material is to be removed, together with three (3) copies of a plan showing the grades as they will be at the conclusion of the operation or at the end of two (2) years, whichever period is the shorter. The plan showing the grades at the conclusion of the operation shall show no grades in excess of one (1) foot of vertical rise in four (4) feet of horizontal distance for the first one hundred (100) feet from all property lines and no grades below existing center-line road grade for a distance of two hundred (200) feet from the street line. All finished grades on the remaining interior of the parcel resulting from earth removal shall not exceed a slope of one (1) foot of vertical rise to two (2) feet of horizontal distance.
 - (3) The applicant shall also submit the route his trucks or other vehicles shall use in coming and going to said land.
- D. Any permits granted by the Board must be made subject to the following conditions, said conditions to be written on the permit and made a part thereof:
- (1) That proper and reasonable surface drainage of the land affected by earth removal operations is assured during and after the removal operations.
 - (2) That at the conclusion of the earth removal operations or of any substantial portion thereof, the whole area where removal has taken place is covered with not less than eight (8) inches of topsoil and seeded with a suitable cover crop, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried.
 - (3) That the applicant post a bond with the Treasurer of the Town of Ashland in an amount determined by the Board as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than eighty cents (\$0.80) per square foot of area (vertical projection) of land from which earth is to be removed.
 - (4) That the trucks or other vehicles shall follow a specified route in coming and going to and from said land, not exceeding specified speeds.
 - (5) That temporary traffic signs are posted by the applicant as required by the Board.
 - (6) That all requirements of the Registrar of Motor Vehicles be met pertaining to trucks.
- E. Before issuing a permit, the Board shall hold a public hearing, after giving at least seven (7) days' notice by public announcement and by written notice to all abutters and the Conservation Commission. The expenses incurred in giving such notices shall be charged to and paid by the applicant.
- F. Applications for permits may be granted, denied or granted in part and denied in part.
- G. No permit shall be issued for a period in excess of twenty-four (24) months. The duration of the permit, including the beginning and terminating dates, shall be set forth on the permit.
- H. Where a permit is required hereunder for earth removal activities at a Priority Development Site (PDS), as defined by Section 10.0 of the Zoning By-laws, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including the Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall

be rendered no later than one hundred eighty (180) days from said date of submittal. [Added 5-5-2010 ATM, Art. 18]

§ 242-4. Exemptions.

The following activities are exempted from the provisions of this chapter:

- A. Public land: earth removal on lands in public use.
- B. Intra-lot activities: except for the provisions relative to loam and the removal of lateral support in §§ 242-6 and 242-7 below, any earthmoving activities confined entirely to the limits of a single lot, as herein defined.
- C. Surplus earth: removal of surplus earth resulting from a bona fide construction project being carried on pursuant to the issuance of a building permit.
- D. Small quantities: any earth removal involving fifty (50) cubic yards or fewer in total.

§ 242-5. Informal permits.

Permits to remove earth in quantities not exceeding two hundred fifty (250) cubic yards, but in excess of the exempted amount of fifty (50) cubic yards, may be issued informally by a majority vote of the Board without need of complying with the provisions of § 242-3 above as to the submission of plans, notice, hearings, recover, bonds, etc.; provided, however, that:

- A. Proper surface drainage of the parcel is assured during and after the removal of earth.
- B. No grades resulting from such earth removal exceed a slope of one (1) foot of vertical rise to four (4) feet of horizontal distance for the first one hundred (100) feet from all property lines, and no grades are below existing center-line road grade for a distance of two hundred (200) feet from the street line.
- C. Informal permits shall not exceed one (1) year from date of issue.
- D. No more than three hundred (300) yards of earth shall be removed from any one (1) lot by informal permit during any three-year period.

§ 242-6. Removal of loam.

In no event may any loam be stripped and removed from any land in the Town of Ashland, except surplus loam incidental to and in connection with bona fide construction on a lot.

§ 242-7. Removal of support of adjoining land.

There shall be no removals of earth or earth movements of any kind, whether from one parcel to another or whether conducted entirely within a single parcel, the result of which is to remove lateral support from adjoining land, unless a one-to-four grade or slope is preserved for a distance of twenty-five (25) feet in from all lot lines or is reduced to an extent greater than herein provided if written consent is obtained in advance from the owner of an adjoining lot or from the Board, in the case of adjoining public ways, and if evidence of such written consent is filed with the Board prior to commencement of this work. In all cases of adjoining lands under public ownership or control, written permission from the Board will suffice notwithstanding what political subdivision owns or controls said adjoining land.

§ 242-8. When effective.

§ 242-8

ASHLAND CODE

- A. Application. This chapter shall take effect on the effective date hereof as defined in Subsection B below; provided, however, that any continuous earth removal activities in actual working operation as of the effective date hereof may continue unaffected by this chapter until January 1, 1968. Permits with respect to the latter will be required after January 1, 1968.
- B. Effective date. This chapter shall take effect upon its approval by the Attorney General and its publication and postings as required by M.G.L.A. C. 40, § 32.

§ 242-9. Violations and penalties.

The penalty for violating any provision of this chapter shall be as follows:

- A. For the first offense: one hundred dollars (\$100.).
- B. For the second offense: two hundred dollars (\$200.).
- C. For each subsequent offense: five hundred dollars (\$500.) and/or revocation of said permit.

§ 242-10. Severability.

The provisions of this chapter are hereby declared to be severable; and if any such provision or the application of such provision to any person or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions or the application of such provisions to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent of this chapter that said remaining sections would have been adopted had such invalid or unconstitutional provisions not been included therein.

§ 242-11. Enforcement.

The Board shall be responsible from the administration and enforcement of this chapter.

SOLID WASTE

Chapter 245

SOLID WASTE

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste collection regulations — See Ch. 305.

ARTICLE I

Garbage and Rubbish Collection

[Adopted May 1993 STM; amended in its entirety 5-13-2003 ATM, Art. 16]

§ 245-1. Recommendation of contract.

The Department of Public Works shall conduct negotiations and recommend to the Town Manager a contract for garbage and rubbish collection.

§ 245-2. Enactment of rules and regulations.

Said Department of Public Works is hereby empowered to enact such regulations as are necessary to control the garbage and rubbish collection process.

ASHLAND CODE

Chapter 247

STORMWATER MANAGEMENT AND ILLICIT DISCHARGES AND CONNECTIONS

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Soil removal — See Ch. 242.

Zoning — See Ch. 282.

Wetlands protection — See Ch. 280.

ARTICLE I
Stormwater Management
[Adopted 5-2-2007 ATM, Art. 22]

§ 247-1-1. Purpose.

Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Ashland to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. The purpose of this bylaw is to comply with the Environmental Protection Agency's National Pollutant Discharge Elimination System Phase II program by preventing or diminishing stormwater impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction, development and other circumstances, and eliminating non-stormwater discharges into the Town's municipal storm sewer system.

§ 247-1-2. Statutory authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the federal Clean Water Act found at 40 CFR 122.34.

§ 247-1-3. Effect on other bylaws.

Nothing in this bylaw is intended to replace the requirements of either the Town of Ashland Wetlands Bylaw, or any other bylaw that has been or may be adopted by the Town of Ashland. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each applicable bylaw.

§ 247-1-4. Objectives.

The objectives of this bylaw are to:

- A. Establish decision making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of wetland and water resources;
- B. Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics as equal to or less than the predevelopment runoff characteristics to provide recharge and to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
- C. Establish minimum construction/alteration and post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff;
- D. Establish design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
- E. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum construction/alteration and post-development stormwater management standards and to encourage the use of nonstructural stormwater management, stormwater site design practices or low-impact development practices, such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;

- F. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- G. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw; and
- H. Establish administrative procedures and fees for the submission, review, approval, or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

§ 247-1-5. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTER — Any activity that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area and will measurably change the ability of a ground surface area to absorb water. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. "Alter" may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT — Any person, as defined below, requesting a stormwater management permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY — The Conservation Commission (hereinafter "the Commission") and its employees or agents or other employee of the Town of Ashland shall be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural, vegetative and managerial techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. Structural BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. Nonstructural BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. "Better site design" includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

DISTURBED AREA — An area, man-made or natural, where the existing condition has been or is proposed to be altered.

ENVIRONMENTAL SITE MONITOR — A professional engineer, or other trained professional selected

by the Commission and retained by the holder of a stormwater management permit to periodically inspect the work and report to the Commission.

EROSION — A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

HOTSPOT — Land uses or activities with higher potential pollutant loadings, such as, but not limited to, auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

ILLICIT DISCHARGES — Any discharge to a stormwater structure, stream, lake, pond, vernal pool, body of water or wetland that is or has not been permitted, waived or exempted by the Town (state and/or federal regulations).

ISOLATED DEPRESSION SUBJECT TO FLOODING — An isolated depression or closed basin which serves as a ponding area for runoff or high groundwater which has risen above the ground surface. The basin must confine standing water at least once per year for a two-month period in nondrought conditions to an average depth of six inches and occupy a minimum surface area of 5,000 square feet.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, § 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

NEW DEVELOPMENT — Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state.

PERSON — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Ashland, and any other legal entity, its legal representatives, agents, or assigns.

PHASED DEVELOPMENT — The method of segmenting and dividing the disturbance, construction or development of a site into smaller areas and/or timeframe (to reduce possible impacts to the site and resource).

POST-DEVELOPMENT — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. "Post-development" refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PREDEVELOPMENT — The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish predevelopment conditions.

QUALIFIED PROFESSIONAL — A civil engineer registered in Massachusetts, a registered land surveyor, a Massachusetts licensed soil evaluator, a certified professional in erosion and sediment control, a certified professional in stormwater quality, or other person who can satisfactorily demonstrate to the issuing authority proficiency in the field of stormwater management as appropriate to the scope of the project.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT — Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SEDIMENTATION — A process of depositing material that has been suspended and transported in water.

SLOPE — The vertical rise divided by the horizontal distance and expressed as a fraction or percentage.

STABILIZED — The elimination of any erosion or erosion potential.

STORMWATER MANAGEMENT HANDBOOK — Stormwater Management Handbook, Volume One and Volume Two, prepared by the Massachusetts Department of Environmental Protection and the Massachusetts Office of Coastal Zone Management, dated March 1997, as the same may be from time to time revised.

STORMWATER MANAGEMENT PERMIT (SMP) — A permit issued for an application that meets a set of predetermined standards which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff outlined in the regulations to be adopted by the Commission under this bylaw. By meeting these predetermined standards, after review of an application, plans, calculations, and other supporting documents, the proposed project will be presumed to meet the requirements and intent of this bylaw.

VERNAL POOL — A confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

§ 247-1-6. Applicability.

This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 247-7 of this bylaw. After approval of this bylaw by the Attorney General, the Commission shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. A stormwater management permit shall be required from the Commission for the following:

- A. Any activity subject to site plan review (Ashland Town Code § 282-6);
- B. Any activity that will result in the alteration and/or soil disturbance of 10,000 square feet or more, or increase the amount of impervious surfaces to more than 50% of the parcel or lot;
- C. Any redevelopment of a commercial, industrial, institutional, or multifamily residential parcel as defined by Ashland Town Code § 282-99;
- D. Any activity that will disturb land with a slope of 15% or greater and where the land disturbance is

greater than or equal to 5,000 square feet within the sloped area; and

- E. Any activity that will alter, fill or degrade a wetland, body of water, floodplain or isolated depression subject to flooding.

§ 247-1-7. Exemptions.

The following activities are exempt from the requirements of this bylaw:

- A. Normal maintenance of Town-owned public land, ways and appurtenances, such as, but not limited to, the maintenance of drainage structures or utilities within or associated with public ways;
- B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL c. 40A, § 3;
- C. Repair or replacement of septic systems when approved by the Board of Health for the protection of public health;
- D. Normal maintenance of existing landscaping, gardens or lawn areas associated with a residential dwelling, provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
- E. The construction of fencing that will not alter existing terrain or drainage patterns;
- F. The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals; or
- G. Activity in accordance with the terms of an existing order of conditions or determination of applicability issued by the Commission pursuant to the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, or the Ashland Wetlands Protection Bylaw, Chapter 280 of the Code of the Town of Ashland.

§ 247-1-8. Administration.

- A. The Conservation Commission shall be the permit granting authority for the issuance of a stormwater management permit and shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to its employees or agents or other municipal employees as appropriate. Such permit applications shall be submitted, considered, and issued only in accordance with the provisions of this bylaw and the regulations adopted pursuant to this bylaw.
- B. Stormwater regulations. After public notice and a public hearing, the Commission shall adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management Bylaw. These rules and regulations shall be promulgated by a committee established by the Commission. This committee shall be composed of at least three but not more than 11 members. At least one member shall be from each of the Conservation Commission, Planning Board and Ashland Department of Public Works, or their designees. Other committee members may be drawn from other Town committees and boards or from interested Town citizens. The rules and regulations shall include procedures to conduct hearings, issue, deny, revoke and/or modify permits and to appeal, and shall also provide guidance generally to persons seeking to conduct a regulated activity. Such rules and regulations may also provide, as the Commission deems necessary, additional definitions and procedures not inconsistent

with the bylaw and a schedule of fees to be charged. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

- C. Right of entry. Filing an application for a stormwater management permit grants the Commission or its agent permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- D. Stormwater Management Manual. The Commission will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy, for execution of the provisions of this bylaw. This policy includes a list of acceptable best management practices and stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards unless engineering and performance information provided or obtained from credible and independent sources (as deemed by the Commission) refutes, modifies or supplements information from the Massachusetts Stormwater Management Policy.
- E. Application. To obtain approval for a project subject to the provisions of this bylaw, the applicant shall submit a stormwater management plan and an operation and maintenance plan prepared, stamped and signed by a civil engineer registered in Massachusetts, a registered land surveyor, a Massachusetts licensed soil evaluator, a certified professional in erosion and sediment control, a certified professional in stormwater quality, or other person who can satisfactorily demonstrate to the issuing authority proficiency in the field of stormwater management as appropriate to the scope of the project, that complies with the requirements set forth herein and in the regulations adopted pursuant to this bylaw. The operation and maintenance plan (O&M plan) shall be designed to ensure compliance with the permit and this bylaw, and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. The O&M plan shall remain on file with the Commission, the Planning Board, the Department of Public Works and the Town Engineer or the Town's engineering consultant, and shall be an ongoing requirement. The O&M plan shall meet the criteria set forth in the regulations adopted pursuant to this bylaw. The plans shall fully describe the project in drawings, narrative, and calculations.

§ 247-1-9. Fees.

The Commission shall establish fees to cover expenses incurred by the Town in reviewing the application and monitoring permit compliance. The Commission is authorized to retain and charge the applicant fees to cover the cost of hiring a civil engineer or other professional consultant to advise the Commission on any or all aspects of the project. The applicant for a stormwater management permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants shall pay review fees to the Commission before the review process may begin.

§ 247-1-10. Surety.

The Commission may require a cash performance guarantee to ensure compliance with these requirements and for the long-term operation and maintenance of all permanent erosion control and stormwater management measures, as determined in the rules and regulations. The form of the bond shall be approved by the Commission upon the recommendation of Town Counsel and the Town Treasurer, as appropriate. With the approval of the Commission upon the recommendation of Town Counsel and the Town Treasurer,

as appropriate, the applicant may substitute an irrevocable letter of credit or performance bond in lieu of the cash performance guarantee. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or guarantee company qualified to do business in the Commonwealth of Massachusetts.

§ 247-1-11. Waivers.

- A. The Commission may waive strict compliance with some of the requirements of this bylaw or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unwarranted because of the size or character of the development project or because of the natural conditions at the site and where such action:
 - (1) Is allowed by federal, state and local statutes and/or regulations;
 - (2) Is in the overriding public interest; and
 - (3) Is not inconsistent with the purpose and intent of this bylaw.
- B. Any request from an applicant for a waiver of these rules shall be submitted, in writing, to the Commission at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the overriding public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this bylaw and the rules and regulations promulgated hereunder.

§ 247-1-12. Findings and conditions of approval.

- A. The Commission shall not approve any application for a stormwater management permit unless it finds BMPs and other criteria will be employed to meet the requirements outlined in the rules and regulations.
- B. Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated.
- C. Based upon the nature of the application, the Commission may impose reasonable requirements or limitations to minimize the impacts, if any, on abutting properties or uses.
- D. On redevelopment applications, the Commission may not require strict adherence to the performance standards or requirements based on the conditions, degree or size of the project.
- E. Prior to commencement of any land-disturbing activity, the applicant shall record the permit with the Registry of Deeds or Registry District of the Land Court, and shall submit to the Commission written proof of such recording.
- F. At completion of the project, the owner shall request in writing a notice of completion and submit as-built record drawings of all stormwater controls, treatment, best management practices and associated grading required for the site. The as-built drawing shall show deviations from the approved plans, if any, and shall be certified by a qualified professional registered in Massachusetts of equal or greater qualifications to the qualified professional submitting the original certified plans approved by the Commission.

§ 247-1-13. Actions by the Commission.

- A. The Commission shall act on each complete application for a permit within 90 days of the date of filing with the Commission and the Town Clerk, unless such application has been withdrawn from consideration or deemed incomplete. An application is deemed complete if all relevant sections of the application are properly filled out; all relevant plans and information are provided; application fees are paid; and there are no outstanding tax or fee liabilities to the Town of Ashland for the parcel(s) related to the permit application.
- B. The Commission may take any of the following actions as a result of an application for a stormwater management permit as more specifically defined as part of stormwater regulations promulgated as a result of this bylaw: approval, approval with conditions, or disapproval.
- C. A stormwater management permit may be disapproved if the Commission determines:
 - (1) The requirements of this bylaw are not met; or
 - (2) Insufficient information was provided to the Commission; or
 - (3) Inadequate response by the applicant to the Commission's request for information; or
 - (4) The intent of the application is to circumvent other provisions of the Town's Zoning Code and regulations.
- D. Appeals of action by the Commission. A decision of the Commission shall be final. The appeal of a decision by the Commission under this bylaw shall be filed with the Massachusetts Land Court or Massachusetts Superior Court.

§ 247-1-14. Enforcement; violations and penalties.

The Commission or its authorized agent and the Town of Ashland shall have the power and duty to enforce this bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Penalties. Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and liens, as appropriate and as lawfully established by the Town of Ashland.
- B. Any person who violates any provision of this chapter, or regulations, permits or administrative orders issued thereunder shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations and permits or administrative orders violated shall constitute a separate offense.
- C. Liens. The Town of Ashland shall require reimbursement to the town for the cost of work undertaken by the town that the responsible party was obligated to perform but failed to perform as set forth in the Operation and Maintenance Plan. If reimbursement is not made within (30) days of written notice from the town to the responsible party, the Town may impose an assessment and municipal lien on the property of the responsible party or parties and interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, Section 57.
- D. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Conservation Agent or other authorized agent of the Town shall be the enforcing person. If noncriminal disposition is used, any person who violates any provision of this bylaw, regulation,

order or permit issued there under, shall be punished by a fine of \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§ 247-1-15. Severability.

Any determination that a particular provision or set of provisions in this bylaw are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this bylaw.

ARTICLE II
Illicit Discharges and Illicit Connections
[Adopted 5-1-2019 ATM, Art. 14]

§ 247-2-1. Purpose.

- A. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the waters of the Commonwealth including the Town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

§ 247-2-2. Statutory authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the federal Clean Water Act (40 CFR 122.34).

§ 247-2-3. Applicability.

This bylaw shall apply to all water, and pollutants entering the municipal storm drain system directly, or indirectly, unless explicitly exempted by an authorized enforcement agency.

§ 247-2-4. Effect on other bylaws.

Nothing in this bylaw is intended to replace the requirements of either the Town of Ashland Wetlands Bylaw, or any other bylaw that has been or may be adopted by the Town of Ashland. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each applicable bylaw.

§ 247-2-5. Objectives.

The objectives of this bylaw are to establish legal authority to:

- A. Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and the waters of the Commonwealth;
- B. Prohibit illicit connections and unauthorized discharges to the MS4;
- C. Investigate suspected illicit connections and discharges;
- D. Eliminate illicit discharges, and require the removal of all such illicit connections and discharges;
- E. Comply with state and federal statutes and regulations relating to stormwater discharges; and
- F. Ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 247-2-6. Definitions.

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AUTHORITY or ENFORCEMENT AUTHORITY — The director of

the Department of Public Works (DPW) and her/his employees or agents designated to enforce this bylaw.
BEST MANAGEMENT PRACTICES (BMP) —

- A. An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- B. Structural, nonstructural, vegetative and managerial techniques that are recognized by the Massachusetts Stormwater Handbook Volume Two, Chapter Two or other established industry standards to be the most effective means to reduce erosion, prevent or reduce increases in stormwater volumes and flows, prevent point source and nonpoint source pollution, promote groundwater recharge, utilize low impact development (LID) techniques, and promote stormwater quality and protection of the environment to the maximum extent practical.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., and 40 CFR 122.34) as hereafter amended.

CONSTRUCTION ACTIVITY — Activities subject to the stormwater management permit (pursuant to Chapter 343 of the Ashland Town Code), or the National Pollutant Discharge and Elimination System construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER — Groundwater means all water that exists beneath the land surface in soils or geologic formations, specifically that part of the subsurface water in the Saturated Zone.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal separate storm sewer system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in § 247-2-8. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or a surface water discharge permit.

IMPERVIOUS SURFACE — Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to roads, driveways, parking areas and other areas created using nonporous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

INDUSTRIAL ACTIVITY — Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ashland.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by United States Environmental Protection Agency or jointly with the State of Massachusetts that authorizes stormwater discharge to waters of the United States by establishing limits on pollutant discharge, requiring monitoring and reporting of discharges, and other provisions through the authority of the Clean Water Act.¹⁵

NON-POINT SOURCE DISCHARGE — Pollution resulting from many diffuse sources, in direct contrast to point source pollution which results from a single source. Non-point source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrological modification (rainfall and snowmelt) where tracing pollution back to a single source is difficult.

NON-STORMWATER DISCHARGE — Discharge to the MS4 not composed entirely of stormwater.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE DISCHARGE — A point source is a single, identifiable source of pollution, such as a pipe or a drain.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils;
- J. Construction waste and residues;
- K. Noxious or offensive matter of any kind.

PREMISES — Any building, lot, easement, or right of way, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PROCESS WASTEWATER — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

15. Editor's Note: See 33 U.S.C. § 1251 et seq.

RECHARGE — The process by which groundwater is replenished with precipitation by percolation of runoff, and surface water through soil.

SANITARY SEWER OVERFLOW — A discharge of untreated wastewater from the sewer system. Herein referred to as "SSO".

STORM DRAIN SYSTEM — Publicly owned facilities by which stormwater is collected, and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER — Water from the natural hydrologic cycle due to precipitation, runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER POLLUTION PREVENTION PLAN — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

SURFACE WATER DISCHARGE PERMIT — A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE — Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and MGL c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WASTEWATER — Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WATERCOURSE — A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

§ 247-2-7. Prohibitions.

- A. Illicit discharges. No person shall discharge or cause to be discharged into the municipal storm drain system, watercourses, or waters of the Commonwealth any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection. A person is considered to be in violation of this bylaw if the person connects a line conveying pollutants or other illicit discharges not listed in § 247-2-8 of the bylaw to the MS4, or allows such a connection to continue.

- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Director or Acting Director of the Department of Public Works.
- D. Private drainage systems. It is prohibited for anyone with a private drainage system from tying into the public stormwater disposal system without a permit from the Department of Public Works. The maintenance of any, and all private drainage systems shall be the responsibility of the owners.
- E. Sanitary sewer overflows.
 - (1) Sanitary sewer overflows shall be prohibited from entering into the storm drain system or entering into waters of Commonwealth.
 - (2) Upon detection of an SSO entering the storm drain system, or waters of the Commonwealth, the DPW shall notify the Massachusetts Department of Environmental Protection, the Board of Health, and the Conservation Commission. The system shall be eliminated as immediately as possible, and proper measures of mitigation to minimize the impacts of pollutants to and from the storm drain system and waters of the Commonwealth shall be undertaken.
- F. Drains. No one shall tie any pump, cellar, yard, roof or area drain directly into the stormwater drainage system without a permit from the Department of Public Works. Any modification to existing drainage connections to the municipal stormwater system will require a permit from the Department of Public Works.

§ 247-2-8. Exemptions.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system as determined by the DPW:

- A. Discharge or flow resulting from firefighting activities;
- B. Waterline flushing;
- C. Flow from potable water sources;
- D. Springs;
- E. Natural flow from riparian habitats and wetlands;
- F. Diverted stream flow;
- G. Rising groundwater;
- H. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- I. Water from exterior foundation drains, footing drains not including active groundwater dewatering systems, crawl space pumps;
- J. Discharge from landscape, irrigation water, or lawn watering or air conditioning condensation;
- K. Water from individual residential car washing;
- L. Discharge from de-chlorinated swimming pool water (less than one ppm chlorine) provided the water

is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

M. Discharge from street sweeping;

N. Residential building wash waters free of detergents and pollutants.

§ 247-2-9. Administration.

- A. Enforcement Authority: The Enforcement Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Enforcement Authority may be delegated in writing by the Select Board to the Enforcement Authority. **[Amended 11-20-2019STM, Art. 13]**
- B. Illicit discharge regulations: The Enforcement Authority shall promulgate rules and regulations to effectuate the purposes of this bylaw, after public notice and public hearing is conducted. These regulations shall cover procedures, inspections, documenting, and enforcement. Failure by the Enforcement Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.
- C. Right of entry: The Enforcement Authority shall have the right to enter properties and easements to disconnect any suspected, known, or reported, illicit discharges that are connected into Town-owned drainage systems or stormwater management structural best management practices, to the extent of performing its duties under this bylaw and regulations. The Enforcement Authority may make inspections as deemed necessary and under this bylaw.
- D. Monitoring of discharges:
 - (1) Applicability: This section applies to all facilities that have stormwater discharges associated with commercial or industrial activity, including construction activity.
 - (2) Access to facilities: The Enforcement Authority shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw provided proper notice is given to the property owner in non-emergency situations. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 - (a) Facility operators shall allow the Enforcement Authority ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (b) The Enforcement Authority shall have the right to set up on any permitted facility such devices as are necessary in its opinion to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (c) The Enforcement Authority has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated with secondary standards or better to ensure their accuracy.
 - (d) Any temporary or permanent obstruction to safe and easy access to the facility to be

inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Enforcement Authority and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (e) Unreasonable delays in allowing the Enforcement Authority access to a permitted facility is a violation of this bylaw. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required.
- (f) If the Enforcement Authority has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Enforcement Authority may seek issuance of a search warrant from any court of competent jurisdiction.

§ 247-2-10. Emergency suspension of storm drainage system access.

- A. Emergencies or imminent risk: The Enforcement Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Enforcement Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- B. Suspension due to detection of illicit discharge: Any person discharging to the MS4 in violation of this bylaw may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Enforcement Authority will notify a violator of the proposed termination of its MS4 access. The violator may petition the Enforcement Authority for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Enforcement Authority.

§ 247-2-11. Industrial and construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. All illicit discharges are prohibited under this bylaw and in accordance with all applicable federal, state, and local regulations. All discharges are prohibited to the Ashland MS4 unless there is compliance with the NPDES stormwater discharge permit. The Enforcement Authority may request proof of compliance with the NPDES program before allowing any discharges to the municipal stormwater system.

§ 247-2-12. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police

Departments, Board of Health, and the Enforcement Authority. In the event of a release of non-hazardous material, the reporting person shall notify the Enforcement Authority no later than the next business day. The Conservation Commission shall be notified if these spills directly discharge to waters of the Commonwealth. The reporting person shall provide to the Enforcement Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 247-2-13. Actions by the Enforcement Authority.

The Enforcement Authority may take any of the actions outlined in "§ 247-2-15: Enforcement, violations and penalties". Upon final abatement of violations, the Enforcement Authority shall document all reported, or suspected violations, actions taken to abate violations, expenses accrued to the Enforcement Authority to abate violations, and fees to be paid or already paid.

§ 247-2-14. Appeals.

The decisions or orders of the Enforcement Authority shall be final. Further relief shall be filed with the Massachusetts Land Court or the Massachusetts Superior Court.

§ 247-2-15. Enforcement, violations and penalties.

The Enforcement Authority shall have the authority through its power and duty to enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Penalties: Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and liens, as appropriate and as lawfully established by the Town of Ashland.
- B. Abatement of the violation: The Town of Ashland shall require reimbursement to the Town for the cost of work undertaken by the Town that resulted from a violation under the provisions of this bylaw. The Enforcement Authority shall invoice the property owner of expenses utilized by the Town to abate the violation. The invoice shall be made available within 90 days of actions undertaken by the Enforcement Authority to abate the violation, and payment shall be made 90 days from the date of the invoice.
- C. Criminal penalty: Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine not to exceed \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Orders: The Enforcement Authority may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (1) Elimination of illicit connections or discharges to Town-owned drainage infrastructure;
 - (2) Performance of monitoring, analyses, and reporting;
 - (3) That unlawful discharges, practices, or operations shall cease and desist; and
 - (4) Remediation of contamination in connection therewith.

If the Town determines that abatement or remediation of contamination is required, such abatement or remediation must be completed within 60 days. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- E. Civil relief: If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Enforcement Authority through the Select Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. **[Amended 11-20-2019STM, Art. 13]**
- F. Non-criminal disposition: As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, § 21D.
 - (1) The Enforcement Authority shall enforce the non-criminal dispositions.
 - (2) The penalty for any person who violates any provision of this bylaw, regulation, order, or permit issued there under, shall be punished by a fine of \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Remedies not exclusive: The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 247-2-16. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ASHLAND CODE

Chapter 249

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 102.

Firearms — See Ch. 145.

Fire lanes — See Ch. 148.

Handicapped parking — See Ch. 164.

Loitering — See Ch. 181.

Peddling and soliciting — See Ch. 215.

Traffic impacts on subdivisions — See Ch. 252.

Abandoned vehicles — See Ch. 265.

Vehicles and traffic — See Ch. 293.

Street excavations — See Ch. 330.

Subdivision of land — See Ch. 344.

ARTICLE I
Uses and Activities on Ways
[Adopted May 1993 STM]

§ 249-1. Obstruction of and excavation in streets and sidewalks.

No person, except officers of the town in the lawful performance of their duties and those acting under their orders, shall obstruct any sidewalk or street or any part thereof or break or dig the ground of the same without first obtaining a written license therefor from the Selectmen or other officers designated by law as having charge of the ways.

§ 249-2. Deposit of refuse prohibited.

- A. No person shall throw, place or cause to be thrown or placed upon any street or sidewalk in the town any dirt, ashes or stones, hoops, boards or other wood with nails projecting therefrom, shavings, sawdust, manure, nails, spikes, screws, glass, tin cans, filth, rubbish or any noxious or refuse liquid or solid matter or substance. A person may place ashes on the sidewalk in the winter to protect against ice.
- B. No person shall throw or place upon any sidewalk or street crossing any banana skin, orange skin or other slippery substance.

§ 249-3. Tying of animals.

No person shall tie a horse or other animal to any tree, nor to any structure protecting such tree, in the public streets of the town.

§ 249-4. (Reserved)

§ 249-5. Distribution or display of advertising materials.

- A. No person shall distribute or display posters, handbills, placards, pamphlets or other advertising matter in any public street or way without first obtaining a permit therefor from the Select Board, excepting that such handbill, circular, program or advertising slip may be placed within doors of stores, offices and business houses and at the doors of residences. **[Amended 11-20-2019STM, Art. 13]**
- B. No person shall place or cause or allow to be placed posters, handbills, placards, signs or other advertising matter of any nature in or upon any street, sidewalk or footwalk in the town, except on the public billboard.

§ 249-6. Coasting.

No person shall coast upon or across any sidewalk or street in the town except at such times and in such places as may from time to time be designated by the Selectmen or other officer designated by law as having charge of the ways.

§ 249-7. Peeping in windows.

No person, except an officer of the law in performance of his duties, shall enter upon the premises of another with the intent of peeping into the window of the house or spying upon in any manner any person

or persons therein. Anyone found violating this section may be arrested without a warrant.

§ 249-8. Gates and doors.

No person shall allow any gate or door on the premises under his control and adjoining any public way to swing on or over into said public way.

§ 249-9. Snow and ice.

No person in clearing his own property shall throw, plow or otherwise cause snow or ice to be placed on any street or way. Any person found violating this section shall be liable to pay to the town a fine of fifty dollars (\$50.) for each such occurrence.

§ 249-10. Obstruction with boxes and other containers.

No person shall place or cause to be placed upon any sidewalk any coal, bale, box or trunk, crate, cask, barrel, garbage can, packaging or anything so as to obstruct the same for more than one (1) hour or for more than ten (10) minutes after being notified by a Constable, police officer or selectmen to move it.

§ 249-11. Obstruction for construction purposes.

- A. Every person intending to erect, repair or take down any building on land abutting on any street or way which the town is required to keep in repair and who desires to make use of any portion of said street or way for the purpose of placing building materials or rubbish shall give notice thereof to the Selectmen or other officer designated by law as having charge of the ways. The Selectmen or said officer may grant a permit to occupy a portion of said street or way, and such permit shall be on the condition that the licensee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe and shall keep a railing or guard around the same while such obstruction shall continue. If such construction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction and at the completion of the work shall restore the street or way to its former condition.
- B. Before issuing a license as specified in the preceding subsection, a person applying for the same shall execute a written agreement to indemnify and save harmless the town against and from all damages by reason of the cost or expense it may suffer or be put to by reason of any claim for damage or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

§ 249-12. Water main extensions on private ways.

Water main extensions on private ways and through private property shall be made only on the basis of an agreement by the petitioner or petitioners for such extensions to pay back to the town each year after completion of said extensions five percent (5%) of the cost of such extensions for a period of twenty (20) years.

§ 249-13. Removal of vehicles obstructing removal of snow and ice.

- A. The Superintendent of Streets or other officer having charge of ways of the town shall have authority for the purposes of removing or plowing snow or removing ice from any way in the town to remove or cause to be removed to some convenient place, including in such terms a public garage, any vehicle interfering with such work.

- B. The owner of any such vehicle so removed shall be liable for the reasonable cost of such removal and storage, and delivery of the vehicle to said owner may be withheld by the Superintendent of Streets or other officer having charge of the ways in the town until such reasonable costs shall be paid.
- C. Whenever any vehicle is so removed the Police Department of the town shall be notified, and said department shall render all necessary assistance to the Superintendent of Streets or other officer having charge of ways in enforcing this chapter.

§ 249-14. Placement of snow in public ways.

All residents, tenants, homeowners, business establishments and private plowing contractors not employed by the town are prohibited from placing snow within the public way in any manner which will cause any public inconvenience or create a hazard.

ARTICLE II
Designation of Scenic Streets and Roads
[Adopted 4-10-1974 ATM, Art. 26]

§ 249-15. Scenic streets and roads enumerated.

The following streets and roads shall be designated as scenic streets and roads in the Town of Ashland:

Cedar Street, entire length [**Added 5-12-2004 ATM, Art. 17]**

Cherry Street [**Added 5-2-2012 ATM, Art. 16]**

Chestnut Street, from Main Street to Holliston town line [**Added 5-12-2004 ATM, Art. 17]**

Concord Street [**Added 5-2-2012 ATM, Art. 16]**

Cross Street

Eliot Street [**Added 5-2-2012 ATM, Art. 16]**

Fountain Street

Frankland Road

Green Street [**Added 5-2-2012 ATM, Art. 16]**

High Street

Howe Street, from Boulder Hill Lane to Town line [**Added 5-12-2004 ATM, Art. 17]**

Main Street [**Added 5-2-2012 ATM, Art. 16]**

Myrtle Street [**Added 5-2-2012 ATM, Art. 16]**

Olive Street

Spring Street

Water Street [**Added 5-2-2012 ATM, Art. 16]**

Winter Street

ARTICLE III

Scenic Roads**[Added 5-13-2003 ATM, Art. 14]****§ 249-16. Authority and purpose.**

- A. Authority. This bylaw is adopted under authority of Chapter 40, Section 15C and Chapter 40, Section 21 of the Massachusetts General Laws and Article II and Article LXXXIX, Section 6 of Articles of Amendment of the Constitution of the Commonwealth of Massachusetts.
- B. Purpose. The purpose of this bylaw is to maintain rural, natural, historic and scenic character of the town's roadways. This bylaw ensures that:
- (1) Town ways will be recommended for designation as scenic roads in accordance with the criteria stated in this bylaw; and
 - (2) Trees and stone walls within the right-of-way or layout of all designated scenic town roads will not be altered without the public hearing required by, or without following the other procedures set forth in this bylaw.

§ 249-17. Definitions.

For terms not qualified or defined in Chapter 40, Section 15C of the Massachusetts General Laws the following meanings shall apply for the purpose of this bylaw:

CUTTING OR REMOVAL OF TREES — The removal of one or more trees, trimming of major branches, or cutting of roots or otherwise intentionally impacting the trees, sufficient in the Tree Warden's written opinion to cause eventual destruction of a tree.

REPAIR, MAINTENANCE, RECONSTRUCTION, OR PAVING WORK — Any work done within the right-of-way by any person or agency, public or private. Construction of new driveways or alteration of existing ones is included, insofar as it takes place within the right-of-way. Construction or alteration of water, sewer, electric, telephone, cable television, or other utilities within the right-of-way is also included.

ROAD — The entire right-of-way of a vehicular traveled right-of-way including any necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices and sidewalks, but not intersecting streets or driveways. The right-of-way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right-of-way until shown to be otherwise.

STONE WALL — A continuous alignment of dry laid stones, at least two courses high, at least ten feet long and at least 50 years old.

TEARING DOWN OR DESTRUCTION OF STONE WALLS — The destruction of more than ten linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Temporary removal and replacement at the same location with the same materials is permitted without Planning Board approval if the Department of Public Works is notified before the work begins so that it confirms that the wall is properly replaced. Repair of stone wall, not involving tearing down or destruction of the wall, is not covered by this bylaw.

TREES — Shall include a tree whose trunk has a diameter of eight inches or more as measured four feet above ground.

§ 249-18. Criteria for designation as a scenic road.

In determining which roads or portions should be recommended to Town Meeting for designation as scenic roads, the following criteria must apply:

- A. Overall scenic beauty;
- B. Contribution of trees to scenic beauty;
- C. Contribution of stone walls to scenic beauty;
- D. Age and historic significance of roads, trees, and stone walls;
- E. Built features such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing; and
- F. Road features such as historic layout, surface, carriage width, use restrictions, non-historic bridges.

§ 249-19. Procedure for designating scenic roads. [Amended 11-20-2019STM, Art. 13]

The Planning Board, the Select Board, the Conservation Commission, the Historical Commission, or a petition of ten (10) citizens of the town may propose the possibility for any Ashland road other than a numbered route or state highway being designated as a scenic road. The Planning Board then shall hold a public hearing notifying the Select Board, the Tree Warden, Department of Public Works, Conservation Commission, and the Historical Commission and the general public by advertising in a local paper twice. The first advertisement to appear at least fourteen days prior to the date of the hearing. The Planning Board shall make recommendation to Town Meeting on the merits of designation of the proposed road as scenic way. No road shall be designated a scenic road by Town Meeting unless such designation is favorably recommended by the Historical Commission. A majority vote of Town Meeting is required for designation. Following designation by Town Meeting, the Planning Board shall:

- A. Notify all municipal departments that may take any action with respect to such road;
- B. Notify the Massachusetts Department of Highway;
- C. Indicate such designation on all maps currently in use by municipal departments; and
- D. Notify all utility companies or other such parties, which may be working on the border of such road.

The seven roads previously designated as scenic roads by Ashland Annual Town Meeting shall retain their status as scenic for the purpose of the Scenic Road Bylaw.

§ 249-20. Procedures.

- A. Filing. Any person or organization or agency seeking the consent of the Planning Board under M.G.L. Chapter 40, Section 15C regarding road repair, maintenance, reconstruction, or paving work that may involve the cutting or removal of trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board and submit the following information:
 - (1) The text of the legal notice identifying the location of the proposed location in terms enabling the readers to locate it with reasonable specificity on the ground without the need for additional

- plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;
- (2) A statement of purpose, or purposes, for the proposed action;
 - (3) Plans, drawings or other explanatory reference material showing the specific design or engineering details.
 - (4) Except in the case of town agencies, a fee sufficient for the cost of advertising and notification; and
 - (5) Any further explanatory material useful to adequately inform the Planning Board.
- B. Notice. The Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area, with the first publication of the notice to be at least fourteen days prior to the hearing and the last seven days prior to the hearing. Copies of the notice shall be sent to the Select Board, Conservation Commission, Tree Warden, Historical Commission and Department of Public Works. **[Amended 11-20-2019STM, Art. 13]**
- C. Timing of Hearing. The Planning Board shall hold a public hearing within 30 days of receipt of properly filed request, and shall make a decision within 45 days of that receipt, unless a longer time is agreed to by the applicant.
- D. Reporting of Decision. The Planning Board shall, within 45 days of receipt of a properly filed request, submit a written determination of consent or denial to the applicant and send a copy thereof to the Select Board and the Town Clerk. **[Amended 11-20-2019STM, Art. 13]**
- E. Public Shade Trees. Notice shall be given and Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under M.G.L., Chapter 87. Consent to an action by the Planning Board shall not be considered as consent by the Tree Warden or vice versa. A Planning Board decision shall contain a condition that no work shall take place until all the applicable provisions of M.G.L. Chapter 87 have been complied.
- F. Emergency Repair. The procedures of this bylaw shall not apply when the Tree Warden acts in an emergency in accordance with M.G.L. Chapter 87 to remove fallen trees or limbs which cause an obstruction to public travel or a dangerous situation with respect to utility lines.

§ 249-21. Considerations.

In acting on applications concerning scenic roads, the Planning Board shall take into consideration the following:

- A. Preservation of Natural Resources;
- B. Preservation of Historic Resources;
- C. Scenic and aesthetic characteristics;
- D. Environmental Values;
- E. Public Safety;
- F. Local residential traffic patterns and overall traffic volume and congestion;
- G. Compensatory actions proposed, such as tree and wall replacement;

- H. Functional importance and urgency of repair, maintenance, reconstruction, or paving;
- I. Additional evidence contributed by abutter, town agencies, and other interested parties;
- J. Existence or absence of reasonable alternatives; and
- K. Other planning information.

§ 249-22. Driveway Design Standards.

At a minimum, driveways shall be consistent with Ashland regulations for residential driveways and curb cuts and shall comply with this bylaw.

Only one driveway cut per lot onto any scenic road shall be allowed. A new driveway on a scenic road shall not exceed twelve feet in width.

Stone wall sections to be removed for a driveway shall not exceed the driveway width by more than one foot on either side. No tree with a trunk exceeding eight inches in diameter four feet above the ground shall be removed for a driveway unless the curb cannot be safely located elsewhere.

§ 249-23. Enforcement.

Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of any scenic road will require an immediate filing as detailed above and the applicant shall be required to restore the features if required by the Planning Board. This restoration shall consist of replacing the stone wall as necessary and replacing the trees cut on a square-inch per square inch basis (combined area of the replacement trees measured one foot above ground level to equal total area of the original tree trunk as measured at the stump) at locations specified by the Planning Board.

Failure to comply with duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures that the Planning Board deems necessary, including, but not limited to the enforcement of the restoration measures as stated above. Any decision not carried out within two years of issue shall be void and shall require a new filing.

The Planning Board and the Tree Warden, where appropriate, shall have the authority to enforce the provisions of this bylaw.

Any violation of this bylaw, M.G.L. Chapter 40, section 15C, or a Planning Board decision issued under this bylaw or M.G.L. Chapter 40, Section 15C, shall be punishable by a fine not to exceed three hundred dollars per violation.

ARTICLE IV
Ashland Sidewalks
[Adopted 5-11-2005 ATM, Art. 31]

§ 249-24. Purpose. [Amended 11-20-2019STM, Art. 13]

The purpose of this bylaw is to ensure sidewalk construction in the town of Ashland as an integral component of new construction as well as of major renovation construction. The bylaw will also be applicable to renovation of existing structures excluding private single family homes. Major renovation is defined as that estimated to cost more than \$100,000 or more than 10,000 square feet.

This bylaw applies to all new construction and aforementioned renovations in Ashland, in commercial, industrial and multi-family residential zones; including all projects requiring site plan review. This bylaw does not affect the requirements for sidewalks within subdivisions as already required by the Subdivision Rules and Regulations or within single-family residential zones. In the application of this bylaw the Planning Board will take into consideration the sidewalk plan as approved by the Select Board.

§ 249-25. Developers Must Present the Following at the time of their applications for construction:

- A. development plans to the planning board that include construction of a publicly accessible sidewalk, traversing the entire frontage of the property.
- B. development plans to the planning board that include dedicated pedestrian access from the sidewalk to the facility and/or to parking on the property which is separate from the driveway.
- C. development plans to the planning board which are in compliance with ADA Accessibility Guidelines, specifically section 4.1.2, number 1, whether new construction or renovation as noted above.

§ 249-26. Sidewalk Design.

Design requirements. Sidewalk design requirements will be set by the Planning Board in conjunction with the Director of the Department of Public Works. Special consideration will be given to design requirements for scenic roads. Design standards will determine the design specifications, including the width, type of material, type of curbing, general layout and other necessary details, and consideration of compatibility with any adjacent sidewalk.

§ 249-27. Waivers.

- A. The Planning Board will have the authority to waive any and all requirements, including the design requirements and placement/location of the sidewalk.
- B. The Planning Board may waive the sidewalk construction requirement provided the applicant has committed to making (amendment at 5/11/05 ATM) a contribution to the Ashland Sidewalk Fund that is acceptable to the planning board in lieu of constructing the required sidewalk or an alternative off-site improvement.
- C. The planning board decision not to require the construction of the sidewalk will be based on the existing pedestrian facilities in the area, the needs of the proposed project and the property available to construct said facilities. The Planning Board may decide to waive construction of a sidewalk on the property being developed, if sidewalks are not recommended in the Ashland Sidewalk plan.

§ 249-28. Additional Requirements.

Sidewalk construction or a contribution to the sidewalk fund must be completed prior to the issuance of an occupancy permit.

ASHLAND CODE

Chapter 252

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town of Ashland: Art. I, May 1993 Special Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 249.

Vehicles and traffic — See Ch. 293.

Zoning — See Ch. 282.

Subdivision of land — See Ch. 344.

ARTICLE I
Traffic Impacts
[Adopted May 1993 STM]

§ 252-1. Review by Planning Board.

The Ashland Planning Board may approve or approve with conditions or disapprove a subdivision based on its review of the projected traffic impacts and the proposed methods of mitigating such impacts. During the review process of a subdivision plan, the Planning Board shall make a written finding with supporting reasons therefor that the traffic-carrying capacity of the intersections and streets likely to be directly affected by the proposed development will be adequate, according to accepted ITE traffic engineering criteria for level of service, to handle the existing and projected traffic. Such finding shall pertain to the entire proposed development, including any off-site improvement proposed by the applicant or required by the Planning Board as a condition of its approval.

§ 252-2. Conditions to approval.

The conditions which may be attached to the approval of an application under this Article include the following:

- A. Controls on the location and type of access to the site.
- B. Requirements for off-site improvements to improve the capacity and safety of roads and intersections which are likely to be directly affected by the proposed development.
- C. Allowing of payment of a fee into a separate interest-bearing trust fund for transportation network improvements which are directly related to alleviating impacts of the proposed development. These fees shall be equal to the prorated costs of offsetting the impacts of the development as determined by the Planning Board, proportionate to the entire costs of such improvements. The Planning Board may waive the requirements for off-site traffic mitigation measures for developments which include low-moderate-income housing.

TAXATION

Chapter 256

TAXATION

**[HISTORY: Adopted by the Town Meeting of the Town of Ashland as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I

**Brownfields Tax Abatement Agreements
[Adopted 11-29-2006 ATM, Art. 17]****§ 256-1. Purpose.**

Pursuant to the provisions of Section 59A of Chapter 59 of the General Laws, it is the intent of the Town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use from or at which there has been a release of oil or hazardous material.

§ 256-2. Subject properties.

Property which may be the subject of tax abatement agreements pursuant to this Article must:

- A. Be a site or portion of a site from or at which there has been a release of oil or hazardous material;
- B. Be owned by an eligible person, as that term is defined in Section 2 of Chapter 21E of the General Laws; and
- C. Be zoned for commercial or industrial use.

§ 256-3. Abatement Agreements. [Amended 11-20-2019STM, Art. 13]

- A. The Treasurer/Collector is hereby authorized to negotiate agreements from the abatement of real estate taxes (hereinafter "Abatement Agreements") with owners of eligible properties, the terms of which Abatement Agreements shall be subject to approval by the Select Board for abatements not exceeding \$50,000. Abatements above this amount shall also be subject to approval of Town Meeting. Abatement Agreements may allow for reductions in outstanding taxes, interest and/or penalties. Abatement Agreements shall include but not be limited to:
 - (1) The amount of outstanding real estate taxes;
 - (2) The percent of interest to accrue if determined applicable by the Treasurer/Collector and the property owner;
 - (3) The description of quantifiable monthly payments;
 - (4) The inception date of monthly payments;
 - (5) The date of the final payment;
 - (6) The late penalties to be imposed; and
 - (7) Any and all other contractual terms as arranged between the Treasurer/Collector and the property owner.
- B. All Abatement Agreements shall be signed by the Chairman of the Select Board and the property owner, whose signatures shall be notarized, and attested to by the Town Clerk. Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Select Board and the property owner.

ASHLAND CODE

Chapter 260

TRAPPING

[HISTORY: Adopted by the Town of Ashland May 1993 Special Town Meeting. Amendments noted where applicable.]

§ 260-1. Use of traps prohibited.

No one shall use, set, place or maintain any type of steel jaw, padded or unpadded, leg hold trap system or Conibear trap within the limits of any highway, park, school grounds or other public property or on any private property within the Town of Ashland.

§ 260-2. Violations and penalties.

Violation of this chapter shall be punishable by a fine of not less than two hundred dollars (\$200.) nor more than three hundred dollars (\$300.) for each such offense.

Chapter 265**VEHICLES, ABANDONED, JUNKED AND UNREGISTERED**

[HISTORY: Adopted by the Town of Ashland 5-10-2006 Annual Town Meeting, Art. 15.¹⁶ Amendments noted where applicable.]

GENERAL REFERENCES

Secondhand dealers — See Ch. 230.

Streets and sidewalks — See Ch. 249.

Solid waste — See Ch. 245.

Vehicles and traffic — See Ch. 293.

§ 265-1. Abandonment of vehicles prohibited.

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall abandon any vehicle at any place within the town and no person shall leave any vehicle at any place within the town for such time under such circumstances as to cause it to reasonably appear that the vehicle has been abandoned.

§ 265-2. Leaving of junked or unregistered vehicles.

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall leave any junked vehicle or any unregistered motor vehicle upon any street or other public grounds in the town or upon any property therein without the permission of the owner or lessee of said property.

§ 265-3. Storage of junked or unregistered vehicles.

No person in charge or control of any property in the town, whether as owner, occupant, lessee or otherwise, shall allow more than one (1) unregistered motor vehicle or any junked vehicle to remain on such property longer than ten (10) days, except a vehicle in an enclosed building or in an area unexposed to the view of the public or any abutter, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, a vehicle in an appropriate storage place or depository maintained by the town with the consent of the town or a vehicle upon property covered by a Class 3 license duly in effect under M.G.L.A. C. 140, § 58. In no event may an unsightly unregistered vehicle be parked, stored, located, abandoned or otherwise left in the front yard of the premises (as defined in 282-99 of the Ashland Code).

§ 265-4. Removal of vehicles in violation.

Vehicles which reasonably appear to have been left any place within the town in violation of any provision of this chapter or to be lost, stolen or unclaimed may be removed in accordance with the provisions of M.G.L.A. C. 135 relating to lost, unclaimed or abandoned property, the provisions of M.G.L.A. C. 90, § 22C, or the provisions of Chapter 316 of the Acts of 1962, as the same may be applicable.

16. Editor's Note: This Art. 15 also repealed former Ch. 265, Vehicles, Abandoned, Junked and Unregistered, adopted at the May 1993 Special Town Meeting.

§ 265-5. Commercial vehicles in residential districts. [Amended 5-4-2016 ATM, Art. 19; 11-20-2019STM, Art. 13]

In any residential district no person or business shall permit more than one commercial vehicle to be parked, stored, located, abandoned or otherwise left un-garaged on any one dwelling lot at any time without a special permit from the Select Board. In no event may a commercial vehicle be parked, stored, located, abandoned or otherwise left in the front yard of the premises.

In any residential district no person or business shall permit any commercial vehicle with a Gross Vehicle Weight Rating greater than 10,000 pounds to be parked, stored, located, abandoned, on any one dwelling lot at any time without a special permit from the Select Board.

A special permit shall be based on a finding that the commercial vehicle(s) shall not be rendered objectionable or detrimental to the character of the residential neighborhood.

Any special permit issued hereunder shall be issued for a specific vehicle at a specific address and shall not be transferrable. Said special permit shall expire after five (5) years from the date issued.

The provisions of this bylaw shall not apply to the temporary parking, storage, locating or otherwise leaving any commercial vehicle on a premises that is being used for construction, reconstruction, or maintenance at the premises, or for moving to or from the premises. This bylaw shall be enforced by the Police Department. Enforcement of this bylaw does not require a complaint filed by a resident. In addition, the Select Board shall have the authority, after notice and hearing, to issue an order removing any vehicle deemed to be in violation of this bylaw. Any such removal order shall be at the expense of the owner of the premises.

The Select Board may adopt regulations relative to the implementation of this section 265-5 including an application process and fees associated therewith.

§ 265-6. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

JUNKED VEHICLE — One which is worn out, cast off or discarded and which is ready for dismantling or destruction or which has been collected or stored for salvage or for stripping in order to make use of parts thereof. Any parts from such vehicle shall be considered a "junked vehicle" under this chapter.

§ 265-7. Violations and penalties. [Amended 11-17-2015 STM, Art. 8]

- A. **Criminal Disposition.** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined In an amount not exceeding one-hundred (\$100) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- B. **Non-Criminal Disposition.** Violations of any section of this Chapter may be processed pursuant to G.L. c. 40, § 21D and fines for such violations shall be assessed as follows:

First Offense: \$50.00

All Subsequent Offenses: \$100.00

Each day such violation is committed or permitted to continue shall constitute a separate offense.

VEHICLES, ABANDONED, JUNKED AND

The Building Inspector and Police Department shall have the authority to issue notices of violations and citations under this by-law.

Chapter 270**WATER USE RESTRICTIONS**

[HISTORY: Adopted by the Town of Ashland 5-11-2005 Annual Town Meeting, Art. 30.¹⁷

Amendments noted where applicable.]

§ 270-1. Authority.

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 270-2. Purpose. [Amended 5-4-2016 ATM, Art. 17]

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

This water by-law is for the purpose of setting fair and equitable water usage for the pro-active conservation of water. It is intended to balance property rights with evolving issues of how and when the Town's residents use water.

This by-law is intended to work best in conjunction with a strong public education program related to conservative water use and local water issues.

§ 270-3. Definitions.

Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A. Outdoor watering shall mean any residential, municipal, industrial, or commercial use of municipally-supplied water for decorative areas, lawns, trees or shrubbery. **[Amended 5-4-2016 ATM, Art. 17]**

Handheld watering shall mean outdoor watering by means of a bucket, can, or handheld hose attachment with automatic shut off nozzle. **[Added 5-4-2016 ATM, Art. 17]**

Unattended watering shall mean outdoor watering by means of a device that does not require a person to actively and continuously engage said device. **[Added 5-4-2016 ATM, Art. 17]**

Irrigation system shall mean outdoor watering by means of a system connected to a pressurized water line and has the ability to automatically activate. Such systems may be permanently or temporarily installed with hoses and/or pipes partially or fully below grade. **[Added 5-4-2016 ATM, Art. 17]**

Runoff shall mean outdoor watering resulting in a visible collection or stream of water on a street or sidewalk. **[Added 5-4-2016 ATM, Art. 17]**

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons. **[Added 11-28-2016 STM, Art. 8]**

17. Editor's Note: This enactment also repealed former Ch. 270, Water Use Restrictions, adopted 5-12-1999 ATM, Art. 22, as amended.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L c.21G, § 15-17. **[Added 11-28-2016 STM, Art. 8]**

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to § 270-4 of this by-law. **[Added 11-28-2016 STM, Art. 8]**

Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for the use of the water. **[Added 11-28-2016 STM, Art. 8]**

§ 270-4. Declaration of State of Water Supply Conservation. [Amended 11-20-2019STM, Art. 13]

The Town, through its Select Board authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water consumers or as stipulated by the Town of Ashland Water Management Act permit. Public notice of a State of Water Conservation shall be given before it may be enforced.

§ 270-5. Restricted Water Uses. [Amended 5-10-2006 ATM, Art. 14; 5-2-2007 ATM, Art. 19; 5-1-2013 ATM, Art. 23; 5-6-2015 ATM, Art. 18; 5-4-2016 ATM, Art. 17; 11-28-2016 STM, Art. 8; 11-20-2019STM, Art. 13]

The following restricted uses of municipally-supplied water shall be in effect year-round.

PERMANENT OUTDOOR WATER USE RESTRICTIONS

- a. Handheld watering shall be allowed any day at any time.
- b. Odd/even unattended watering schedule:

Property having odd address	Wednesday 7:00pm — Thursday 7:00am Saturday 7:00pm — Sunday 7:00am
Property having even address	Thursday 7:00pm — Friday 7:00am Sunday 7:00pm — Monday 7:00am

- c. Outdoor watering resulting in runoff is prohibited.

In addition, a declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except for the exemptions as provided in § 270-10. The applicable restrictions, conditions or requirements shall be included in the public notice.

CONDITIONAL OUTDOOR WATER USE RESTRICTIONS

- a.) STAGE 1 - Hopkinton Reservoir below 295.85 feet between the days of June 1 through August 31 each year.
 - i. Unattended watering using municipally-supplied water is prohibited

- ii. Car washing: Car or vehicle washing using municipally-supplied water is prohibited.
 - iii. Washing of structures: Washing of structures including but not limited to buildings, houses, sheds, driveways, sidewalks, decks, fences, or patios using municipally supplied water is prohibited.
 - iv. Swimming Pools: Filling and topping off of swimming pools larger than 300 gallons, using municipally-supplied water is prohibited.
- a.) STAGE 2 - Hopkinton reservoir below 295.35 or daily use over 5.90 mg.
- i. All Stage 1 Restrictions.
 - ii. Handheld watering using municipally-supplied water is prohibited

The Town, acting through the Select Board as water commissioners, retains the right to impose additional restrictions with due notice to residents.

§ 270-6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP.

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations (as well as placing this information on the town website) (language regarding the town website was added at 5/11/05 ATM) serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under § 270-5 or in the Department declaration of emergency or Order shall not be effective until such notification is provided.

§ 270-7. Termination of State of Water Supply Conservation; Notice. [Amended 11-20-2019STM, Art. 13]

A State of Water Supply Conservation may be terminated by a majority vote of the Select Board upon a determination that the water supply shortage or restrictions no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for

notice of the Town's declaration of its State of Water Supply Conservation.

§ 270-8. State of Water Supply Emergency; Compliance with DEP Orders.

Upon notification to the public that the Department of Environmental Protection has issued a declaration of a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

§ 270-9. Penalties. [Amended 5-1-2013 ATM, Art. 24; 11-28-2016 STM, Art. 8; 11-20-2019STM, Art. 13]

The Town, through its Select Board, DPW Director, water superintendent, building inspector or local police may enforce this by-law (ordinance). Any person violating § 270-5 (Restricted water uses) shall be liable to the Town in the amount of \$50 for a first annual offense, \$100 for a second annual offense, and \$200 for all subsequent annual offenses. Any person violating § 270-12 (Irrigation systems) shall be liable to the Town in the amount of \$50. Each day of non-compliance with § 270-12 may constitute a new offense. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws.

§ 270-10. Exemptions. [Amended 11-14-2007 ATM, Art. 29; 5-4-2011 ATM, Art. 15; 5-4-2016 ATM, Art. 17; 11-28-2016 STM, Art. 8]

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a. Commercial agriculture;
- b. Water to sustain animal life;
- c. Swimming pools located at a medical or rehabilitation facility.
- d. Commercial car or vehicle washing facilities;
- e. Washing of structures prior to the application of exterior coating such as paint.
- f. If required by health and safety regulations.
- g. DPW may grant permits to allow unattended watering for a period not to exceed four weeks. The permit shall grant permission to water new lawns daily from 10:00am to 2:00pm. The grounds for such a permit are as follows:

- i. New lawns. This shall apply to land parcels with no existing lawn, or land parcels where a minimum of 50% of an existing lawn is to be replaced. These permits may be issued from April 1 through May 31 and September 15 through November 15 yearly.
 - ii. Title V compliance. This shall apply to land parcels requiring lawn growth for septic system installation or maintenance. These permits may be issued from April 1 through November 15.
- h. Handheld watering used for food production during Stage 2 restrictions.
- i. Town athletic fields, including those fields under the control of the Ashland Public Schools, in accordance with the Odd/Even unattended Watering schedule, upon application to, and approval by, the Select Board. **[Amended 11-20-2019STM, Art. 13]**
- j. Municipal projects for the beautification of Ashland or other projects within the public right of way required by zoning.

§ 270-11. Severability.

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

§ 270-12. Irrigation Systems. [Added 5-4-2016 ATM, Art. 17; amended 11-28-2016 STM, Art. 8]

All new and existing irrigation system installations shall comply with the following:

- a. Permitting
 - i. Residents must apply for a permit from the Water Department for new irrigation system connections. A reasonable application fee must be paid in full prior to permit approval.
 - ii. Upon application approval, the Water Department will provide the applicant with literature regarding water-efficient landscaping and best practices for irrigation system maintenance.
- b. Equipment:

- i. Precipitation monitoring to prevent unattended watering during rain.
- ii. Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in § 270-5.

On or before July 1, 2017 all existing irrigation systems shall be equipped with the following:

- a. A dedicated irrigation water meter.
- b. A backflow prevention device compliant with 310 CMR 22.22.

§ 270-13. MWRA Supplemental Water Use. [Added 11-28-2016 STM, Art. 9]

The connection of the Ashland water system to the Massachusetts Water Resources Authority (MWRA) system via Southborough is for **supplemental** water and will be managed as such. Therefore, one or more of the following conditions shall be met before the Ashland Water Department is authorized to distribute supplemental MWRA water:

1. Hopkinton Reservoir at or below 293' for any period of time. This is the lowest reservoir level allowing safe operation of Ashland's wells.
2. Ashland has declared Stage 2 state of water supply conservation, and a 10PSI pressure decrease in Ashland's water distribution system (measured at the Russett Hill station) for a continuous period of 10 minutes. Such a pressure drop signifies distribution system damage, such as a water main rupture.
3. Ashland's water distribution system pressure has dropped below 20PSI (measured at the Russett Hill station) or the Cedar Street water tank drops below an elevation of 46.2' for any period of time. This pressure level signifies the lowest recommended level for fire protection.
4. Routine maintenance of the connection between Southborough and Ashland is required. Examples of routine maintenance include water system integrity, flushing to prevent stagnation, and water quality testing. **[Amended 11-20-2019STM, Art. 13]**

The Ashland Water Department shall notify the Town Manager, Select Board, Water Policy Committee, and general public via the Town website of the following events that supplemental MWRA water distribution has started, and which condition provided the authorization.

Furthermore, when distributing supplemental MWRA water, the Ashland Water Department shall provide the Town Manager, Select Board, Water Policy Committee, and general public via the Town website with weekly updates regarding connection status. These updates shall include, but are not limited to, the current level of the Hopkinton Reservoir, the total volume of supplemental MWRA water used during the current connection, and the expected duration of continued use.

A majority vote of the Select Board, at a public meeting, may authorize during emergencies only, or disallow the distribution of supplemental MWRA water outside of the criteria described in this bylaw. Such authorization must be revoked by a majority vote of the Select Board in a timely manner once the triggering emergency ceases to exist.

Chapter 280**WETLANDS PROTECTION**

**[HISTORY: Adopted by the Town of Ashland Annual Town Meeting 5-6-2009, Art. 23.¹⁸
Amendments noted where applicable.]**

GENERAL REFERENCES

Stormwater management — See Ch. 247.

Subdivision of land — See Ch. 344.

Zoning — See Ch. 280.

§ 280-1. Purpose.

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Ashland by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, and aquaculture, deemed important to the community (collectively, the "resource area values protected by this bylaw").

§ 280-2. Statutory authority.

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (G.L. Ch. 131 § 40; the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Ashland.

§ 280-3. Effect on other bylaws.

Nothing in this bylaw is intended to replace the requirements of either the Town of Ashland Stormwater Management Bylaw,¹⁹ or any other bylaw that has been or may be adopted by the Town of Ashland. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each applicable bylaw.

§ 280-4. Objective.

The objectives of this bylaw are to:

- A. Create consistency with the Ashland Stormwater Management Bylaw and streamline the permitting process for work within jurisdictional areas;

18. Editor's Note: This article also repealed former Ch. 280, Wetlands Protection, adopted 10-20-1999 ATM by Art. 12.

19. Editor's Note: See Ch. 247, Stormwater Management.

- B. Maintain a twenty-five (25) foot No Disturb Zone around protected wetland resources;
- C. Accommodate expedited permitting of Priority Development Sites designated under MGL Chapter 43D;
- D. Enable enforcement of violations of the provisions of this bylaw.

§ 280-5. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131 § 40) and its implementing regulations (310 CMR 10.00).

ALTER — Any of the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality, including yard waste
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

BANK — The land area which normally abuts and confines a water body or waterway; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

BORDERING VEGETATED WETLAND — Freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface water regime and vegetational community which occur in each type of freshwater wetland are specified in M.G.L. c. 131 § 40.

ISOLATED LAND SUBJECT TO FLOODING — An isolated depression or closed basin without an inlet

or an outlet. It is an area which at least once a year confines standing water to an average depth of at least six inches and occupies a minimum surface area of 5,000 square feet.

PERSON — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Ashland, and any other legal entity, its legal representatives, agents, or assigns.

POND — Any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds may either be naturally occurring or man-made impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought (those periods, in those specifically identified geographic locations, determined to be at the "Advisory" or more severe drought level by the Massachusetts Drought Management Task Force, as established by the Executive Office of Environmental Affairs and the Massachusetts Emergency Management Agency in 2001, in accordance with the Massachusetts Drought Management Plan). Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- A. Basins or lagoons created for stormwater management or drinking water or wastewater treatment plants;
- B. Swimming pools or other impervious man-made basins; and
- C. Individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

RARE SPECIES — Without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

RIVER — Any natural flowing body of water that empties to any ocean, lake, pond, or other river and which flows throughout the year. River is defined further at 310 CMR 10.58(2).

RIVERFRONT AREA — Area adjacent to a river or perennial stream as defined in 310 CMR 10.58(2).

STREAM — A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection Under M.G.L. c. 131, § 40. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes.

VERNAL POOL — Any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR 10.00).

§ 280-6. Applicability and Jurisdiction.

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any bordering vegetated wetlands, vernal pools, springs, banks, reservoirs, lakes, ponds, beaches, and lands under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; perennial rivers, streams, brooks and creeks; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water; (collectively the "resource areas protected by this bylaw").

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

Any project which has a validly issued and existing Order of Conditions at the time of passage of this bylaw shall be exempt from the provisions hereof unless any amendments or changes which increase the scope of the project, as determined by the Commission, are requested under the Order of Conditions in which case the provisions hereof shall govern.

§ 280-7. Prohibitions.

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

No work or disturbance, including but not limited to grading and vegetation removal, shall be permitted within twenty-five (25) feet of any resource area unless the applicant provides information and evidence deemed satisfactory by the Commission that the work to be performed sufficiently protects or enhances wetland interests.

§ 280-8. Exemptions.

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency. Upon failure to meet these

and other requirements of the Commission, the Commission may revoke or modify an emergency project approval and order restoration and mitigation measures.

§ 280-9. Administration.

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) filed under the Act shall include information and plans as are deemed necessary by the Commission.

Any person filing a permit or other application or Abbreviated Notice of Resource Area Delineation (ANRAD) with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. All applications shall be signed by the property owner.

The Commission shall conduct a public meeting for any RDA or a public hearing on any permit application or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public meeting or hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the meeting or hearing to a specific date announced at the meeting or hearing, for reasons stated at the meeting or hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations from other town boards and officials.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public meeting or hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its meeting or hearing under this bylaw with the meeting or hearing conducted under the Wetlands Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR 10.00). In the case of activity being proposed on a designation M.G.L. Chapter 43D Priority Development Site the Commission shall issue its permit, other order or determination within 180 days of its receipt of a complete application. In order for an application to be considered complete, the Commission must have approved the delineation of resource areas affecting the proposed project within three years of the submittal date through the issuance of an Order of Resource Area Delineation.

§ 280-10. Regulations.

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, which shall be effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations may reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, prescribe requirements for applications, provide more specific terms and conditions in furtherance of this bylaw and not inconsistent herewith and impose filing and consultant fees.

§ 280-11. Fees.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations. Pursuant to G.L. Ch. 44 § 53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists, attorneys or other experts in order to aid in the review of proposed projects.

§ 280-12. Surety.

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
- B. By accepting a Conservation Restriction in accordance with G.L. c. 184 § 31, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 280-13. Permits and Conditions.

The Conservation Commission, after a public hearing, shall consider the individual or cumulative effects on the resource area values protected by this bylaw and, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. The Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional period up to three years, provided that a request for a renewal is received in writing by the

Commission at least thirty (30) days prior to expiration of the permit. A permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to § 280-8 and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish recording and administration fees therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

§ 280-14. Burden of Proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§ 280-15. Appeals.

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with MGL c. 249, § 4.

§ 280-16. Enforcement; violations and penalties.

The Commission or its authorized agent shall have the power and duty to enforce this bylaw, its regulations, orders, violations notices and enforcement orders, and may pursue civil and criminal remedies for such violations.

- A. Penalties. Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, may be subject to fines, civil action, criminal prosecution, tax liens, and may be required to restore the property to its original condition, as appropriate and as lawfully established by the Town of Ashland.
- B. Liens. The Town of Ashland shall require reimbursement to the town for the cost of work undertaken by the town that the responsible party was obligated to perform but failed to perform as set forth in the Order of Conditions. If reimbursement is not made within (30) days of written notice from the town to the responsible party, the Town may impose an assessment and municipal lien on the property of the responsible party or parties and interest shall begin to accrue on any unpaid costs at the

statutory rate provided in G.L. Ch. 59, Section 57.

- C. Noncriminal disposition. As an alternative to or in addition to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D.
- i. The Conservation Agent or other appointment made by the Town Manager shall be the enforcement authority hereunder.
 - ii. Any person who violates the provisions hereof or violates the Regulations promulgated pursuant hereto shall be subject to the following fines:
 - a. First Offense: \$100.00
 - b. Second Offense: \$200.00
 - c. Third Offense and every offense thereafter: \$300.00
 - d. Each day or portion thereof during which a violation continues, shall constitute a separate offense, and violation of each provision of the bylaw, regulations and permits or administrative orders violated shall constitute a separate offense hereunder.

§ 280-17. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Chapter 281**WILD MAMMALS, FEEDING OR BAITING OF**

[HISTORY: Adopted by the Town of Ashland 10-17-2001 ATM by Art. 9. Amendments noted where applicable.]

§ 281-1. Prohibition.

No person, except the Director of the Division of Fisheries and Wildlife or his agent or designee as authorized pursuant to Chapter 131 of the General Laws of the Commonwealth, shall feed or bait any mammalian wildlife of the Order Mammalia (including, but not limited to, coyote, fox and deer) at any place within the town of Ashland. As used in this section, "feeding" and "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of feed or nutritive substances, in any manner or form, so as to constitute for such mammals a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed or scattered.

§ 281-2. Exception.

Nothing in this bylaw shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in § 1A of Chapter 128 (MGL) on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under § 23 of Chapter 131 (MGL) when such waterfowl or other birds are confined in such a manner as may be required pursuant to said § 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by such person; or the feeding by any person of wild birds by use of a "backyard birdfeeder."

§ 281-3. Emergencies. [Amended 11-20-2019STM, Art. 13]

Notwithstanding the above, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the Select Board by first class mail.

§ 281-4. Penalty.

- A. Criminal Disposition. Any violation of this chapter shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense.
- B. Non-criminal Disposition. Violations of this chapter may be processed pursuant to § 21D of Chapter 40 (MGL). Fines for violations shall be assessed as follows:

First offense	\$50.00
Second and each subsequent offense	\$100.00

- C. Each day or part thereof of a violation of any provision of this chapter, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.
- D. Enforcement of this chapter under the Non-criminal Disposition process shall be carried out by the

Animal Control Officer, a member of the Board of Health or its agent when either is so designated by the Board, any person having police powers, or other person so designated by the Town Manager.

ASHLAND CODE

Chapter 281A

(RESERVED)

[Former Ch. 281A, Youth Activity, adopted 11-16-2009 STM, Art. 13, was repealed 11-17-2015 STM, Art. 7.]

YOUTH ATHLETIC ACTIVITIES

Chapter 281B

YOUTH ATHLETIC ACTIVITIES

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Youth activity — See Ch. 281A.

ARTICLE I

**Head Injuries and Concussions In Youth Athletic Activities Played On Town Owned Fields
[Adopted 5-2-2012 ATM, Art. 15]****§ 281B-1. Statement of purpose and authority:**

Brain injury research from Boston University and throughout the world is showing that by preventing, identifying and reducing concussions, plus providing "return to play" protocols, athletic teams reduce the potential severity of traumatic brain injury from an initial concussion. By ensuring proper training and a "return to play protocol", the Town of Ashland will work to protect Athletes on town owned property the same way Athletes are already protected on "school owned" athletic fields as required under current Massachusetts State law.

State law regulates the education and return to play protocols for schools in Massachusetts regarding students who experience a hit/ fall/ incidence which could have caused a traumatic brain injury. The Commonwealth of Massachusetts is looking to keep records of the number of concussions a student has incurred and the Ashland School System is tracking the number of concussions in order to ensure the student gets the proper treatment as well as is provided time to heal from the injury. In keeping records of said injuries, parents are to be aware of and report when their child has potentially experienced a concussion. At the schools, there is trained medical staff and the coaches, parents and Athletes receive training. On town owned playing fields the same standards should be enforced.

Conclusive evidence shows that it is important to understand the signs and symptoms of traumatic brain injury. If this type of injury is neglected and further head trauma occurs prior to healing of prior injuries, conclusive evidence shows this can lead to long-term disability or death due to swelling of the brain. There are serious consequences to ignoring traumatic brain injuries. Therefore, it is important for coaches, parents and Athletes to understand the signs and symptoms of a concussion or traumatic brain injury and to understand the seriousness of neglecting this type of injury no matter where they occur. The Board of Health of the Town of Ashland recognizes the right to those who wish to ensure the safety of children on Town owned fields in Ashland and establishes this bylaw to protect and improve the public health and welfare by ensuring training of coaches, parents and Youth Athletes (over age ten) and establishing return to play protocols with regard to a suspected concussion in a similar manner as the Ashland Public School System does today. This bylaw is promulgated under the authority granted to the Ashland Board of Health under Massachusetts General Laws 111, Section 31.

§ 281B-2. Citation

This bylaw shall be known and may be cited as Head Injuries and Concussions in Youth Athletic Activities Played on Town Owned Fields.

§ 281B-3. Scope

The requirements of this bylaw shall apply to coaches, parents and Youth Athletes playing Youth Athletic activities or participate in any organized athletic activity on Town of Ashland owned fields or facilities, not under the control of the School Committee.

§ 281B-4. Definitions.

As used within this bylaw, the following terms shall be defined as below:

Athletic Activity means an organized athletic activity occurring on Town owned fields and facilities under

the direction of a coach or assistant coach including but not limited to baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, rugby, soccer, skating, softball, squash, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling.

Board of Health or Board or Department means the Board of Health for the Town of Ashland, Massachusetts, its agents and designees.

Centers for Disease Control and Prevention (CDC) refers to one of the major agencies of the United States Department of Health and Human Services with a mission to protect the health of people and communities through health promotion, prevention of disease, injury and disability.

Coach means an employee or volunteer responsible for organizing and supervising Youth Athletes participating in athletic activities. The term coach refers to both head coaches and assistant coaches.

Concussion means a complex disturbance in brain function, due to direct or indirect trauma to the head, related to neurometabolic dysfunction, rather than structural injury.

Diagnosed means a physician's or nurse practitioner's opinion, derived from observation, examination, and evaluation of procedures or tests of a patient, that the patient has or had a concussion.

Head Injury means direct blow to the head or indirect trauma to the head including a concussion or traumatic brain injury. Scalp or facial laceration alone is not a head injury for purposes of this bylaw.

Health Agent / Director means the Health Agent/ Director of the Ashland Health Department or his or her designee.

Neuropsychologist means a professional who is licensed as a psychologist and certified as a health service provider by the Board of Registration of Psychologists pursuant to M.G.L. c. 112, §§ 118 through 129A with additional specialized training and expertise in the applied science of brain-behavior relationships and who has specific experience in evaluating neurocognitive, behavioral and psychological conditions and their relationship to central nervous system functioning. The neuropsychologist has specialized experience in administering and interpreting neuropsychological tests and has duties which may include, but are not limited to pre-injury measurement of the cognitive abilities that may be disturbed by a concussion, testing within the first few days post-head injury, and periodic retesting to track resolution of the Youth Athlete's symptoms and improvement in cognitive functioning. The neuropsychologist may also advise coaches and parents regarding the Youth Athlete's need for post injury academic accommodations.

Nurse Practitioner means a duly licensed and registered nurse authorized to practice in an expanded role as a nurse practitioner whose professional activities include performing physical examinations, diagnosing health and developmental problems, managing therapeutic regimens, and ordering therapies and tests.

Parent means the parent or guardian or foster parent of a Youth Athlete.

Physician means a duly licensed doctor of medicine or osteopathy.

Play means a practice or competition.

Second Impact Syndrome means a potentially lethal condition that can occur when a person sustains a head injury prior to complete healing of a previous brain injury, causing dysregulation of cerebral blood flow with subsequent vascular engorgement.

Sports means Youth Athletic activities.

Traumatic Brain Injury (TBI) means a complex pathophysiological process affecting the brain, induced by traumatic biomechanical forces. TBI may be caused either by a direct blow to the head, face, neck or elsewhere on the body with an impulsive force transmitted to the head. TBI includes, but is not limited to, a concussion.

Volunteer means an adult who volunteers as a, coach, assistant coach, team parent, physician, nurse, or in an authoritative role to assist Youth Athletes who are engaged in a Youth Athletic activity. Youth Athlete or Athlete as it appears herein means a Youth (person under the age of eighteen) who prepares for or participates in an athletic activity on town-owned fields and or facilities.

Youth Organization means the governing body for organized athletic activity occurring on Town owned fields and facilities under the direction of a coach or assistant coach including but not limited to baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, rugby, soccer, skating, softball, squash, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling.

§ 281B-5. Education for Coaches.

Head coaches, coaches and assistant coaches must have completed concussion training as required for them to be on the playing field.

§ 281B-6. Signed statement.

Parents and Athlete Education Organizations shall have parents and players age ten and older sign a statement stating they have read the required document regarding concussion safety or completed the concussion training with coaches within the last calendar year.

§ 281B-7. Return to Play/ Exclusion from Play.

- (a) If an Athlete participating in Youth Athletic activity becomes unconscious on town owned fields and facilities, the Athlete shall not return to participate in the activity and shall seek immediate medical attention – either a trip to the emergency room with their parent or guardian or through the coach calling 9-1-1 for an ambulance. The Athlete shall not return to participate in any athletic activity until the Athlete provides written authorization for such participation to the team's coach, from a licensed physician, licensed neuropsychologist, certified athletic trainer or other appropriately trained or licensed health care professional.

If an Athlete suffers a concussion as diagnosed by a medical professional, or is suspected to have suffered a concussion (i.e. exhibits symptoms) while participating in a Youth athletic activity on a town-owned field or facility, the Athlete shall not return to the practice or competition during which the Athlete suffered, or is suspected to have suffered, a concussion and shall not participate in any further athletic activity until the Athlete provides written authorization for such participation, from a licensed physician, licensed neuropsychologist, certified athletic trainer or other appropriately trained or licensed health care professional to the team's coach.

- (b) Return to play only with approval from a licensed healthcare professional which if school is in session, may include medical staff from the school, otherwise, a physician or health care specialist shall give the Youth return to play approval.
- (c) A coach, trainer or volunteer for an athletic activity shall not encourage or permit an Athlete participating in the activity to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of an Athlete, including using a helmet or any other sports equipment as a weapon.
- (d) A team that fails to comply with training and ensuring medical release of the Youth engaged in the sport, as determined by the department, shall be subject to penalties as determined by the department.
- (e) Nothing in this section shall be construed to waive liability or immunity of a team or league or the town. This section shall not create any liability for a course of legal action against the town, its officers or employees.
- (f) This bylaw shall not create an additional personal liability for a person who volunteers to assist with a Youth Athletic activity on town-owned fields or facilities and shall not add any additional liability for civil damages arising out of any act or omission relating to the requirements of this section, unless such person is willfully or wantonly negligent in his act or omission.
- (g) The Board of Health shall adopt regulations to carry out this bylaw.

§ 281B-8. Enforcement and Violations.

Non-criminal fines: Violations of this bylaw shall be enforced in the manner provided in M.G.L. c. 40, Sec. 21D, by the Board or its agents. Any fines imposed under the provisions of this bylaw shall be payable to the Town of Ashland.

- (a) Concussion Safety Education of Coaches

It shall be a violation of this bylaw if any Youth Organization fails to submit evidence of the concussion training for all coaches under its control within 21 days prior to play. Any Youth Organization who violates this provision of this bylaw shall be subject to the following fines:

First offense	Warning
Second offense	\$25.00
Third offense	\$50.00
Each subsequent offense	\$50.00

(b) Concussion Return to Play Protocols, medical release

It shall be a violation of this bylaw if the Return to Play Protocols are violated by a responsible party hereunder as set forth herein. Said violators, shall be subject to the following fines:

First offense	\$50.00
Second offense	\$50.00
Third offense	\$75.00
Each subsequent offense	\$100.00

§ 281B-9. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

§ 281B-10. Regulations.

After a public notice and a public hearing, the Board of Health shall promulgate rules and regulations to effectuate the purpose of this bylaw. Failure by the Board of Health to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations may reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, prescribe requirements for applications, provide more specific terms and conditions in furtherance of this bylaw and not inconsistent herewith and impose filing and consultant fees.

§ 281B-11. Effective date.

This bylaw shall be effective on January 1, 2013.

Chapter 282**ZONING**

[HISTORY: Adopted by the Town of Ashland Special Town Meeting 11-19-2008, Art. 19,²⁰ as amended through 6-12-2021 Annual Town Meeting, Art. 10. Amendments noted where applicable.]

GENERAL REFERENCES

Demolition delay — See Ch. 125.

Soil removal — See Ch. 242.

Noise — See Ch. 204.

Stormwater management — See Chs. 247 and 343.

Retail establishments — See Ch. 227.

Subdivision of land — See Chs. 252 and 344.

Sewer betterment assessments — See Ch. 235.

Wetlands protection — See Ch. 280.

SECTION 1.0. PURPOSE AND AUTHORITY

- 1.1 **TITLE.** The full title of these regulations shall be the "Zoning By-laws of the Town of Ashland, Massachusetts." These regulations shall be referred to herein as the "Zoning By-laws" or "these By-laws."
- 1.2 **PURPOSE.** These regulations are enacted to promote the general welfare of the Town of Ashland, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, and to increase the amenities of the town, all as authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.
- 1.3 **AUTHORITY.** This Zoning By-Law is enacted in accordance with the provisions of the General Laws, Chapter 40A, any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.
- 1.4 **SCOPE.** For these purposes, the construction, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.
- 1.5 **APPLICABILITY.** All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control. Nothing herein shall be construed to supersede the provisions of the State Building Code, 780 CMR 1.00, et seq.
- 1.6 **AMENDMENTS.** This By-Law may from time to time be changed by amendment, addition, or repeal

20. Editor's Note: This enactment also repealed former Ch. 282, Zoning, adopted as amended through the 5-7-2008 Annual Town Meeting.

SECTION 1.0

ZONING

SECTION 2.0

by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1.6.1 Conformance Required. Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.7 SEVERABILITY. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

SECTION 2.0. DISTRICTS**2.1 ESTABLISHMENT. [Amended 5-2-2018 ATM, Art. 20]**

For the purposes of this By-Law, the Town of Ashland is hereby divided into the following zoning districts:

Residential Districts

Residence A	RA
Residence B	RB
Residence Multifamily	RM

Commercial Districts

Highway Commerce	CH
Downtown Commerce	CD
Village Commerce	CV
Neighborhood Commerce	CN
Industrial	I

Special Districts

Wildwood Mixed Use Special District	WMUSD
Rail Transit District	RTD
Ashland Downtown District	ADD
Quarry Remediation District	QRD

Such districts shall be created and amended only by vote of the Town Meeting amending the Zoning Map.

2.2 OVERLAY DISTRICTS [Amended 11-19-2013 STM, Art. 18; 11-19-2013 STM, Art. 22]

In addition, the following overlay districts are also hereby established in Section 8.0:

Ashland Downtown District A

Floodplain Overlay District (FPOD)

Groundwater Protection Overlay District (GPOD)

Photovoltaic Installations Overlay District (PIOD)

Pond Street Mixed Use Overlay District (PSMUOD)

- 2.3 ZONING MAP. The boundaries of these districts are defined and founded on the map entitled, "Town of Ashland, Massachusetts Zoning Map", effective date 9/7/72, as revised and amended and on file in the office of the Town Clerk, and that the map and all explanatory matter thereon is hereby made a part of this chapter. **[Amended 5-2-2018 ATM, Art. 23]**
- 2.4 BOUNDARIES OF DISTRICTS. The following rules shall apply to the interpretation of the Zoning Map.
- 2.4.1 Boundary Lines within Public or Private Ways. Where the boundary line (or portion of a boundary line) of a zoning district is shown on the Map within the street line of a public or private way, the center line of such public or private way shall be the boundary line.
- 2.4.2 Boundary Lines Shown Approximately. Where the boundary line or portion of a boundary line of a zoning district is shown approximately on the location of a property or lot line, and the exact location of the property, lot, or boundary line is not indicated by means of dimensions shown in figures, then the property or lot line existing at the time of adoption of these Bylaws shall be the boundary line.
- 2.4.3 Boundary Lines Outside Public or Private Ways. A boundary line (or portion of a boundary line) of a zoning district located outside of a street line and shown to be approximately parallel to the street line shall be regarded as parallel to such street line, and any dimensions shown in figures on the Map between such boundary line and the street line shall be regarded as the distance in feet between such boundary lines and the street line, with the distance being measured at right angles to the street line unless otherwise indicated.
- 2.4.4 Location of Other Boundary Lines. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon the Zoning Map, by the use of identifications as shown on the Zoning Map, or by the scale of the Zoning Map.
- 2.4.5 Lot Split by District Lines. Where a district boundary line between a residential, commercial, or industrial district divides any lot existing at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend no more than 50 feet into the more restricted portion, provided the lot has frontage on a public way in the less restricted district.

SECTION 3.0. USE REGULATIONS

3.1 **PRINCIPAL USES.** Except as provided by law or in this By-law in each district, no building or structure shall be constructed, used or occupied, nor shall land be used or occupied, except for the purposes permitted as set forth in the accompanying Table of Use Regulations. **[Amended 11-16-2009 STM, Art. 14; 5-5-2010 ATM, Art. 23; 5-5-2010 ATM, Art. 24; 5-5-2010 ATM, Art. 25; 11-29-2010 STM, Art. 15; 11-19-2013 STM, Art. 16; 11-19-2013 STM, Art. 17; 11-19-2013 STM, Art. 18; 5-7-2014 ATM, Art. 25; 5-6-2015 ATM, Art. 19; 5-6-2015 ATM, Art. 20; 5-2-2018 ATM, Art. 20]**

3.1.1 By Right. A use listed in the Table of Use Regulations is permitted as of right in any district under which it is denoted by the letter "Y" subject to such restrictions as may be specified elsewhere in this Bylaw.

3.1.2 Special Permit: Board of Appeals. A use designated in the Table by the letters "BA" may be permitted as a special permit only if the Board of Appeals so determines and grants a special permit therefor as provided in Section 9.4 of this Bylaw subject to such restrictions as are set forth elsewhere in this Bylaw, and such restrictions as said Board may establish.

3.1.3 Special Permit: Planning Board. A use designated in the Table by the letters "PB" may be permitted as a special permit only if the Planning Board so determines and grants a special permit therefor as provided in Section 9.4 of this Bylaw subject to such restrictions as are set forth elsewhere in this Bylaw, and such restrictions as said Board may establish

3.1.4 Special Permit: Select Board. A use designated in the Table by the letters "SB" may be permitted as a special permit only if the Select Board so determines and grants a special permit therefor as provided in Section 9.4 of this Bylaw subject to such restrictions as are set forth elsewhere in this Bylaw, and such restrictions as said Board may establish. **[Amended 11-20-2019STM, Art. 14; 11-20-2019STM, Art. 15]**

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
A. RESIDENTIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	N	
Mobile home or trailer	N	N	N	N	N	N	N	N	
Two-family dwelling	N	Y	Y	BA	Y	BA	Y	N	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
A. RESIDENTIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Conversion of single-family to two-family dwelling	N	Y	Y	BA	Y	BA	Y	N	
Conversion of single or two family to dwelling with not more than four units	N	N	N	N	N	N	BA	N	
Multifamily dwelling	N	N	BA	N	N	N	N	N	
Lodging or boarding house	N	N	N	Y	Y	Y	BA	N	
Assisted living facility	Y	Y	N	Y	Y	N	BA	N	See Section 7.4
Cluster development	PB	PB	PB	N	N	N	N	N	
Planned multifamily development	N	N	N	BA	BA	BA	N	N	
Senior residential community	PB	PB	N	PB	PB	N	N	N	See Section 7.2.5
Nursing or convalescent home	N	N	N	Y	Y	Y	BA	N	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
A. RESIDENTIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Mixed residential units and commercial uses in the same building	N	N	N	PB*	N	N	N	N	
*Number of dwelling units permitted shall not exceed a maximum of five (5) units per acre.									

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
B. EXEMPT AND INSTITUTIONAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	
Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	
Child care facility	Y	Y	Y	Y	Y	Y	Y	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
B. EXEMPT AND INSTITUTIONAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Municipal buildings and facilities, including vehicle storage, fire and police station	BA	BA	BA	Y	Y	Y	Y	Y	
Municipal sanitary waste disposal facility	N	N	N	N	N	N	N	BA	
Essential services	BA	BA	BA	BA	BA	BA	BA	BA	
Hospital	N	N	N	N	N	N	BA	N	
Philanthropic institution with less than 10,000 square feet gross floor area	Y	Y	Y	Y	Y	Y	N	Y	
Philanthropic institution with more than 10,000 square feet gross floor area	BA	BA	BA	Y	Y	Y	N	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
C. AGRICULTURAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
C. AGRICULTURAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land	Y	Y	Y	Y	Y	Y	Y	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
C. AGRICULTURAL USES	RA	RB	RM	CH	CD	CV	CN	I	
containing more than five acres in area on which the facility is located									
Nonexempt agricultural use	Y	Y	Y	Y	Y	Y	N	Y	Section 3.2
Nonexempt farm stand	Y	Y	Y	Y	Y	Y	N	N	
Greenhouse or nursery	N	N	N	Y	Y	Y	N	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
D. COMMERCIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Nonexempt educational use	BA	BA	BA	BA	BA	BA	N	BA	
Animal clinic or hospital; kennel	BA	BA	BA	Y	Y	Y	BA	Y	Section 3.2
Private nonprofit club or lodge	N	N	N	N	N	N	BA	N	
Funeral home	N	N	N	N	N	N	BA	N	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
D. COMMERCIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Motel or hotel	N	N	N	Y	Y	Y	N	N	
Bed and breakfast	N	N	N	Y	Y	Y	BA	N	
Retail establishment not more specifically defined	N	N	N	Y	Y	Y	BA*	Y	
Convenience store	N	N	N	Y	Y	Y	N	N	
Open air vending	N	N	N	Y	Y	Y	N	N	
General service establishment	N	N	N	Y	N	BA	BA	Y	
Personal service establishment	N	N	N	Y	N	Y	BA	Y	
Restaurant	N	N	N	Y	Y	Y	N	Y	
Restaurant, fast-food	N	N	N	BA**	BA**	BA**	N	BA	
Business or professional office	N	N	N	Y	Y	Y	Y*	Y	
Medical or dental office or clinic	N	N	N	Y	Y	Y	BA	N	
Medical marijuana dispensary	N	N	N	PB	N	N	N	PB	
Bank; financial agency	N	N	N	Y	Y	Y	BA	N	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
D. COMMERCIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Catering service	N	N	N	Y	Y	Y	N	N	
Indoor commercial recreation	N	N	N	Y	Y	Y	N	Y	
Outdoor commercial recreation	N	N	N	BA	BA	BA	N	Y	
Golf course	BA	BA	BA	N	N	N	N	N	
Campground, nonprofit or supervised camping	N	N	N	N	N	N	N	N	
Boat rental	BA	BA	BA	N	N	N	N	N	
Adult entertainment use	N	N	N	BA	BA	BA	BA	BA	See Section 6.1
Wireless communication facility	PB	PB	PB	PB	PB	PB	PB	PB	See Section 6.4
Tattoo parlor/body piercing studio	N	N	N	BA	N	BA	BA	BA	
Copy shop	N	N	N	Y	Y	Y	BA	Y	
Print shop	N	N	N	N	N	N	N	Y	
* UNDER 2,000 SQ. FT. GROSS FLOOR AREA									
** NO ACCESS VIA POND STREET									

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
E. MOTOR VEHICLE USES	RA	RB	RM	CH	CD	CV	CN	I	
Motor vehicle, trailer and boat sales, service and rental	N	N	N	BA	BA	BA	N	Y	
Motor vehicle general and body repair	N	N	N	BA	BA	BA	N	Y	
Motor vehicle light service	N	N	N	BA	BA	BA	N	BA	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
F. INDUSTRIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Earth removal	N	N	N	N	N	N	N	Y	
Light manufacturing	N	N	N	N	N	N	N	Y	
Wholesale, warehouse, or distribution facility	N	N	N	N	N	N	N	Y	
Mini-storage warehouse facility	N	N	N	N	N	N	N	Y	
Manufacturing	N	N	N	N	N	N	N	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
F. INDUSTRIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Construction yard or landscaping business	N	N	N	N	N	N	N	Y	
Junkyard or automobile salvage or graveyard	N	N	N	N	N	N	N	N	
Land transportation terminal	N	N	N	N	N	N	N	BA	
Assembly or packaging	N	N	N	N	N	N	N	Y	
Research, laboratories, and development facilities	N	N	N	N	N	N	N	Y	
Publishing and printing	N	N	N	N	N	Y	N	BA	
Computer software development	N	N	N	Y	Y	Y	Y	Y	
Computer hardware development	N	N	N	Y	Y	Y	Y	Y	
Food and beverage manufacturing, bottling or processing facility	N	N	N	N	N	N	N	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
F. INDUSTRIAL USES	RA	RB	RM	CH	CD	CV	CN	I	
Alternative energy and renewable energy manufacturing facilities	N	N	N	N	N	N	N	Y	
Alternative energy and renewable energy research and development facilities	N	N	N	PB	N	N	N	Y	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
G. ACCESSORY USES	RA	RB	RM	CH	CD	CV	CN	I	
Accessory scientific uses	Y	Y	Y	Y	Y	Y	N	Y	
Rooming and boarding not more than 2 persons	Y	Y	Y	Y	Y	Y	Y	N	
Home occupation	Y	Y	Y	Y	Y	Y	Y	N	
Adult day care	Y	Y	Y	Y	Y	Y	Y	N	
Child day care, small	Y	Y	Y	N	N	N	N	N	

Child day care, large	BA	BA	BA	N	N	N	N	N	
Accessory family dwelling unit	BA	BA	BA	BA	BA	BA	Y	N	
Drive-through	N	N	N	BA	BA	BA	N	BA	

TABLE OF PRINCIPAL USE REGULATIONS									
PRINCIPAL USES									
H. OTHER USES	RA	RB	RM	CH	CD	CV	CN	I	
Drive-through only facility	N	N	N	BA	BA	BA	N	BA	
Commercial parking facility	N	N	N	BA	BA	BA	BA	BA	

3.1.5(A). Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses, regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives. **[Added 11-28-2016 STM, Art. 11]**

3.1.5(B). Definitions. "Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer" shall have the meaning as set forth in the Act. **[Added 11-28-2016 STM, Art. 11]**

3.1.6(A). (Reserved)

3.1.6(B). (Reserved)

3.1.6(C). Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer". The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses. **[Added 11-28-2016 STM, Art. 11; amended 5-3-2017 ATM, Art. 21; 11-14-2017 ATM, Art. 17]**

3.2 ACCESSORY USES AND STRUCTURES. Except as provided by law or in this By-law in each district, no accessory use, building or structure shall be constructed, used or occupied, nor shall land be used or occupied, except for the purposes permitted as set forth in the accompanying Table of Use Regulations.

3.2.1 Home Occupations. Home occupations are permitted if no more than twenty-five percent (25%) of the floor area of the residence is used for the occupation, not more than one (1) person not a member of the household is employed on the premises in the occupation, there is no exterior display or storage or other variation from the residential character of the premises, traffic generated does not exceed that normally expected in a residential neighborhood and all parking required to service the occupation is provided off-street, other than within a required front yard.

3.2.2 Mobile Homes and Campers. A mobile home or camper may be temporarily occupied by nonpaying guests of the owner of the premises for a period not to exceed two (2) weeks in any calendar year; or as a temporary office incidental to the construction or development of the premises on which it is located, upon prior approval of the Building Inspector, who may seek advisory from the Planning Board or its designated agent, for a period of one (1) year, renewable annually.

(A). Storage of campers belonging to residents on the premises shall be considered a customary accessory use on residentially used premises.

(B). An owner, or occupier with permission of the owner, of a residence which has been destroyed or otherwise, made unlivable by fire or natural holocaust may temporarily place a mobile home on the site of such residence and reside in such temporary quarters for a period not to exceed twelve (12) months. Such temporary quarters may be placed within required front or rear yards only and shall be subject to the provisions of the State Sanitary Code.

3.2.3 Keeping of Animals. No more than one (1) farm animal or no more than ten (10) rabbits or poultry shall be kept on less than one (1) acre and no more than two (2) farm animals or one hundred (100) rabbits or poultry shall be kept on less than two (2) acres. Numbers of farm animals or poultry on two (2) acres or larger shall be limited only by Board of Health requirements and by the performance standards of Section 5.8.

3.2.4 Scientific Uses. The Board of Appeals may grant a special permit for a use accessory to a scientific research, scientific development or related production activity, whether or not on the same parcel as such activity. A special permit shall be granted where the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

3.2.5 Residential Accessory Uses. The following accessory uses are allowed in the Residential Districts, as set forth in the Table of Principal Use Regulations.

- (A). Rooming and boarding not more than 2 persons.
- (B). Family daycare, large and small.
- (C). Adult day care.

3.3 NONCONFORMING USES AND STRUCTURES.

3.3.1 Applicability. This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

3.3.2 Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

- (A). Change or substantial extension of the use;
- (B). Change from one nonconforming use to another, less detrimental, nonconforming use.

3.3.3 Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

- (A). Reconstructed, extended or structurally changed;
- (B). Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

3.3.4 Variance Required. Except as provided in subsection 3.3.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity shall require a variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a special permit from the Board of Appeals.

3.3.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- (A). alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements,

- (B). alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
- (C). alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.3.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law; provided, however, that by the grant of a special permit, the Board of Appeals may reestablish such nonconforming structure or use where such reestablishment shall not be substantially detrimental to the neighborhood or the Town.

3.3.7 Reconstruction after Catastrophe or Demolition. Any nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- (A). Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- (B). Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure.
- (C). In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) exceed applicable requirements for yards, setback, and/or height or (c) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.

3.3.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

SECTION 4.0. DIMENSIONAL REQUIREMENTS

4.1 GENERAL DIMENSIONAL REQUIREMENTS

4.1.1 Table of Dimensional Requirements. No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Table of

Dimensional Requirements as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein. [Amended 11-16-2009 STM, Art. 14; 11-28-2016 STM, Art. 12; 5-2-2018 ATM, Art. 20]

	Minimum Lot Area (sq.ft.)	Minimum Lot Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Height (stories)- (feet)
RA	30000	150	40	10	30	N/A-35
RB	20000	125	30	10	20	N/A-35
RM	30000	150	40	10	30	N/A-35
CH	30000	150	30	10	30	3-35 for dwellings 5 for otherwise
CD	20,000 for dwellings 10,000 otherwise	125 for dwellings 0 for otherwise	30 for dwellings 0 for otherwise	10 for dwellings 0 for otherwise	20 for dwellings 0 for otherwise	N/A-38 (See Note 11)
CV	15000	100	20	10	20	2.5-35 for dwellings 4 for otherwise
CN	5000	50	15	8	35	N/A-30 feet
I	30000	150	40	30	30	2-35 for dwelling 5 for otherwise

4.1.2 Notes to Table of Dimensional Requirements. [Amended 5-2-2018 ATM, Art. 20]

1. For two-family dwellings in the RB District, increase minimum lot area by fifty percent (50%).
2. For all requirements for multifamily dwellings, see Section 7.5.
3. Excluding lots of thirty thousand (30,000) square feet or greater, no single or two-family structure shall be greater than four thousand five hundred (4,500) square feet excluding basement and finished attic unless a waiver on the size requirement is approved by the Zoning Board of Appeals by the grant of a special permit.
4. In the CD District, increase minimum lot area for two-family dwellings.
5. In the CN District, access to the rear of the lot shall be via 16' drives.

6. In the CH, CD, and CV Districts: for single-family dwellings not connected to municipal water and sewer, increase minimum lot area by 50%; for two-family dwellings not connected to municipal water and sewer, increase minimum lot area by an additional 50%.
7. In the CN District, lot coverage by buildings shall not exceed 15%.
8. (Reserved)
9. (Reserved)
10. (Reserved)
11. In the CD District, height may be increased to 45' upon issuance of a Special Permit by the Planning Board in accordance with Section 9.3 of this bylaw. In addition to the Special Permit criteria set forth in Section 9.3, the Board shall consider (i) the increase in height will result in another floor of the project, (ii) whether the applicant has made suitable accommodations for increased parking demand or has otherwise supplied suitable mitigation to offset project impacts and (iii) the applicant of a project conforms to the form-based code guidelines found in Section 8.5.7. **[Added 11-28-2016 STM, Art. 12]**

4.1.3 Accessory structures. Accessory structures may not be placed within required yards, except that permitted signs or roadside stands may be located within a required front yard area, and a permitted one-story accessory structure may be located within a required rear yard, and a permitted one-story accessory structure may be located within a required rear yard, provided that it occupies not more than thirty percent (30%) of either the required or the actual yard, and further provided that it is not located within ten (10) feet of any property line.

4.1.4 Lot Shape. No lot shall be so irregularly shaped or extended that the square of the lot perimeter exceeds twenty-two (22) times the gross lot area except for the following two exemptions: **[Added 5-6-2009 ATM, Art. 26]**

1. Lots greater than two (2) acres: or
2. One individual lot within an approved subdivision on file and recorded at the Massachusetts Land Court or the Middlesex South District Registry of Deeds after May 31, 1972, that shares at least one (1) boundary with a property outside of said subdivision.

4.1.5 Average of Building Setbacks. No building need provide a front setback greater than the average of the setbacks provided by existing buildings on abutting lots, fronting on the same street.²¹ **[Added 5-5-2010 ATM, Art. 26]**

4.1.6 Covered Open-Air Front Porch. The Dimensional Requirements requiring minimum front yard setbacks in residential districts shall not apply to a Covered Open-Air Front Porch, where at least ninety (90) percent of the Porch is located between the front of the residential structure and the front lot line, provided that no portion of the Covered Open-Air Front Porch shall be: **[Added 6-12-2021 ATM, Art. 9]**

1. Enclosed by screen, glass or building walls, whether full or partial (open handrails and guardrails shall be allowed up to a height of 38 inches);
2. Of a depth (including all roof lines and columns, but not stairs) greater than ten (10) feet;

21. Editor's Note: Former Subsection 4.1.6, Dimensional Requirements for Multiple Principal Uses, added 5-5-2010 ATM, Art 20, was repealed 5-2-2018 ATM, Art. 21.

3. Of a height greater than one story (as related to the adjoining building);
4. With habitable space or balconies located above the Covered Open-Air Front Porch;
5. Located closer to the front lot line than a distance in feet equal to sixty (60%) percent of the applicable front yard setback requirement;
6. Covered with a flat, non-sloped roof, unless such roof is an open trellis; and
7. Constructed in non-compliance with all other requirements of the underlying zone including, without limitation, side yard setbacks and lot coverage requirements.

The volume and footprint of a Covered Open-Air Front Porch shall not be considered part of the volume or footprint of a non-conforming structure being rebuilt under section 3.3.7. However, the Covered Open-Air Front Porch may be rebuilt in kind after a demolition, destruction or catastrophe.

Said bylaws shall only be applicable for structures in existence at the time of adoption (Annual Town Meeting, June 12, 2021)

4.2 SPECIAL PROVISIONS FOR VILLAGE COMMERCE (CV) DISTRICT

4.2.1 General. In order to encourage clustering of uses, provision for efficient vehicular circulation and parking and ease of pedestrian access, the following special provisions apply in the Village Commerce (CV) District.

4.2.2 Principal Buildings. More than one (1) principal building may be constructed on a single lot. However, the maximum floor area for individual buildings and uses shall be as follows:

1. Individual retail use: four thousand (4,000) square feet.
2. Individual office use: four thousand (4,000) square feet.
3. Individual personal services: three thousand (3,000) square feet.
4. Building (total all uses): eight thousand (8,000) square feet.

4.2.3 Abutting Lots. Where two (2) abutting lots share a unified off-street parking area and where the continued existence and use of the shared parking area is guaranteed through appropriate mechanisms, a special permit may authorize deviations from the regulations otherwise applicable to the lots, as follows:

1. Reduction or waiver of requirements for side and rear yards between the two (2) lots.
2. Reduction in the required number of off-street parking spaces for one (1) of the lots, provided that the total number of required spaces for all lots sharing a common parking area are provided within the total area of such lots.
3. Increase in the maximum building coverage, up to fifty percent (50%) of total lot area, subject to the specified limitations on total floor area.

4.2.4 Pond Street. For lots fronting on Pond Street (Route 126), site plans should indicate the location of the future street (right-of-way) line and should demonstrate that the required landscaping and off-street parking areas, together with necessary vehicular and pedestrian circulation facilities, can be provided within the area of the lot defined by such street line. If no future right-of-way

line has been designated by the Planning Board or the Select Board, the presumed line shall be located twenty-five (25) feet from the center line of the existing right-of-way. **[Amended 11-20-2019STM, Art. 14]**

4.3 SPECIAL PROVISIONS FOR NEIGHBORHOOD COMMERCE (CN) DISTRICTS

4.3.1 General. In order to encourage clustering of uses, provision for efficient vehicular circulation and parking and ease of pedestrian access, the following special provisions apply in the Neighborhood Commerce (CN) District.

4.3.2 Lot Waivers. Where two (2) abutting lots share a unified off-street parking area and where the continued existence and use of the shared parking area is guaranteed through appropriate mechanisms, a special permit may authorize deviations from the regulations otherwise applicable to the lots, as follows:

1. Reduction or waiver of requirements for side and rear yards between the two (2) lots.
2. Reduction in the required number of off-street parking spaces for one (1) of the lots, provided that the total number of required spaces for all lots sharing a common parking area are provided within the total area of such lots.
3. Increase in the maximum building coverage of ten percent (10%) of the total lot area, subject to the specified limitations on total floor area.

4.3.3 Performance Standards.

1. No interior display shall be visible from any property line.
2. Outdoor storage or display of goods or materials is prohibited.
3. Warehousing of goods or materials except as expressly provided in this By-law is prohibited.
4. Not more than thirty-five percent (35%) of any front or exterior side yard shall be used for driveways.
5. No lighting fixture shall be located and directed as to be a hazard to traffic safety.
6. All incandescent light sources shall be shielded from view of adjacent residential zones and abutting properties.
7. Noise levels shall not exceed fifty-five (55) db in the day or forty-five (45) db at night or shall not exceed the ambient noise level, whichever is greater. All noise-producing equipment, fans, vents, etc., shall be oriented away from residential areas and/or appropriately screened.

4.3.4 Architectural and Design Review.

1. When the exteriors of existing structures are to be remodeled or enlarged or when new buildings or structures are constructed, including signs, walls, fences and exterior lighting fixtures, the design shall be subject to site plan review procedures in accordance with Section 9.4.
2. This shall include the determination that the plans submitted are visually harmonious and compatible with the surrounding land uses, vegetation and topography in order to promote

quality design, reduce the adverse impact of uncoordinated development and protect and enhance the surrounding neighborhoods.

3. Plans shall conform with specific plans for the areas of Route 126 and Route 135.

SECTION 5.0. GENERAL REGULATIONS

5.1 OFF-STREET PARKING REQUIREMENTS

5.1.1 General. Except in the Downtown Commerce (CD) District, which is exempt from these requirements, adequate off-street parking must be provided on paved surfaces to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Such parking shall be either on the same premises as the activity it services or within three hundred (300) feet on a separate parcel, which may be jointly used with other premises for this purpose. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met unless these are reduced on special permit as per 5.1.7. **[Amended 5-5-2010 ATM, Art. 27]**

5.1.2 SCHEDULE OF PARKING AREA REQUIREMENTS

Boardinghouse, Lodging	1 space per guest unit
Bed-and-breakfast	2 spaces plus one space per guest room
Commercial accommodations	1-1/8 spaces per guest unit
Dwellings	2 spaces per dwelling unit
Offices, stores	1 space per 180 square feet of leasable floor space
Restaurant, place of assembly	1 space per 4 seats
Bowling alley	4 spaces per lane
Golf course	10 spaces per hole, plus spaces required for accessory use as determined by the Building Inspector advisory report of the Planning Board where required in compliance with Section 9.4, Site Plan Review.
Animal hospital, veterinary	2 spaces per exam room plus 1 space per staff employee but not less than 5 spaces
Nursing home	1 space per 6 beds plus 1 space per employee
Hospital	1 space per bed
Medical and dental offices and clinics	2 spaces per exam room or chair plus 1 space per staff employee but not less than 5 spaces
Financial offices (banks)	1 space per 200 sq. ft. of gross floor area, 1 space per employee, 5 waiting spaces per drive-thru teller
Industrial, Wholesale	1 space per 1.3 employees per shift

Day care and nursery schools	1 space per employee; 1 space per 5 children; drop area; 4 spaces up to 20 children, 1 space per additional 10 children
Others	Individually determined by the Building Inspector upon advisory report of the Planning Board where required in compliance with Section 9.4, Site Plan Review.

5.1.3 Setback. No off-street parking area shall be maintained within ten (10) feet of a street.

5.1.4 Parking Areas with Eight or More Spaces. For parking areas of eight (8) cars or more, the following shall apply:

1. Parking area use shall not require backing on a public way.
2. There shall be not more than one (1) entrance and one (1) exit from such lots per two hundred (200) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall arrange for shared egress.
3. In a Residential District, no such parking lot shall extend into a required yard.
4. In Village Commerce (CV) and Neighborhood Commerce (CN) Districts, no such parking lot exclusive of access shall be located between the street and the front line of the principal structure on the lot or within the required front yard, whichever is less. If there is no structure on the lot, no parking lot shall extend into a required front yard.
5. Drive-thru Facilities. Sufficient on site reserved space to permit the stacking of vehicles waiting to be served at a drive-thru window shall be provided to eliminate conflicts with parking vehicles and eliminate interference with the flow of traffic on the adjacent roadway.
6. Restaurant, fast food, drugstore. There shall be at least four spaces provided between the pick up window and order point, at least four spaces provided in advance of the menu board, one space at the order point, and one space at the menu board.
7. Banks. There shall be at least five spaces (including the banking machine, machine/teller window for each drive-thru lane).

5.1.5 Special Provisions for Village Commerce (CV) and Neighborhood Commerce (CN) Districts. The following provisions are intended to support commercial development in Commerce Districts by establishing a mechanism for provision of public off-street parking lots in lieu of private off-street parking facilities.

1. Except for buildings or parts of buildings designed, intended to be used, used or occupied for residential use, all or a portion of the required off-street parking may be waived by the Zoning Board of Appeals by special permit when the property is located within the Village Commerce District, provided that:
 - a. The Board finds that there are sufficient public parking spaces in the vicinity of the property to justify the relief without detriment to the public health, welfare and safety.

- b. The owner or occupant of the property on which the waiver is to be applied pays to the town a fee to the fair market value of the waived parking spaces [the area of which shall be determined by the number of waived spaces times four hundred (400) square feet], plus the cost of converting such spaces into a parking lot, as estimated by the Planning Board, with the advice of the Director of the Department of Public Service.
 - c. In the Neighborhood Commerce District only, an increase of the maximum building coverage of ten percent (10%) of total lot area, subject to the specified limitations on total floor area.
- 2. All fees collected under this section, and all interest earned thereon, shall be deposited in a separate Parking Facilities Fund established by the Select Board and shall be used only for the acquisition of land, improvement or maintenance of municipally-owned off-street parking facilities for the benefit of those buildings, structure and uses in the Village Commerce and Neighborhood Commerce districts and adjacent areas. **[Amended 11-20-2019STM, Art. 14]**
 - 3. Any relief of off-street parking approved under this section shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment shall be made to the town in total prior to the issuance of a building permit.

5.1.6 (Reserved)²²

5.1.7 Special Permit. The Planning Board may authorize by special permit fewer parking spaces than are required by this Section for a use to be constructed when the Board determines that special circumstances render a lesser provision adequate for all parking needs. In consideration of a request for fewer parking spaces, the Planning Board shall consider the following:

- 1. that the hours of operation and parking demand, or the uses which are proposed to share parking spaces are sufficiently different so as not to require the use of parking spaces at the same time; or
- 2. that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

The Planning Board may require that the spaces to be un-constructed shall be delineated on the site plan and indicated as future parking spaces. All or part of said spaces shall be constructed if so required by the Board at a future date or may be constructed by the property owner/tenant at any time without prior Board approval.

5.2 LOADING REQUIREMENTS.

5.2.1 General. Adequate off-street loading spaces or loading areas shall be provided and maintained

22. Editor's Note: Subsection 5.1.6, Special Provisions for Office Commerce (CO) District, was repealed 5-2-2018 ATM, Art. 20.

by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this By-law, according to the following regulations.

5.2.2 Same Lot. All loading spaces or loading areas required by this By-law shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this By-law.

5.2.3 No Queues or Backing onto Street. No loading facility shall be designed to require trucks to queue on a public way while awaiting to off-load. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

5.2.4 Shared Loading. No part of an off-street loading area required by this By-law for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning Board.

5.2.5 Screening. Loading areas shall be screened in accordance with Section 5.4.

5.2.6 Size. Where required, loading bays shall not be less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space.

5.2.7 Location. No loading dock or bay shall be located within twenty (20) feet of the boundary of any residential district.

5.2.8 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit.

5.3 SIGNS

5.3.1 Purposes and Goals of Sign Regulations. The purposes and goals of the sign regulations shall be to:

1. Preserve and enhance the character of Ashland as directed in the 1988 Comprehensive Plan by regulating signs and other advertising devices within the town.
2. Require new replacement signs which are compatible with their surroundings and which are appropriate to the type of activity to which they pertain.
3. Promote safety and to reduce distractions for motorists.
4. Avoid excessive competition for signs, so that permitted signs provide adequate identification and direction while minimizing clutter and unsightliness.
5. Phase out and replace existing signs which do not meet the goals and standards defined herein.
6. Ensure a sign review process and an enforcement mechanism for compliance.
7. Encourage the development of a healthy business environment in town.

5.3.2 Compliance Required.²³

1. All signs, excluding those specifically exempted from this Section, must comply with the regulations of this Section. All nonexempt signs, except as specified, shall be submitted through the sign permit process defined herein.
2. All signs must comply with local and state building and electrical codes.
3. Specified requirements of this section are considered to be minimum requirements. In the event that they are at variance with other statutes, bylaws or regulations, the most restrictive provisions govern.

5.3.3 Prohibited Signs. The following signs are prohibited in the Town of Ashland:

1. Signs imitating official traffic signs or obscuring official traffic signs.
2. Signs with intermittent or flashing lights.
3. Signs obstructing doors or a public right-of-way.
4. Signs on trees or utility poles, unless warning of danger or prohibiting trespass.
5. Search lights or beacons.
6. Signs placed on public property without prior approval.
7. Signs that move or give the appearance of moving.
8. Pennants, specialty hot air balloons and streamers, except as permitted for business openings as specified herein.
9. Roof signs.
10. Portable or wheeled signs.
11. Signs on parked vehicles or trailers where the sign is the primary use of the vehicle.
12. Signs which cast a glare onto any residential premises or onto any portion of a public way so as to create a traffic hazard.
13. Non-accessory signs of any size.

5.3.4 (Reserved)

5.3.5 Construction and Maintenance.

1. No sign shall be painted or posted directly on the exterior surface of any wall, but all signs must be painted, posted or otherwise securely affixed to a substantial, intermediary, removable surface which shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign consisting of individual raised letters or devices securely affixed to the exterior wall of the building.
2. All signs and their supporting sign structure shall be maintained in good repair and in a proper state of preservation to the reasonable satisfaction of the Building Inspector.

23. Editor's Note: Former Section 5.3.2, Definitions, was deleted 11-19-2013 STM, Art. 22, and the contents moved to Section 10.0, Definitions. Article 22 also renumbered former Sections 5.3.3 through 5.3.21 as Sections 5.3.2 through 5.3.20, respectively.

5.3.6 Illumination Standards.

1. External illumination shall be by white, steady, stationary light, shielded and directed solely or by silhouette at the sign. The foregoing is applicable to signs exterior to a building and to permanent interior signs designed to be visible through a door or window. No externally lit sign shall utilize translucent panels, letters, devices or other similar components to create an image by allowing light to pass through.
2. Internal illumination shall be by steady, stationary light directed on translucent materials to illuminate the sign. No more than three (3) colors shall be used. Black and white shall not be considered colors.

5.3.7 Maximum Number of Signs.

1. There shall not be more than one (1) permanent exterior sign of each business establishment affixed to the building itself. If a business establishment has more than one (1) street level public entrance or occupies more than one (1) building, there may be a secondary street sign affixed to the wall, in the vicinity of each entrance, other than the wall to which the principal sign is affixed. The secondary sign or signs for each business establishment shall not exceed in the aggregate fifty percent (50%) of the maximum permissible area for a single sign for said business establishment as specified herein. In addition to the foregoing sign or signs, one (1) directory of business establishments occupying a building may be affixed to the exterior wall of the building or may stand alone at a principal entrance to the building. The dimensions of such a building directory are specified herein.
2. Any sign which is attached to and extends wholly outside the supports or frame of the principal sign shall be considered a separate sign.

5.3.8 Placement of Signs. No sign shall be placed within a required side or rear yard or be placed within or project over a public way or, in the case of wall signs, exceed the height of the building to which it is attached.

5.3.9 Maximum Total Area of Signs in Commercial and Industrial Zones. Subject to the provisions of this section, the maximum total area of signs in Commercial and Industrial Zones shall be determined as follows: **[Amended 5-2-2018 ATM, Art. 20]**

Zoning Districts	Maximum Total Sign Area per Foot of Lot Frontage on the Street Towards Which the Building is Oriented (square feet per foot)
Commercial Highway "CH"	2.0
Commercial Downtown "CD"	2.0
Commercial Neighborhood "CN"	1.0
Commercial Village "CV"	1.0
Industrial "I"	2.0

1. In the case of a shopping center, the lot frontage of an individual business establishment shall be based proportionally on the building frontage occupied by the business compared to the shopping center building as a whole. Freestanding signs for business establishments in a shopping center must be placed on one (1) common frame. The limitations of this Section may be waived at the discretion of the Building Inspector if all business establishments submit a joint sign permit request which presents a unified facade for all signs in the shopping center.

5.3.10 Temporary Signs.

1. Temporary signs pertaining to the sale or lease of the premises or the construction on the premises may be posted as restricted by zone. In no case may such a temporary sign be lighted.
2. Temporary signs pertaining to the opening of a new business may be posted as restricted by zone. Such signs may include the temporary display of pennants, specialty hot air balloons and streamers and may be posted for a period not to exceed two (2) weeks. Such signs shall conform to the illumination standards set forth herein.
3. Temporary signs relating to business sales, events and promotions, for a time period not to exceed one (1) month, as restricted by zone, may be posted.
4. Temporary signs other than the above, such as advertising for events, shall be allowed only within the limits prescribed for permanent signs, not to exceed six (6) square feet each and shall be erected not more than forty-five (45) days before the event and shall be removed within one (1) week of the termination of the event. No permit is required.

5.3.11 Residential Districts. Permitted signs shall be as follows:

1. One (1) sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed two (2) square feet in area. No permit is required.
2. One (1) sign not over nine (9) square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.
3. One (1) temporary unlighted sign not over sixteen (16) square feet in area pertaining to the sale, rent or lease of the premises or the construction on the premises. Temporary signs, other than political or civic signs as specified herein, shall be allowed only within the limits prescribed for permanent signs.
4. One (1) permanent sign at each entrance to a residential subdivision or complex identifying the subdivision or complex, with the sign not to exceed three (3) feet in height and twelve (12) square feet in area. Such a sign shall be freestanding and in no manner attached to any building or structure.
5. No sign shall be internally lit.
6. No sandwich signs shall be permitted, except for municipal signs or signs on municipal properties.

5.3.12 Downtown Commercial Districts (ADD and CD). Permitted signs shall be as follows:

1. A directory of business establishments as permitted herein, which shall not exceed an area

determined on the basis of one (1) square foot for each establishment occupying the building or six (6) square feet, whichever is less.

2. One (1) sign attached to a building per business establishment, no larger than fifty (50) square feet in area and not exceeding fifteen percent (15%) of the wall area it is viewed with. This shall include a secondary sign or signs as permitted herein.
3. One (1) freestanding sign per lot not more than sixty (60) square feet in area, not to exceed fifteen (15) feet in height. This shall include one (1) sandwich sign placed adjacent to the business establishment, not to exceed four (4) feet in height or eight (8) square feet in area, provided that such a sign does not impede pedestrian traffic on the sidewalk.
4. Permanent and temporary window signs, the aggregate sign area of which may not exceed forty percent (40%) of the ground floor window space.
5. One (1) temporary sign pertaining to the sale or lease of the premises or the construction on the premises and temporary signs, exclusive of window signs, with a sign area no larger in aggregate than ten percent (10%) of the wall area it is viewed with, advertising a temporary business sale, event or promotion, to be displayed for a period not to exceed one (1) month. Temporary signs other than the above as defined herein, shall be allowed only within the limits prescribed for permanent signs.
6. No sign shall be internally lit.
7. Electronic message board signs may be allowed by Special Permit from the Planning Board.

5.3.13 Highway Commercial and Industrial Districts. Permitted signs shall be as follows:

1. A directory of business establishments as permitted herein, which shall not exceed an area determined on the basis of four (4) square feet for each establishment occupying the building or thirty (30) square feet, whichever is less. In the case of a shopping center, the directory shall not exceed an area greater than sixty (60) square feet.
2. One (1) sign attached to a building per business establishment, provided that it is no larger than one hundred fifty (150) square feet in area and does not exceed fifteen percent (15%) of the wall area it is viewed with. This shall include a secondary sign or signs as permitted herein.
3. One (1) freestanding sign per lot not more than sixty (60) square feet in area, not to exceed thirty (30) feet in height.
4. Permanent and temporary window signs, the aggregate sign area of which may not exceed forty percent (40%) of the ground floor window space.
5. One (1) temporary sign pertaining to the sale or lease of the premises or the construction on the premises and temporary signs, exclusive of window signs, with a sign area no larger in aggregate than ten percent (10%) of the wall area it is viewed with, advertising a temporary business sale, event or promotion, to be displayed for a period not to exceed one (1) month. Temporary signs other than the above, as defined herein, shall be allowed only within the limits prescribed for permanent signs.
6. No sandwich signs are permitted.

7. Electronic message board signs may be allowed by Special Permit from the Planning Board.

5.3.14 Permit Application; Required Information. An applicant for a sign permit shall submit the following information to the Building Inspector prior to the erection, movement or alteration of any sign:

1. The name, address and phone number of the applicant.
2. The location of the building, structure or lot to which the sign is to be attached.
3. The written consent of the property owner, if different from the applicant.
4. The proposed location of the sign on the building and/or lot in relation to nearby structures.
5. The plans, specifications and method of construction of the sign and its supports, showing proposed dimensions; materials; colors; weight; distance from doors, windows and fire escapes; and the type and intensity of the sign's illumination.
6. The name of the individual or firm erecting the structure.
7. Copies of calculations prepared and stamped by a qualified Massachusetts engineer showing dead load and wind pressure design, if required by the Inspector of Buildings.

5.3.15 Procedures. The Building Inspector must approve or deny a sign permit application within thirty (30) calendar days of its submission. Failure to do so within the thirty-day period will allow the applicant to follow appeal proceedings as provided for G.L. c. 40A, ss. 8 and 15. The thirty-day time period begins anew following any amendment to the sign permit request which changes the physical characteristics of the proposed sign.

1. The work allowed by any permit granted by the Building Inspector must be commenced within six (6) months of issuance and completed within a reasonable period of time. Failure to do so will result in the revocation of the permit and fines to be determined from time to time by the Select Board. **[Amended 11-20-2019STM, Art. 14]**
2. A nonrefundable fee, to be determined from time to time by the Select Board, is payable upon submission of a sign permit application. **[Amended 11-20-2019STM, Art. 14]**
3. Where a permit is required for a sign located at a Priority Development Site (PDS), an application therefor shall be submitted to the Building Inspector no later than one hundred twenty (120) days following the date of submittal of any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D. **[Added 5-5-2010 ATM, Art. 17]**

5.3.16 Exempt Repairs and Alterations. Only the following repairs and alterations are excluded from the permit requirement for nonexempt signs:

1. Changing copy on signs specifically designed for the use of replaceable copy.
2. Normal sign repairs, repainting or cleaning.

5.3.17 Appeal of Permit Decisions. An applicant for a sign permit may appeal an adverse decision by the Building Inspector by submitting a written request for an appeal to the Zoning Board of

Appeals as set forth in G.L. c. 40A, ss. 8 and 15.

5.3.18 Nonconforming Signs. Any nonconforming sign legally erected prior to the adoption of this section or any amendment thereof may continue to be maintained but shall not be enlarged, reworded [other than signs as specified herein], redesigned or altered in any way unless it is brought into conformity through the sign permit application process. Any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement value of the sign at the time of the destruction or damage, as determined by the Building Inspector, shall not be repaired or rebuilt or altered unless in conformity with this Section. The exemption herein granted shall terminate with respect to any sign which:

1. Shall have been abandoned, as defined herein;
2. Advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at that particular premises; or
3. Shall not have been repaired or properly maintained within sixty (60) calendar days after notice to that effect has been given by the Building Inspector.

The obligation to remove or repair a sign in one (1) of the categories set forth above is that of the sign permit grantee. Failure to remove or repair a sign in such category may result in fines and penalties.

5.3.19 Penalties. Individuals, businesses and other organizations which fail to adhere to the sign regulations as described in this section may be assessed fines and penalties until the violation is corrected. If the violation is not corrected within sixty (60) days of notification of the violation by certified mail, the sign shall be removed by its owner on order of the Building Inspector.

Fines shall be imposed for the following:

1. Any type of prohibited sign.
2. Failure to obtain a sign permit.
3. Oversized signs.
4. Improper illumination.
5. Excessive window signs.
6. Excessive number of wall or freestanding signs.
7. Illegal placement of signs.
8. Improper construction.

5.3.20 Special Permit. Notwithstanding the provisions set forth in this Section, the Planning Board may authorize larger signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the town.

5.4 GENERAL LANDSCAPING REQUIREMENTS

5.4.1 General. Landscaped buffer areas are required in all side and rear setbacks with no more than minor removal of existing trees and ground vegetation. The following shall be observed in all districts:

1. Screening and perimeter landscaping. Commercial, service and industrial uses shall be separated from the street and from adjacent residential districts by landscaped buffer areas.
2. All parking areas shall be screened at the front lot line with landscaped buffers, which shall be at least six (6) feet in depth and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Buffer area shall be continuous except for vehicular and pedestrian circulation facilities.

5.4.2 Buffering Between Residential and Nonresidential Uses.

1. Where a lot containing a nonresidential use adjoins or faces a residential district or residential use, landscaped buffers shall be provided at the perimeter of the lot to screen parking and other vehicular service areas.
2. In a Neighborhood Commerce District only, a continuous landscaped buffer shall be required on the lot containing the nonresidential use immediately adjacent to the residential property along the rear and side lot lines.
3. Such screening shall consist of a landscaped area at least six (6) feet wide and shall create an effective visual barrier from ground level to a height of at least five (5) feet.

5.4.3 Buffer Areas. Buffer areas and screening required by this section may be comprised of brick or stone-faced walls, planted berms, wood fences, planted vegetation and/or existing vegetation or any combination thereof. Walls or fences exceeding four and one-half (4 1/2) feet in height shall have plantings on the side facing the lot line.

1. Buffer areas along street lines shall be continuous except for driveways and sidewalks; shall contain at least one (1) tree per thirty (30) linear feet of street frontage (or portion thereof) and shall include lower-level elements such as shrubs, hedges, fences, walls and/or planted berms.
2. In a Neighborhood Commerce District, the buffer strip shall include evergreen plantings with at least one (1) tree for each ten (10) feet of buffer length as measured parallel to the property line. There shall be a maximum mixture of seventy-five percent (75%) evergreen and twenty-five percent (25%) deciduous trees which are visually impermeable within two (2) seasons of growth.

5.4.4 Interior Landscaping in Parking Areas. Parking areas containing eight (8) or more spaces shall contain or be bordered by at least one (1) tree per eight (8) spaces. Such trees shall be in any case not further than five (5) feet from the parking cell. In Commercial H and Commercial V Districts for parking areas containing twenty-five (25) or more spaces, the following shall also apply:

1. Parking areas shall be broken into units containing not more than twenty-five (25) cars per cell. Parking units shall be separated by landscaped islands or buffer areas to provide visual and climatic relief.

2. Internal landscaping shall be designed to define logical areas for pedestrian and vehicular circulation.
3. Landscaped islands and buffers shall have a minimum area of one hundred fifty (150) square feet and minimum width of eight (8) feet and shall contain at least one (1) tree per one hundred (100) square feet.
4. In situations where the Planning Board determines that it is impractical to provide internal landscaped area meeting the above requirements, the parking area may instead be provided with additional landscaped area that more effectively screens it from public view by providing greater depth and/or density to perimeter landscaping.

5.4.5 Planting Standards.

1. Deciduous trees in required buffer strips or interior landscaping shall be a minimum of two-inch caliper and evergreen trees shall be a minimum of five (5) feet to a maximum of ten (10) feet in height when planted, depending on topography as determined by the Planning Board.
2. The evergreen trees shall be planted at ten (10) feet on center. Non evergreen planting and/or screen berm, hedge, fence or wall at least five (5) feet in height may be used in conjunction with the evergreen trees.
3. The evergreen trees may be grouped at staggered intervals, provided that the spacing between groups is in-filled with lower level elements such as shrubs, hedges, planted berms, fences or walls at least five (5) feet in height. All trees shall be surrounded by a height of at least thirty-six (36) square feet of an unpaved soil area per tree and shall be protected from damage.

5.4.6 Use of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the Planning Board may adjust the application of the above standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of these standards.

5.4.7 Special Permit. By special permit, the Planning Board may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment.

5.5 (Reserved)²⁴

- 5.6 CORNER CLEARANCE. Landscaping, buffers, fencing, and screening shall be designed so as not to restrict sight distances at intersections or driveway entrances. No structure, sign, fence, wall, hedge or other obstruction shall be allowed to block vision between two and one-half (2 1/2) and eight (8) feet above the street grade within an area bounded by the sidelines of intersecting street and/or driveways and a straight line joining points on such sidelines twenty (20) feet back from their point of intersection except in the Neighborhood Commerce District where the distance shall be no closer than ten (10) feet from the edge of existing pavement of the driveway and twenty (20) feet along the street line.

5.7 ENVIRONMENTAL STANDARDS [Amended 5-2-2018ATM, Art. 20]

24. Editor's Note: Former Subsection 5.5, Landscaping and Screening in the Office Commerce District, was repealed 5-2-2018 ATM, Art. 20.

5.7.1 General. No use shall be allowed if it will cause sound, noise, vibration, odor or flashing (except for warning devices, temporary construction or maintenance work, parades, recreational activities or other special circumstances) perceptible without instruments more than four hundred (400) feet from the boundaries of the originating premises, if in an Industrial District, or more than two hundred (200) feet from the boundaries of the originating premises, if in a Commercial District, or more than forty (40) feet from the boundaries of the originating premises, if in a Residential District.

5.7.2 Pollution Control. All requirements of Article XI of the Sanitary Code of the Department of Public Health and all regulations of the Metropolitan Air Pollution Control District shall be strictly complied with by all uses. Evidence of compliance may be required in issuing permits.

5.7.3 Erosion Control. Site design and materials and construction processes shall be designed to avoid erosion damage, sedimentation or uncontrolled surface water runoff.

1. No grading or construction shall take place on slopes in excess of a horizontal of three (3) and a vertical of one (1) slope except under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff or other environmental degradation.
2. All slopes exceeding ten percent (10%) resulting from site grading shall either be covered with topsoil compacted to a minimum depth of four (4) inches and planted with vegetative cover to prevent erosion and/or be retained by a wall constructed of masonry, reinforced concrete, stone, or other suitable materials or methods and designed and certified by a qualified structural engineer and/or a civil engineer specialized in geotechnical engineering.
3. The Building Inspector shall require information of the applicant as necessary for him to ensure compliance with these requirements, including, if necessary, elevations at key locations, description of vegetative cover and the nature of impoundment basins proposed, if any.
4. Where resultant site grades will exceed that referenced herein, they shall be constructed in accordance with this Section and shall require a performance bond to ensure compliance with these requirements.
5. Hillside areas shall be retained with vegetative cover as follows:

Average Percentage Slope	Minimum Percentage of Land to Remain In Vegetation
10.0 to 14.9	25
15.0 to 19.9	40
20.0 to 24.9	55
25.0 to 29.9	70
30.0 and above	85

5.7.4 (Reserved)²⁵

5.8 SITE ALTERATION SPECIAL PERMIT [Amended 5-5-2010 ATM, Art. 17; 5-7-2014 ATM, Art. 24]

5.8.1 Intent and Purpose. The intent of this section is to promote and protect the public health, safety, and welfare through the preservation and protection of the environment and by recognizing the vital importance of free and vegetation growth in the ecological system. It is further the purpose of this section to:

1. Preserve and protect the natural scenic beauty and related natural resources in the Town of Ashland;
2. Limit land clearing and alteration of natural topography prior to site plan, preliminary plan, and/or definitive plan approval;
3. To protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; and,
4. To regulate prior to development plan approval, the removal of natural vegetation, especially major trees, and excavation and alteration of land, in order to minimize any danger of erosion, sedimentation, flooding, water pollution, unnecessary detracting from natural visual setting, obstruction of significant views, and other adverse impacts of development.

5.8.2 Applicability.²⁶ No person shall undertake the following land clearing/grading activities without first obtaining a Site Alteration Special Permit from the Planning Board:

1. Clearing of an area greater than 5,000 square feet; or,
2. Grading if involving more than one hundred (100) cubic yards of earth.

5.8.3 Exemption. The provisions of this bylaw shall not apply to the following activities:

1. Clearing of land zoned residential when such parcel is included in a submission for development to the Planning Board;
2. Removal of hazardous trees;
3. Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with Department of Environmental Management (DEM) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
4. Maintenance of public and private streets and utilities within town-approved roadway layouts and easements;
5. Agricultural activities on land zoned for agriculture, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in G.L. c. 40A, Section 3.

25. Editor's Note: Former Subsection 5.7.4, Performance Standards, was repealed 5-2-2018 ATM, Art. 20. This article also repealed former Subsection 5.7.5, Special Provisions for the Office Commerce (Commercial O) District, which immediately followed this subsection.

26. Editor's Note: Former Section 5.8.2, Definitions, was deleted 11-19-2013 STM, Art. 22, and the contents moved to Section 10.0, Definitions. Article 22 also renumbered former Sections 5.8.3 through 5.8.8 as Sections 5.8.2 through 5.8.7, respectively.

5.8.4 Application. Any person seeking a Site Alteration Special Permit shall submit an application and plan including appropriate fees to the Planning Board which includes the following:

1. Reason for site alteration;
2. Photographs of the site of development taken from at least three significant public vantage points exterior to the project together with a map to indicate the location of points and approximate distance to the proposed development;
3. The present location and size of all major trees and vegetation, with a designation of major trees and vegetation sought to be removed;
4. The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with a Landscape Plan;
5. The location and boundaries of the lot and adjacent streets or ways and showing owners' names of all adjacent properties;
6. Existing and proposed topography, including contours, the location of the wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural land features;
7. A timetable indicating estimate startup and completion dates; and,
8. A written narrative indicating how runoff will be controlled and erosion avoided. Either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

5.8.5 Special Permit. Special Permits will be filed and reviewed in accordance to the time periods and provisions of M.G.L. Chapter 40A Section 11. The SPGA shall be the Planning Board for the purposes of this section. **[Amended 5-2-2018 ATM, Art. 19]**

5.8.6 Other Permits. Issuance of a Site Alteration Special Permit does not exclude the applicant from applying for an Order of Conditions in Areas Subject to Protection under the Massachusetts Wetlands Protection Act. These areas include bank, bordering vegetated wetlands, riverfronts and the 25-foot and 100-foot buffer zones.

5.8.7 Priority Development Site(s). Where a Site Alteration Special Permit is required in connection with the development of a Priority Development Site (PDS), an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal.

SECTION 6.0. SPECIAL REGULATIONS

6.1 ADULT ENTERTAINMENT USES

6.1.1 Purpose. The intent and purpose of this section is to better serve Town interests to prevent the

grouping and/or concentration of adult entertainment establishments as defined in Section 10 pursuant to Sections 9 and 9A of G.L. Chapter 40A. It has been documented that Adult Entertainment uses are distinguishable from other business uses because the location of these uses degrade the quality of life in the areas of the community in which they are located, with impacts including increased levels of crime, blight and late hours of operation resulting in noise and traffic. These detrimental effects are deemed to run counter to effective land use planning. The Town has great interest in preserving and protecting the quality of its residential neighborhoods, and quality of life expectancy of its citizens.

6.1.2 Standards. A special permit shall be required for the establishment of Adult Bookstores, Adult Video Stores, Adult Paraphernalia Stores, Adult Motion Picture Theaters and Adult Live Nudity Establishments as so defined in Section 10 pursuant to the following conditions:

1. Adult entertainment use locations shall be separated from any zoning district serving residentially zoned parcels, public and private schools, public libraries, child day care facilities, religious facilities, public/private playgrounds, parks and recreational areas for a distance not less than five hundred (500) feet from all property lines of the proposed Adult Entertainment location. A minimum of eight hundred (800) feet distance shall be maintained from any other Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theater or Adult Live Nudity Establishment use or from any other establishment licensed under provisions of G.L. Chapter 138, Section 12, measured from the aforesaid property lines.
2. No pictures, signs, publications, videotapes, movies, covers or other implements, items or advertising that falls within the definition of Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theater or Adult Live Nudity Establishment, merchandise or which are exotic, prurient or related to violence, sadism or sexual exploitation shall be displayed in the windows of, or on the building of, any such establishment or be visible to the public from any pedestrian sidewalks or walkways or from other areas, public or semipublic, outside such establishments.
3. No special permits shall be issued to any person convicted of violating the provisions of G.L. Chapter 119, Section 63 or G.L. Chapter 272, Section 28.

6.1.3 Existing Adult Entertainment Establishments. All existing Adult Bookstores, Adult Video Stores, Adult Paraphernalia Stores, Adult Motion Picture Theaters and Adult Live Nudity Establishments shall apply for such special permit within ninety (90) days following the adoption of this Section by the Town.

6.2 MOTOR VEHICLE SERVICES

6.2.1 Location Requirements. Motor vehicle service stations shall be granted a special permit only in conformity with the following and with Section 5.7.

1. No location shall be approved if a vehicular entrance or exit will be so located as to create unusual hazard. Egressing vehicles shall have at least four hundred (400) feet of visibility in each travel direction, and no vehicular entrance or exit shall be located within ten (10) feet of a side lot line or within fifty (50) feet of the intersection of side lines of intersecting streets. Entrances and exits shall occupy not more than forty percent (40%) of lot frontage and shall be clearly channeled through use of curbed planting areas or similar devices.
2. No location shall be approved if a vehicular entrance or exit will be so located as to cross

a major pedestrian flow, such as on sidewalks servicing churches, schools, recreation areas or compact retail districts.

6.2.2 Queues. There shall be adequate space off-street for not fewer than two (2) cars to await service per filling station, and no service building or pumps shall be located within forty (40) feet of a street line.

6.2.3 Car Wash Requirements. Automatic car washes shall provide space for not fewer than fifteen (15) cars per washing lane to queue off-street and, where wastewater does not discharge directly into a public sewer, shall provide positive means of preventing water pollution and ensure against wastewater drainage off the lot.

6.3 DRIVEWAYS

1. General. For the purpose of promoting the safety of the residents of the Town, an application for a building permit for a residential structure shall include a plan, at a scale of 1" = 100 ft., showing the driveway serving the premises, and showing existing and proposed topography at 10 foot or 3 meter contour intervals. All driveways shall be constructed in a manner ensuring reasonable and safe access from the public way serving the premises to within a distance of 100 feet or less from the building site of the residential structure on the premises, for all vehicles, including, but not limited to, emergency, fire, and police vehicles. The Building Inspector shall not issue a building permit for the principal structure on the premises unless all of the following conditions have been met:
2. Location. Wherever possible, a driveway shall not be located within five (5) feet of any side or rear lot line excluding cluster development lots.
3. Grade. The grade of each driveway where it intersects with the public way shall not exceed six percent (6%) for a distance of 20 feet from the travel surface of the public way unless the Planning Board shall grant a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles. Cluster development lots are excluded.
4. Access. Driveways serving the premises shall provide access through the required frontage of the serviced lot with the following exceptions:
 1. Access can be provided to the serviced lot from adjacent property when easements or other appropriate legal devices over said adjacent property are in place and recorded at the registry of Deeds. Nothing herein shall be construed to exclude the frontage requirement.
5. Common Driveways. Common driveways serving not more than two (2) lots may be allowed on special permit by the Planning Board. A common driveway must satisfy all of the conditions in this Section, as well as all of the following conditions:
 1. The center line intersection with the street center line shall not be less than 45 degrees;
 2. A minimum cleared width of 12 feet shall be maintained over its entire length of the common driveway;
 3. 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.

6.4 ²⁷ WIRELESS COMMUNICATIONS FACILITIES. [Amended 11-29-2010 STM, Art. 15; 11-19-2013 STM, Art. 22]

6.4.1 Purpose and Intent. This Section is designed to provide guidance for the installation of new towers, antennas and other communication structures for all types of Wireless Communications Facilities (WCF) within the Town of Ashland or for the replacement, expansion, upgrade or modification of said equipment. The Bylaw will establish standards to protect the interests of the general public, provide for public safety, preserve character and property values, and minimize visual and environmental impacts throughout the town as well as adjacent towns and especially on Residential Districts. The Bylaw enables the review and approval of Wireless Communications Facilities by the Town's Planning Board, acting as the Special Permit Granting Authority, in keeping with the Town's existing bylaws and historic development patterns, including the size and spacing of structures and open spaces. This bylaw is intended to be used in conjunction with other regulations adopted by the Town, including historic district regulations, site plan review and other local bylaws designed to preserve the character of the town, preserve quality of life, and encourage appropriate land use, environmental protection, and provision of adequate infrastructure development in Ashland.

6.4.2 District Regulations.

1. New or modified WCFs in Ashland's zoning districts shall require a special permit from the SPGA. These include ground mounts, building (roof or side) mounts, and WCFs mounted on other existing structures. These also include replacement, expansion, upgrade, modification, or significant change in appearance of a WCF such as an extension in height or width; addition of cells, antennae, or panels; upgrade of technology; or a new replacement of a facility. The Applicant shall submit documentation of the legal right, physical need, and structural capacity to install and/or use the proposed facility mount at the time of application of the special permit.
2. In commercial and industrial zoning districts, WCFs are allowed in all areas, subject to the exceptions listed below.
3. In residential zoning districts, WCFs are not allowed in any areas unless the Applicant can show that the proposed location is necessary to close a significant gap in wireless service AND no feasible alternative, location, or technology exists, subject to the exceptions listed below.
4. Under no conditions will the SPGA allow a new or modified WCF located:
 - a. Within 300 feet of a residential building in Ashland's residential zoning districts;
 - b. Within 300 feet of a building in Ashland licensed by the Massachusetts Department of Elementary and Secondary Education to educate persons under the age of 18; and
 - c. On land for which there is a permanent conservation restriction as authorized under Sections 31-33 of Chapter 184 of the General Laws of Massachusetts OR there are active/ fixed recreational activities including but not limited to playgrounds, ball fields, and tennis courts.
5. Notwithstanding any of these regulations, the Town encourages co-location on existing

27. Editor's Note: Former Section 6.4, Large Scale Photovoltaic Installations, added 5-5-2010 ATM, Art. 21, was repealed 11-19-2013 STM, Art. 18.

structures, including but not limited to existing WCFs, buildings, water towers, utility poles and towers, and related facilities, provided such installations preserve the character and integrity of those structures. In particular Applicants are urged to consider use of existing telephone and electric utility structures.

6. WCFs on existing structures shall:
 - a. Not extend the height of the existing structure unless the structure meets all requirements of this Bylaw;
 - b. not project above the existing structure by more than ten feet;
 - c. be finished in a manner designed to be aesthetically consistent with the exterior finish of the structure;
 - d. be mounted so that it does not obscure any window or other exterior architectural feature; and
 - e. not exceed fifty (50) square feet of front surface facing surrounding streets and adjacent properties, individually or in aggregate. In reviewing an application the SPGA may increase this surface if it finds that a substantially better design will result from such increase. In making such a finding the SPGA shall consider both the visual and safety impacts of the proposed use.
7. WCFs in new locations shall:
 - a. be allowed only if the Applicant has definitively demonstrated that there are no feasible existing structures upon which to locate;
 - b. be camouflaged to the greatest extent possible, including but not limited to the use of compatible building materials and colors, screening, and landscaping; and
 - c. include a "fall zone" equal to 150% of the height of the facility/ mount, including any antennae or other appurtenances. Within this fall zone there shall be no habitable structure and the Applicant shall demonstrate control of the land (via lease or ownership) to prohibit future habitable construction. In reviewing an application the SPGA may reduce the required fall zone by as much as 50% of the required distance if it finds that a substantially better design will result from such reduction. In making such a finding the SPGA shall consider both the visual and safety impacts of the proposed use.
8. All WCFs shall:
 - a. be no higher than ten feet above the average height AGL of buildings, tree canopy, or other structures within 300 feet OR, if on an existing structure, ten feet above the height of the existing structure, whichever is higher;
 - b. be no higher than ten feet above the height limit of the zoning district within which the WCF is located, unless the WCF is completely camouflaged such as within a flagpole, steeple, chimney, or similar structure; and
 - c. meet the setback requirements of the underlying zoning district.

6.4.3 Special Permit Regulations. All Wireless Communications Facilities shall comply with the

Requirements and Performance Standards set forth in this section.

1. The following types of wireless communications facilities are exempt from the Special Permit requirement of this bylaw and may be constructed, erected, installed, placed and/or used within the Town subject to the issuance of a building permit by the Building Commissioner:
 - a. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that:
 - i. the tower is not used or licensed for any commercial purpose;
 - ii. the tower must have a cost or replacement value of less than \$10,000.00;
 - iii. if the tower is a free-standing device, such device shall be installed in the rear yard only, outside the setback; and
 - iv. the tower must be removed if the use is discontinued for one (1) year.
 - b. Towers used for the purposes set forth in M.G.L. C.40A, Section 3.
 - c. Satellite dishes less than 1 meter in diameter.
2. The SPGA shall not grant a Special Permit for lattice towers and similar facilities requiring three (3) or more legs and/or guy wires for support. Only monopoles, with associated antenna and/or panels, are allowed.
3. Any new free-standing towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten (10) year period) as technically practicable. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
4. Design Standards.
 - a. Site Design Standards.
 - i. All wireless communications facilities shall minimize, to the extent feasible, adverse visual effects on the environment, the community and surrounding communities. The SPGA may impose reasonable conditions to ensure this result, including painting, screening and lighting standards.
 - ii. Access shall be provided to a tower site by a roadway which respects the natural terrain, does not appear as a scar on the landscape and is approved by the SPGA, the SPGA and the Fire Chief to assure emergency access at all times. Consideration shall be given to design which minimizes erosion, construction on unstable soils and steep slopes.
 - iii. There shall be a minimum of one (1) parking space for each WCF to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
 - iv. Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.
 - b. Visibility/Camouflage. All WCFs shall be sited in such a manner that the view of the

facility from adjacent abutters, residential neighbors and other areas of the Town or Adjacent Towns shall be as limited as possible. All monopoles and dishes shall be painted or otherwise colored so as to blend in with the landscape or the structure on which they are located. A different color scheme shall be used to blend the structure with the landscape below and above the tree or building line.

Satellite dishes and/or antennae shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free-standing dishes or antennae shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

Wireless Communications Facilities shall be camouflaged as follows:

- i. Camouflage by Existing Buildings or Structures. When a Wireless Communications Facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette. Wireless Communications Facilities which are side mounted shall blend with the existing building's architecture and shall be painted or shielded with material which is consistent with the design features and materials of the building.
- ii. Camouflage by Vegetation. If Wireless Communications Facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted Wireless Communications Facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing on-site vegetation shall be preserved to the maximum extent practicable. The SPGA shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.
- iii. Color. Wireless Communications Facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them. To the extent that any Wireless Communications Facilities extend above the height of the vegetation immediately surrounding it, they shall be painted in a light grey or light blue hue which blends with sky and clouds. The portion of a building-mounted WCF

extending above the building shall be painted to blend with sky and clouds.

- c. Equipment Shelters. Where feasible, the equipment to relay the wireless transmission or to transfer the wireless transmissions to the phone system shall be located inside an existing structure. Otherwise, such equipment shall be located in a new structure in a location where the visual impact to the community and surrounding communities will be minimized. The SPGA may impose conditions on the siting and screening of such structure.

Equipment shelters for Wireless Communications Facilities shall be designed consistent with one of the following design standards:

- i. Equipment shelters shall be located in underground vaults;
 - ii. Equipment shelters shall be designed to be consistent with the architectural context, styles and materials, of the surrounding neighborhood as determined by the SPGA.
 - iii. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The SPGA shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.
- d. Lighting and Signage:
 - i. Wireless Communications Facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and footcandle measurements at the property line shall be 0.0 initial footcandles when measured at grade.
 - ii. There shall be no signs, except for announcement signs, danger signs, "No Trespassing" signs and a required sign giving the telephone number where the owner may be reached on a twenty-four-hour (24-hr.) basis. All signs shall conform with the Town of Ashland Sign Bylaws.
 - e. Historic Buildings and Districts:
 - i. Any Wireless Communications Facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
 - ii. Any alteration made to an historic structure to accommodate a Wireless Communications Facility shall be fully reversible.
 - iii. Wireless Communications Facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.
 - f. Scenic Landscapes and Vistas:

- i. Wireless Communications Facilities shall not be located within open areas that are visible from public roads, recreational areas or residential development. As required in the Camouflage section above, all ground-mounted Wireless Communications Facilities which are not camouflaged by existing buildings or structures shall be surrounded by a buffer of dense tree growth.
- ii. Any Wireless Communications Facility that is located within 300 feet of a scenic vista, scenic landscape, or scenic road as designated by the town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than 300 feet from those elements, the height regulations described elsewhere in this bylaw will apply.
- g. Service Utilities. All utilities, which will service the proposed personal wireless service facility, shall be located below ground from the facility's property line.
- h. Environmental Standards:
 - i. Wireless Communications Facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized and subject to approval of the Conservation Commission.
 - ii. No hazardous waste shall be discharged on the site of any Wireless Communications Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
 - iii. Stormwater run-off shall be contained on-site. Any WCF or related groundwork shall comply with Chapter 282 sec 9.4 (Site Plan Review) and Chapter 247 Stormwater Management of the Codes of the Town of Ashland.
 - iv. Ground-mounted equipment for Wireless Communications Facilities shall not generate noise in excess of 50 db at the property line.
 - v. Roof-mounted or side-mounted equipment for Wireless Communications Facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.
- i. Safety Standards:
 - i. Radiofrequency Radiation (RFR) Standards. All equipment proposed for a Wireless Communications Facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines), as well as the Massachusetts Department of Public Health standards with respect to emissions from wireless facilities.
 - ii. All ground-mounted WCFs shall be surrounded by a security barrier. The security barrier shall be a minimum of eight (8) feet in height. All fencing, walls and gates shall be compatible with the context of the existing neighborhood and community as determined by the SPGA and the Building Inspector.

6.4.4 Application Procedures.

1. All persons desiring to erect, replace, upgrade or modify a WCF shall apply for a Special Permit from the SPGA. As part of any application for a permit, applicants shall submit the information required for special permit approval as set forth herein and by the Town of Ashland.
2. If the SPGA determines that independent review of the special permit is required, the Board will require the applicant to pay a review fee consisting of reasonable costs to be incurred by the Board for the employment of outside consultants pursuant to SPGA rules as authorized by G.L. c. 44, Section 53G.
3. Fees for permits shall be established and amended periodically by the Special Permit Granting Authority.
4. No application shall be accepted or acted upon until all the required information as set forth in this bylaw is provided by the applicant and all required fees are paid.
5. The Building Commissioner or his agent shall perform a field inspection on all applications for a WCF prior to the hearing for the Special Permit. The results of the inspection shall become a permanent part of the applicant's file on a form prescribed by the Building Commissioner, and shall bear the date of inspection, comments and the signature of the inspecting officer.
6. The SPGA may impose written conditions on the Special Permit.
7. Pre-Application Conference. Prior to the submission of an application for a Special Permit under this regulation, the applicant is strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed Wireless Communications Facility in general terms and to clarify the filing requirements. The SPGA shall meet with an applicant under this regulation within twenty-one (21) days following a written request submitted to the SPGA and the Town Clerk. If the SPGA fails to meet with an applicant who has requested such a meeting within twenty-one (21) days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a Special Permit application under this regulation without need for a pre-application conference.
8. Pre-Application Filing Requirements. The purpose of the conference is to inform the SPGA as to the preliminary nature of the proposed Wireless Communications Facility. As such, no formal filings are required for the pre-application conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the SPGA of the location of the proposed facility, as well as its scale and overall design.
9. Application Filing Requirements. Ten copies of the following shall be included with an application for a Special Permit for all Wireless Communications Facilities:
 - a. General Filing Requirements:
 - i. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - ii. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the Wireless Communications Facility.
 - iii. A licensed carrier shall either be an applicant or a co-applicant.

- iv. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photoreproductions of signatures will not be accepted.
 - v. The owner of the WCF shall provide to the Town a certificate of insurance on a Commercial General Liability (CGL) form. The CGL insurance must be on an occurrence basis and at a limit as established and as may be amended from time to time by the Town of Ashland.
- b. Location Filing Requirements:
- i. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
 - ii. Tax map and parcel number of subject property.
 - iii. Zoning district designation for the subject parcel (Submit copy of Town zoning map with parcel identified).
 - iv. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
 - v. A town-wide map showing the other existing Wireless Communications Facilities in the Town and outside the Town within one mile of its corporate limits.
 - vi. The proposed locations of all existing and future Wireless Communications Facilities in the Town on a Town-wide map for this carrier.
- c. Plan Filing Requirement. A one-inch-equals-40 feet vicinity plan showing the following:
- i. Property lines for the subject property.
 - ii. Property lines of all properties adjacent to the subject property within 300 feet.
 - iii. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
 - iv. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
 - v. Proposed location of antenna, mount and equipment shelter(s).
 - vi. Proposed security barrier, indicating type and extent as well as point of controlled entry.
 - vii. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the Wireless Communications Facility.

- viii. Distances, at grade, from the proposed Wireless Communications Facility to each building on the vicinity plan.
 - ix. Contours at each two feet above mean sea level for the subject property and adjacent properties within 300 feet.
 - x. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - xi. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the Wireless Communications Facility.
 - xii. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.
- d. Sight Line Filing Requirement:
- i. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the Wireless Communications Facility. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.
 - ii. Existing (before condition) photographs. Each sight line shall be illustrated by one eight by ten inch color photograph of what can currently be seen from any public road within 300 feet.
 - iii. Proposed (after condition). Each of the existing condition photographs shall have the proposed Wireless Communications Facility superimposed on it to show what will be seen from public roads if the proposed Wireless Communications Facility is built.
- e. Elevations Filing Requirement. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed Wireless Communications Facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- i. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - ii. Security barrier. If the security barrier will block views of the Wireless Communications Facility, the barrier drawing shall be cut away to show the view behind the barrier.
 - iii. Any and all structures on the subject property.
 - iv. Existing trees and shrubs at current height and proposed trees and shrubs at

proposed height at time of installation, as well as estimated height and breadth in five (5) years, with approximate elevations dimensioned.

- v. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.
- f. Design Filing Requirements:
 - i. Equipment brochures for the proposed Wireless Communications Facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
 - ii. Materials of the proposed Wireless Communications Facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

Colors of the proposed Wireless Communications Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

Dimensions of the Wireless Communications Facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
 - iii. Appearance shown by at least two photographic superimpositions of the Wireless Communications Facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth.
 - iv. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
 - v. Specifications for construction, lighting and wiring in accordance with State and National building codes, including a description of the capacity of the WCF, including the number and types of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations. Describe the technical, economic and other reasons for the tower design, and the need for the tower at the proposed location.
 - vi. A statement of the services to be supported by the proposed communications structure;

- vii. Describe the wireless telecommunications provider's master antenna plan, including detailed maps, showing the precise locations, characteristics of all antennas and towers and indicating coverage areas for current and future antennas and towers;
- viii. Evidence, if applicant is sole user of a structure, that all possible means of co-location for multiple use of antennae elsewhere have been exhausted.
- ix. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaires proposed.
- x. Demonstrate that the tower and facilities comply with this regulation.
- xi. The SPGA may require the applicant to perform an on-site demonstration of the visibility of the proposed tower by means of a crane with a mock antenna array raised to the maximum height of the proposed tower. A colored 4' minimum diameter weather balloon held in place at the proposed site and maximum height of the tower may be substituted for the crane if approved by the SPGA. This demonstration shall take place after the application for Special Permit has been made, but prior to the close of the public hearing on said Special Permit and shall be maintained for a 10 hour period. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 14 days, but not more than 21 days prior to the test. Failure, in the opinion of the SPGA, to adequately advertise this demonstration may be cause for the SPGA to require another, properly advertised demonstration.
- g. Noise Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Wireless Communications Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:
 - i. Existing, or ambient: the measurements of existing noise.
 - ii. Existing plus proposed Wireless Communications Facilities: maximum estimate of noise from the proposed Wireless Communications Facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this Bylaw.
- h. Radiofrequency Radiation (RFR) Filing Requirements. Massachusetts Department of Public Health regulation 105 CMR 122.000 requires that the Department of Public Health approve all sites for wireless facilities with respect to emissions. Applicant must submit a copy of the approval letter from the Massachusetts Department of Public Health prior to project approval as part of their application package.

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed Wireless Communications Facility, for the following situations:

- i. Existing, or ambient: the measurements of existing RFR.
 - ii. Existing plus proposed Wireless Communications Facilities: maximum estimate of RFR from the proposed Wireless Communications Facility plus the existing RFR environment.
 - iii. Certification signed by a RF engineer stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this Bylaw.
- i. Federal Environmental Filing Requirements. The National Environmental Policy Act (NEPA) applies to all applications for Wireless Communications Facilities. NEPA is administered by the FCC via procedures adopted as Subpart I, Section 1.1301 et seq. (47 CRF Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any Wireless Communications Facility proposed in or involving any of the following:
- i. Wilderness areas.
 - ii. Wildlife preserves.
 - iii. Endangered species habitat.
 - iv. Historical site.
 - v. Indian religious site.
 - vi. Flood plain.
 - vii. Wetlands.
 - viii. High intensity white lights in residential neighborhoods.
 - ix. Excessive radiofrequency radiation exposure.

At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each Wireless Communications Facility site that requires such an EA to be submitted to the FCC.

The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the Wireless Communications Facility that are considered hazardous by the federal, state or local government.

- j. The Special Permit Granting Authority may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed Wireless Communications Facility.
- k. Application Processing Requirements:
 - i. When submitting an application to the SPGA the Applicant shall provide a copy to the Select Board and submit proof of submission to the SPGA. **[Amended 11-20-2019STM, Art. 14]**
 - ii. Within 5 days of receipt of a complete WCF application, the SPGA shall submit a request for an Advisory Opinion from any Boards it deems appropriate.
 - iii. Within 35 days of receipt of a complete WCF application, the SPGA shall request Advisory Opinion responses from those Boards. These responses shall be considered in the decision of the SPGA, at its discretion.
 - iv. Within 65 days of receipt of a complete WCF application, the SPGA shall hold a Public Hearing.
 - v. Within 90 days of receipt of a complete WCF application, the SPGA must issue a final decision, unless an extension is agreed to by the applicant.
 - vi. The Applicant may request an extension of time for action on any application.

6.4.5 Co-location.

- 1. Licensed carriers shall share Wireless Communications Facilities and sites where feasible and appropriate, thereby reducing the number of Wireless Communications Facilities that are stand-alone facilities. All applicants for a Special Permit for a Wireless Communications Facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:
 - a. A survey of all existing structures that may be feasible sites for co-locating Wireless Communications Facilities;
 - b. Contact with all the other licensed carriers for commercial mobile radio services

operating in the County; and

- c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
2. In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.
3. If the applicant does intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the Wireless Communications Facility at full build-out.
4. If the SPGA approves co-location for a Wireless Communications Facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. The addition of any facilities shall require a new Special Permit.

Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

6.4.6 Modifications. A modification of a Wireless Communications Facility may be considered equivalent to an application for a new Wireless Communications Facility and will require a Special Permit when the following events apply:

1. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Wireless Communications Facility in one or more of the following ways:
 - a. Change in the number of facilities permitted on the site;
 - b. Change in technology used for the Wireless Communications Facility.
 - c. Change in the appearance of the specified facilities.
2. The applicant and/or co-applicant wants to add any equipment or additional height or width not specified in the original design filing.

6.4.7 Monitoring and Maintenance.

1. After the Wireless Communications Facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR emitted from the WCF in aggregate worst case conditions at 50' foot intervals from the WCF up to 1000' on an annual basis to the SPGA. The report will compare the measured results to the applicant's calculated worst case scenario provided with its original application, to previous annual measurements and to stated FCC limits. The report will be made available to the public on the town web site. If the RFR levels are higher than what was indicated in its application the applicant will be asked to provide details as to why the levels are higher and what will be done to lower RFR to the levels approved by the SPGA. Such measurements shall be signed and certified

by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Bylaw. At the request of the SPGA, the applicant shall pay for an independent and qualified third party hired by the Town to measure and report on the levels of RFR.

2. After the Wireless Communications Facility is operational, the applicant shall submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the Wireless Communications Facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards provisions of this Bylaw.
3. The applicant and co-applicant shall maintain the Wireless Communications Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas, landscaping and trash removal. Verification of maintenance and structural integrity by a certified structural engineer shall be required at the request of the Building Commissioner on a biannual basis.
4. The WCF shall be subject to ongoing monitoring by the building commissioner with respect to adherence to all zoning ordinances and special permit conditions, including, but not limited to hours of operation, noise, lighting and on-site activity.

6.4.8 Abandonment or Discontinuation of Use.

1. At such time that a licensed carrier plans to abandon or discontinue operation of a Wireless Communications Facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Wireless Communications Facility shall be considered abandoned upon such discontinuation of operations. If more than one WCF is located on the same structure, the facility is not considered abandoned unless all carriers have discontinued operations. In that case, each carrier shall be responsible for physically removing only the equipment specific to that carrier, in accordance with the provisions of this Bylaw.
2. Upon abandonment or discontinuation of use, the carrier shall physically remove the Wireless Communications Facility within 90 days from the date of abandonment or discontinuation of use, "Physically remove" shall include, but not be limited to:
 - a. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 - b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - c. Restoring the location of the Wireless Communications Facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
3. If a carrier fails to remove a Wireless Communications Facility in accordance with this section of this Bylaw, the town shall have the authority to enter the subject property and

physically remove the facility. The SPGA shall require a maintenance and removal guarantee bond for all wireless communications facilities subject to Special Permit under this Section in the event the Town must remove the facility. The Building Commissioner may also require such bond for facilities which are exempt from Special Permits.

6.4.9 Reconstruction or Replacement of Existing Towers and Monopoles. Modifications to pre-existing conforming WCFs shall comply with the requirements of this Bylaw. Modifications to pre-existing non-conforming WCFs shall meet the requirements of Section 3.3.3 of the Zoning Bylaw (Nonconforming Structures).

6.4.10 Independent Engineering Review. The Town may retain a technical expert to review any of the Special Permit submission requirements required in this Bylaw and for other technical review and advice as may be required during the Special Permit process and required by the conditions of the Special Permit. The cost for such a technical expert will be at the expense of the applicant.

6.4.11 Permit to Construct. Upon receipt of a Special Permit from the SPGA, and site plan approval from the SPGA, the applicant shall apply to the Building Commissioner for a permit to construct, upgrade, replace or modify a WCF and shall provide written evidence that all preconstruction conditions as may be a part of the Special Permit decision have been satisfied.

6.4.12 Term of Special Permit. A Special Permit issued for any Wireless Communications Facility over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the Wireless Communications Facility shall be removed by the carrier or a new Special Permit shall be required.

6.4.13 Fines And Penalties. Violations by the Applicant of above conditions, regulations, standards or restrictions, or violation of any conditions contained in the Special Permit or Site Plan decisions, may be subject to fines in the amount of \$300 per day, at the discretion of the SPGA and the Building Commissioner.

6.5 MEDICAL MARIJUANA DISPENSARY REQUIREMENTS [Added 11-19-2013 STM, Art. 16]

6.5.1 Purpose.

The purpose of this section is to ensure that those entities permitted to operate a Medical Marijuana Dispensary, as defined at Section 10.0 herein, comply with all of the provisions of Chapter 369 of the Acts of 2012.

6.5.2 Special Permit and Special Permit Granting Authority

A Special Permit shall be required for the establishment of a Medical Marijuana Dispensary. For the purposes of this section, the Special Permit Granting Authority shall be the Planning Board.

6.5.3 Performance Standards

1. No Medical Marijuana Dispensary shall be permitted within 750 feet of a public or private school, daycare facility, or playground, public park and public forest;
2. The cultivation of medical marijuana within the Town of Ashland shall only occur on the same property as an establishment that sells and dispenses medical marijuana to a qualified patient or personal caregiver. A dispensary may operate without cultivation occurring on-

site as long as the applicant can provide proof of an existing cultivation registration at another location;

3. Cultivation and storage of medical marijuana shall be in a secure, enclosed, locked area. Medical marijuana shall not be visible from the street or other public areas;
4. An applicant must demonstrate compliance with the application requirements for the Registration of Medical Marijuana Dispensaries as set forth in the regulations promulgated by the Massachusetts Department of Public Health (or referred to herein as "DPH");
5. A Special Permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the Medical Marijuana Dispensary registration or license;
6. In the event that the DPH revokes, fails or refuses to issue a license or registration, a special permit issued by the Town for the medical marijuana dispensary shall be deemed null and void;
7. In the event that the DPH suspends the license or registration of a medical marijuana dispensary, the special permit shall be so suspended by the Town until the matter is resolved to the satisfaction of the DPH;
8. The provisions of this Ordinance are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid. [Section 17 of Chapter 369 of the Acts of 2012].

6.5.4 Additional Criteria

In addition to the Performance Standards set forth herein, the provisions of Section 9.3 shall apply to Special Permit requests filed under this Section 6.5.

6.5.5 Exemptions

1. There may be instances where the DPH determines that a patient is eligible for a hardship registration that would allow the cultivation of medical marijuana at their own residence for their own personal use. In such case, the provisions of Section 6.5 shall not apply.

SECTION 7.0. SPECIAL RESIDENTIAL REGULATIONS

7.1 DWELLING CONVERSION

7.1.1 General. A special permit may be granted for conversion of an existing structure to accommodate additional families in districts where allowed under the Table of Uses, provided that the following are complied with:

1. No extension to the principal structure shall be made or additional exterior entrances created within sight from a street.
2. Lot area shall be not less than the minimum required for a single-family dwelling at that location, plus fifty percent (50%) of the required area for each dwelling unit in excess of one (1).

3. The added dwelling units shall be served by the town sewerage system or by a new on-site disposal system meeting the requirements of Title V of the State Environmental Code.
4. No parking space provided to meet the requirements of Section 5.1 shall be located within a required front yard or block egress from another parking space.
5. Floor area shall equal at least seven hundred (700) square feet per dwelling unit.

7.2 SENIOR RESIDENTIAL COMMUNITY (SRC)

7.2.1 Purpose. The purpose of this section is to:

1. promote alternative housing for a maturing population;
2. provide a type of housing which reduces residents' hardships of property maintenance and which reduces demands on municipal services; and
3. promote flexibility in land use planning in order to improve site layouts, safety, protection of natural attributes and environmental values and utilization of land in harmony with neighboring properties.

7.2.2 Administration. The Planning Board may grant approval for the construction and occupancy of a senior residential community, supplemented by appropriate amenities as agreed to by the owner, of a parcel of land in excess of five (5) contiguous acres located in a Residential District, subject to the following regulations and conditions.

7.2.3 Age Restriction. Any application for a SRC shall indicate, and ensuing use shall sustain, compliance with G.L. c. 151B, sections 4 and 6. Provided housing shall be individually owned and occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who shall be under fifty-five years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowners' association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or other persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in a SRC, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

7.2.4 Definitions. The proposed dwellings/structures meant to be provided in this Section commonly are not constructed within the separate lot framework associated with the definitions of the terms "Lot," "Lot Area," "Lot Coverage," "Lot Frontage," and "Yard (front, rear and side)" as listed in Section 10. Such terminology, as used in this Section is meant only to associate with the definitions as if the included dwellings/structures were to be provided on separate lots. LOT shall mean a parcel of land upon which dwelling units are to be constructed, which need not have legally defined bounds.

7.2.5 General Requirements. A Senior Residential Community consisting of single-family residences, with appropriate amenities as described herein, shall be allowed in the RA, RB, CH, CD, and Mixed Use Special District upon the grant of a special permit issued by the Planning Board, if

the application is in compliance with the following provisions:

1. the Subdivision Rules and Regulations adopted by the Planning Board, at time of Preliminary Plan submittal, shall be in force (see Chapter 344, Subdivision of Land), except as herein otherwise provided; and
2. the site is reasonably protected from excessive noise, traffic, air pollution and other harmful physical influences; and
3. the proposed use shall be served by municipal water and sewer services unless the Planning Board, with advice from the Ashland Board of Health and/or the Department of Public Works, deems that alternative services shall meet the long term needs of such proposed use and the Town of Ashland; and
4. the Planning Board deems that the requirements of Section 9.3 have been satisfied; and
5. the requirements of Section 9.4, site plan review, shall be in force; and
6. the site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the underlying zoning district, is of sufficient size, shape, topography and location to be capable of accommodating such multiple uses, as determined by the Planning Board; and
7. the special permit applicant for a SRC shall be the owner of any parcel(s) proposed for such development or an applicant showing proof in writing by the owner of such parcel(s) to be authorized to apply for and be issued such special permit, and shall establish to the satisfaction to the Planning Board that the applicant has the knowledge, experience and financial resources sufficient to construct and complete the development.

7.2.6 Site Requirements. For the purposes of this Section the following site requirements shall be met:

1. Parcel Area/Frontage Requirements - minimum parcel area and minimum parcel frontage requirements shall coincide with that of the zoning district.
 - a. the land under construction shall be located on one (1) or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan.
2. each dwelling unit lot area shall have no more land than ten (10) percent which is underwater land, or is qualified as a wetland resource as defined in G.L. c. 131, s. 40, or in the Wetlands Protection By-Law, Chapter 280 of the Ashland Code, and contains no slopes greater than twenty-five (25) percent, singularly or combined;
3. larger lot sizes may be required, as determined by the Planning Board with advice from the Board of Health, where municipal sewerage is not available, and considering soil conditions, water table and slope conditions;
4. Open Space. All remaining land in the development not contained in single/attached dwelling lots, or within rights-of-way and municipal easements, shall be held in common use of the residents of the development and, in some circumstances, of the Town, as open space, as determined by the Planning Board, and shall meet the following requirements:
 - a. all such open space parcels, together, shall equal not less than thirty (30) percent of the total parcel area and shall serve passive recreational purposes.

- b. wetlands, as determined by the Conservation Commission, shall not qualify as open space, except to the extent that such wetlands are situated in the development perimeter buffering area;
- c. the open space areas shall maximize the value of wildlife habitat, shall be contiguous, have not less than twenty (20) feet of handicapped accessible frontage on each right-of-way and internal drive, of the development and shall be configured to preserve large blocks of undisturbed land;
- d. landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering/screening, as determined by the Planning Board; and,
- e. desirable qualities of open space reservations are continuity of open space within the development and into existing or potential adjoining developments, protection of watercourses, wetlands and other ecologically sensitive areas, configuration reflecting land forms and existing vegetative patterns and handicapped accessibility from at least fifty (50) percent of the abutting dwelling lots.

7.2.7 Building and Dwelling Unit Requirements.

1. Number of Dwelling Units Permitted. Written computation shall be provided to the Planning Board, at the time of application submittal, based on a maximum average of five (5) dwelling units per acre of such land dedicated to dwelling unit building lots, with the maximum number of bedrooms in each dwelling unit limited to two (2); the method of distribution of allowable dwelling units per acre shall determine the total number of allowable dwelling units;
2. Dwellings may be provided as detached single units, or attached in groups of two (2), with such attachments located side-by-side. Each dwelling unit shall include garaged parking for two (2) vehicles, positioned in line, front to back or as site conditions allow side by side as determined by the Planning Board; and one (1) exterior paved parking space.
 - a. single dwelling unit lot sizes shall be eight thousand (8,000) square feet, minimum;
 - b. attached dwelling unit lot sizes shall be fifteen thousand (15,000) square feet, minimum;
3. Maximum Building Height (including accessory buildings): One (1) story, except two (2) story structures may be permitted as an incentive for providing smaller building footprints for dwellings; provided that only a second bedroom with adjoining bath and closet(s) may be provided at such second story level to the extent that the dwelling footprint, as well as the second floor area does not increase beyond that of the first floor.

All areas under the roof may provide appropriate second floor living area and mezzanine/lofts as regulated by the State Building Code.

4. One (1) Bedroom Limitation: no more than twenty (20) percent of the maximum number of allowable dwelling units shall have less than two (2) bedrooms.

5. The positioning of buildings shall be staggered a minimum of ten (10) feet along each right-of-way, preferably in a non-regular pattern, while maintaining setback requirements. Such positioning shall be depicted on Definitive Plans.

7.2.8 Allowable Accessory Buildings, Structures and Preferred Amenities.

1. Individual Dwelling Lots may have attached garages, and other customary accessory structures except storage-type sheds shall be allowed, as determined by the Inspector of Buildings after Definitive Plan approval, if keeping within dwelling lot coverage and floor area ratio limitations. Such accessory arrangements shall be depicted on the Definitive Plan if contemplated prior to Definitive Plan approval.
2. Open Space may have clubhouse(s), swimming pool(s), tennis court(s), cabana(s), storage and maintenance structures and other accessory structures shall be allowed, as determined by the Inspector of Buildings after Definitive Plan approval, if in keeping within development parcel coverage and floor area ratio limitations. Such accessory arrangements shall be depicted on the Definitive Plan if contemplated prior to Definitive Plan approval.
3. Preferred Amenities. The creation of outdoor areas which may include, but are not limited to, sitting areas with tables, gazebo(s), trellises, paved and level walking paths, planters and individual/community garden space(s).

7.2.9 Building Design Criteria. All buildings and structures shall be designed, located and constructed to afford the following:

1. compatibility of architectural styles, scales, building materials and colors within the development;
2. variations in facade, roof lines and interior layouts of dwelling units;
3. harmonious relationship of buildings and structures to each other with adequate light, air, circulation, privacy and separation;
4. the capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional streetlighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board.

7.2.10 Additional Physical Requirements.

1. Setbacks. Single/attached dwelling units - front yards shall be twenty (20) feet minimum, rear yards shall be thirty (30) feet minimum and side yard separation of abutting dwellings/structures shall be twenty (20) feet minimum.
2. Development Parcel Lot Coverage (density) - twenty-five (25) % maximum.
3. Dwelling Lot Coverage (density) - twenty-five (25) % maximum.
4. Floor Area Ratio - 0.5 maximum.
5. Distance between common use buildings/structures - thirty (30) feet.

6. Additional Parking Provisions - in addition to individual dwelling unit parking requirements addressed, supra, within the development, separated and screened from the majority of dwelling units, there shall be provided an additional paved and lined parking area, equivalent to twenty (20) % of that which is provided for dwelling units, for the longer-term parking and storage of recreation-type vehicles, not used on a daily basis; such area may additionally serve to accommodate overflow guest parking and may be located within any qualifying open space along the perimeter of the development.
 7. The right-of-way network shall be so designed and constructed as not to allow vehicular traffic throughout the development from neighboring parcels or streets. Road signs shall be posted to indicate "NOT A THRU STREET," or other appropriate wording, to temper unnecessary intrusion of off-site traffic.
 8. Paved sidewalks shall be located and constructed to the bounds of the development from interior roadways to provide pedestrian access to neighboring streets and abutting parcels, if practical, as determined by the Planning Board.
 9. Along the perimeter of the development parcel, for a depth of thirty (30) feet minimum, landscape greenery or other buffering/screening method(s), in place at the time of development, which can serve to obstruct the view of adjacent land use properties from one another, shall remain undisturbed; except for underbrush clearing and general maintenance. If such existing buffering/screening is deemed insufficient it shall be supplemented, as determined by the Planning Board.
 10. Rights-of-way, driveways and sidewalks within the development shall meet such width, grades, radius of curvature and construction standards as required by the Planning Board Subdivision Rules and Regulations, except for the purposes of this development, the rights-of-way shall be classified as lanes, with the added requirement of a paved sidewalk on one (1) side.
- 7.2.11 Special Requirements. All improvements to the development parcel, including rights-of-ways and dwelling unit/common area utility services, except as agreed to by the Town of Ashland when considering access for municipal emergency response vehicles, shall be considered private. During construction and after completion of the development, the developer, as well as owners of dwelling units and/or building lots, shall be responsible for the maintenance of dwelling unit/common area driveways and walkways, parking area(s) and all snow plowing, landscape maintenance, trash removal and maintenance and repair of other common elements and facilities serving the residents. The Town of Ashland shall not be responsible, therefore, unless so agreed. Implementation of the above shall be documented in the following manner: open space and such other facilities as may be held in common, shall be conveyed to a corporation or trust comprising a homeowners' association whose membership includes the owners of all lots or dwelling units contained in the development. The developer shall include in the deed to owners of individual lots beneficial rights in said open space and shall grant a conservation restriction to the Town of Ashland over such land pursuant to G.L. c. 184, ss. 31 through 33, to ensure that such land is kept in an open or natural state, except as authorized, supra. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by G.L. c. 184, s. 33. In addition, the developer shall be responsible for the maintenance of all improvements to the land until such time as the homeowners' association is capable of assuming such responsibility, and/or the Town has accepted responsibility for rights-of-ways and any assigned easements. In order to assure that the association will properly maintain the land deeded to it under this section, the developer

shall cause to be recorded at the Middlesex County Registry of Deeds, or other cognizant authority, a Declaration of Covenants and Restrictions that shall, at a minimum, provide the following:

1. Mandatory membership in an established homeowners' association as a requirement for ownership of any lot in the development.
2. Provision for maintenance assessments of all lots in order to ensure that the developed and open space land is maintained in a condition suitable for uses approved by the homeowners' association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowners' association or other owner of any lot.
3. Provisions, which so far as possible under the existing law, will ensure that the restrictions placed on the use of the developed and open space land will not terminate by operation of law or, that in the case of termination, that mandatory renewal of all restrictions shall occur automatically.

7.2.12 Decision. The Planning Board may impose additional conditions not inconsistent with this or other sections of the Zoning By-law.

7.3 CLUSTER DEVELOPMENT

7.3.1 Purpose. The purpose of cluster development is to:

1. allow more intensive screened use of separately owned lots by a building and its accessory structures together with preservation of common open space for scenic, agricultural, recreation, and conservation purposes, otherwise not provided by conventional subdivision plans;
2. preserve more greenery and woodlands through less disturbance, temperance of the appearance of suburban sprawl associated with conventional subdivision development; and
3. promote less costly development and maintenance outlay.

7.3.2 Administration. The Planning Board may by special permit grant approval for the construction and occupancy of a cluster development, supplemented by appropriate amenities as agreed to by the owner, on a parcel of land in excess of five (5) contiguous acres located in a Residential Districts. Such cluster development shall also require approval under the Subdivision Rules and Regulations of the Planning Board.

7.3.3 Application Procedure. To promote better communication and avoid misunderstanding, applicants are encouraged to submit preliminary proposals and plans for informal review prior to formal application. The following submission is required.

1. Applicants for a cluster development shall submit to the Planning Board six (6) copies of a completed application and ten (10) copies of a plan meeting the specifications for a preliminary plan as established by the Subdivision Regulations adopted by the Ashland Planning Board. Said plan shall also indicate proposed building uses, building locations and development schedule and shall have been prepared by a landscape or registered architect, or civil engineer. Submitted application materials shall also indicate the applicant's legal interest in the land to be developed, the form of organization to be proposed to own and maintain the common land, the substance of covenants and grants of

easements to be imposed upon the use of land and structures and the development schedule.

2. At least four (4) copies of a site analysis shall be submitted, consisting of one (1) transparent copy of the above plan, and a series of site analysis drawings at the same scale, each on a separate sheet, indicating analysis of hydrologic systems, vegetation cover, slope and land form, soils and geology and such other characteristics as required by the rules and regulations of the Planning Board.
3. Review and decision. Forthwith upon receipt of the application and required plans, the Planning Board shall transmit one (1) copy each to the Board of Health and Conservation Commission. The Board of Health and Conservation Commission shall submit written reports to the Planning Board within thirty-five (35) days of the referral, and the Planning Board shall make no decisions upon the application until receipt of all such reports or until thirty-five (35) days have elapsed since date of referral without such reports.
4. Under this section, the Planning Board shall give consideration to the reports of the Board of Health and Conservation Commission and to the degree to which the proposed development conforms to the intent of the cluster development.

7.3.4 Requirements. A cluster development must conform to the following:

1. An applicant for cluster development consideration, in determining the limit on the number of dwelling units which can be built on a specific tract, must determine the number of lots by the two methods listed below. The numbers of lots shall be determined based on whatever method depicts the least amount of lots.
2. The total number of dwelling units shall not exceed the number for which the tract could have been developed (conventional lots), but for the provisions of this section. The applicant shall present calculations and a scaled drawing depicting a conventional development, for review and concurrence by the Planning Board.
3. The total number of dwelling units shall not exceed that allowed by the following formula concurred with by the Planning Board: **[Amended 5-5-2010 ATM, Art. 16]**

USABLE ACRES/MINIMUM LOT AREA = NUMBER OF CONDENSED SIZE LOTS WHERE USABLE ACRES = [TOTAL TRACT ACRES]-[20% EXCLUSION OF TRACT ACRES (streets, walks, easements, etc.)]-[50% TRACT ACRES FOR OPEN SPACE]

No structure shall be built or used in a cluster development except in compliance with the use regulations of Section 3.1 [Principal Uses] and with the following dimensional regulations.

**Minimum Yards
(feet)**

District	Minimum Lot Area (square feet)	Frontage	Front	Side	Rear
RA	15,000	75	20	10	30
RB	N/A	N/A	N/A	N/A	N/A
RM	N/A	N/A	N/A	N/A	N/A

4. Side and rear yard requirements shall apply only where the lot in the cluster development abuts non-cluster adjacent property, elsewhere side and rear yard requirements may be waived by the Planning Board.
5. Larger lot sizes may be required, as determined by the Planning Board with advisory by the Board of Health, where public sewerage is not available, and considering soil conditions, water table and slope conditions.
6. No lot shall have more than ten percent (10%) of its minimum lot area made up of wetlands and slopes greater than twenty-five percent (25%) in grade, singularly or combined.
7. Only single-family dwellings shall be allowed in cluster developments unless provisions of Subsection 7.3.7 are followed.
8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas in accordance with criteria for site plan review of this 9.4.
9. New dwellings shall be grouped so that fields, pastures, woodlands, and road frontage remain as undeveloped as possible. To serve the purposes of this requirement, subdivision definitive plans shall depict the approximate location line of undisturbed woodlands and other greenery associated with separate building lots.

7.3.5 Open Space. All remaining land in the cluster development not contained in building lots or within road rights-of-way shall be held for common use of the residents of the development and,

in some circumstances, of the Town as open space and shall meet the following requirements:

1. All such open space parcels, together, shall equal not less than fifty percent (50%) of the overall tract area of the cluster development and shall have building coverage of not more than five percent (5%).
2. Each parcel of such open space or group of adjoining parcels shall be at least two (2) acres in area, have not less than twenty (20) feet frontage on a street and be of such shape and condition as to be useful for recreation or conservation purposes. No more than fifty percent (50%) of all common open space shall consist of wetlands and slopes greater than twenty-five percent (25%) in grade.
3. At least fifty percent (50%) of all lots in a cluster development having reduced lot area shall abut such open space parcels, and no lot having reduced lot area shall be more than eight hundred (800) feet via streets from such parcels, which may be waived by the Planning Board.
4. Desirable qualities of open space reservations are continuity of open space within the development and into existing or potential adjoining developments, protection of watercourses, wetlands, and other ecologically sensitive areas, configuration reflecting land forms and existing vegetative patterns and inclusion of open space to lots of reduced size.

7.3.6 Open Space Conveyance. Open space and such other facilities as may be held in common shall be conveyed to one of the following, as determined by the Planning Board, subject to the following guidelines. In general, valuable natural resource land such as wetlands not suitable for any public use or suitable for extensive agricultural or public recreational use should be conveyed to the Town, or a trust, or nonprofit organization; whereas land that will be principally used by the residents of the cluster development should be conveyed to a homeowners' association.

1. To a corporation or trust comprising a homeowners' association whose membership includes the owners of all lots or units contained in the tract. The developer shall include in the deed to owners of individual lots beneficial rights in said open space and shall grant a conservation restriction to the Town of Ashland over such land pursuant to G.L. c. 184, ss. 31 through 33, to ensure that such land is kept in an open or natural state and is not built upon for residential use or developed for accessory uses such as parking, streets or driveways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by G.L. c. 184, s. 33. In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homeowners' association is capable of assuming said responsibility.
2. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex County Registry of Deeds a Declaration of Covenants and Restrictions that shall, at a minimum, provide for the following:
 - a. Mandatory membership in an established homeowners' association as a requirement for ownership of any lot in the tract.
 - b. Provision for maintenance assessments of all lots in order to ensure that the open land

is maintained in a condition suitable for uses approved by the homeowners' association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowners' association or the owner of any lot.

- c. Provisions, which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law or, that in the case of termination, that mandatory renewal of all restrictions shall occur automatically.
3. To the Town for a park or open space use, subject to the approval of the Select Board, with a deed restriction ensuring that it is maintained as open space. **[Amended 11-20-2019STM, Art. 14]**
4. To a trust or nonprofit organization for natural resources land or open land not suitable for public use. In the case of land that is to be maintained as active agricultural land, the land must be conveyed to a trust or nonprofit organization whose primary purpose is the preservation of farmland.
5. Subject to the above, the open space may be used for agricultural, conservation or recreational purposes including golf courses, riding trails, tennis courts, gardens, swimming pools and temporary structures. The Planning Board may permit open land of a homeowners' association to be used for individual septic systems or for communal septic systems if it and the Board of Health are convinced that proper legal safeguards exist for proper management of an association-owned system.
6. Prior to development or sale of any lot within a cluster development, all lots to be so developed shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, and a covenant or other instrument satisfactory to the Planning Board shall have been executed assuring the open space or recreational use of lands so designated in the application.
7. The cluster development shall be so designed that internal access, drainage, utilities and grading shall be functionally equivalent to that required for conventional lots in the Planning Board's adopted Subdivision Regulations or other rules and regulations, if applicable.

7.3.7 Development Incentive for Affordable Housing.

1. An applicant may apply to increase the number of dwelling units up to a maximum of twenty-five percent (25%) of the units otherwise permitted on the tract under this section, provided that a minimum of ten percent (10%) of all units in the tract are affordable. In all cases affordable units shall be mingled with market-rate housing units.
2. The applicant for the development incentive shall document the affordable units' sales prices and how that affordability will be guaranteed over time. For the purposes of this section, the affordability criteria and standards for affordability guarantees of the Ashland Affordable Housing Committee shall be used. In the absence of such criteria, the criteria and standards of the Massachusetts Home Ownership Program shall be used. In cases involving the sale of units to the Ashland Housing Authority, the Commonwealth of Massachusetts Executive Office of Communities and Development's standards and regulations governing such sales shall apply.

3. The Planning Board shall have the discretion to allow the use of attached dwelling units in a project developed under this section. No more than two (2) dwelling units per structure shall be allowed. Attached dwelling units shall be allowed upon meeting the following conditions:
 - a. Attached units shall not visually detract from the surrounding neighborhood.
 - b. Attached units will not result in an inappropriate density for the site.
 - c. Attached units will result in a greater amount and more beneficial use of open space.
4. The Planning Board may require as a condition of this section that, in lieu of all or some of the affordable units being provided within the development, the developer shall:
 - a. Provide all or some of the required affordable units on a site different from the development, and provided that in all cases it is reasonably mixed with market-rate housing; or
 - b. Provide all or some of the required affordable housing through an alternative means other than those already listed in this subsection.
5. In the case of a development of five (5) or fewer dwelling units or a development sponsored and operated by a nonprofit or charitable organization, the Planning Board may, at its discretion, modify the requirements of this section to avoid economic hardships.

7.3.8 Further Requirements.

1. Only residential, agricultural, recreational or conservation uses shall be permitted within a cluster development.
2. Subsequent to definitive plan endorsement, the Planning Board may permit relocation of lot lines within the cluster development. However, any change in overall density, street layout or open space layout will require further public hearings.
3. All streets within the development shall conform to current Planning Board Subdivision Regulations' construction standards and shall provide access in and to the project, as required by said regulations.

7.4 ASSISTED ELDERLY FACILITIES

7.4.1 Purpose. The purpose of this section is to:

1. promote the availability of elderly assisted living services in the Town of Ashland;
2. provide for the elderly and/or adult disabled persons; and
3. encourage residential settings that promote the dignity, individuality, privacy and decision making ability of such persons. Residential units providing such services shall not be considered to be multifamily or apartment units.

7.4.2 Administration. Elderly Assisted Living Residences shall be permitted in the RA, RB, CH, CD and in the Mixed Use Special District. An Elderly Assisted Living Residence shall be authorized by special permit from the Planning Board, hereunder, if application is in compliance with the following provisions:

1. the proposed use will not produce adverse effects on the use or development of the neighboring area because of noise, traffic and type of physical activity;
2. the site has reasonable access to transportation, medical services, shopping areas, recreational and other community services frequently desired by the elderly;
3. the site is reasonably protected from excessive noise, air pollution and other harmful physical influences;
4. the proposed use shall be served by municipal water and sewer services unless the Planning Board, with advice from the Ashland Board of Health and/or the Department of Public Works, deems that alternative on-site services shall meet the long term needs of such proposed use and the Town of Ashland;
5. the requirements of Section 9.4, site plan review, shall be in force.
6. the site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the underlying zoning district, is of sufficient size, shape, topography and location as determined by the Planning Board to be capable of accommodating such multiple uses.

7.4.3 Types of Residences.

1. Congregate Living Residences (CONR). An elderly assisted living residence that provides, in accordance with individualized service plans, a non-institutional, shared residential environment, that integrates shelter and service needs of qualified residents and residential partners. Each resident or residential partnership shall live independently. Residents are ordinarily ambulatory, without need of medical attention or supervision as would be provided by nursing care facilities. Within a CONR, each resident or residential partnership shall be provided a private bedroom and bathroom, a minimal kitchen facility, and shall share living rooms/lounges, common use kitchens and dining facilities customarily provided for other CONR residents.
2. Continuing Care Residential Community (CCRC). A combination of elderly assisted living residences developed in a campus-like residential grouping that provides accommodations/care by provision of Independent Living Residences (ILRS) and Congregate Living Residences (CONRs).
3. Independent Living Residence (ILR). An elderly assisted living residence that provides separate residential accommodations. Such ILR shall be single unit detached or attached housing or apartments providing full living accommodations. Residents and/or resident partners, with prior arrangement, shall be offered participation in sharing use of other on-site ancillary services including, but not limited to, personal care services, recreational facilities and common dining facilities.

7.4.4 Dimensional Requirements. The following requirements shall be met:

1. Minimum lot area and minimum frontage shall coincide with that of the zoning district in addition to satisfying the special requirements set forth in this Section.
2. Setbacks. Front and rear yards shall be fifty (50) feet minimum. Minimum side yard setbacks from abutting residential use properties shall be fifty (50) feet for proposed buildings meeting maximum height requirements of five (5) stories, subject to compliance

with the State Building Code. **[Amended 5-6-2009 ATM, Art. 27]**

3. Building Considerations. Lot coverage (density) - twenty-five (25) % maximum. Floor area ratio - 0.5 maximum. Building height - the underlying zoning district will dictate allowed building height except in the CH, CD, and in the Mixed Used Special District where buildings having a primary use as specified in this section can have a height up to the greater of five (5) stories or the applicable height regulation, subject to compliance with the State Building Code if deemed by the Planning Board to be consistent with the character of the surrounding neighborhood in terms of scale and architecture and/or to promote minimization of long corridors in maintaining the appearance of residential rather than institutional use. **[Amended 5-6-2009 ATM, Art. 27]**
4. Distance between proposed service buildings - twenty (20) feet minimum.
5. Buffering/Screening - Within a distance of thirty (30) feet, minimum, of side and rear yard boundaries and ten (10) feet of a front yard boundary, in place landscape greenery or other screening method(s) existing at time of development and which can serve to obstruct the view of adjacent land use properties from one another, shall remain undisturbed, except for underbrush clearing and general maintenance. If such existing buffering/screening is deemed insufficient it shall be supplemented, as determined by the Planning Board. Remaining non-buffered yard areas shall stay unoccupied, except to support limited parking needs, recreational ancillary use, and landscaped to provide for pedestrian/handicapped and emergency vehicle access.

7.4.5 Parking Requirements. The following off-street parking requirements shall be in force:

1. Congregate Living Residences, and, as applicable, Independent Living Residences;
 - a. one-half (0.5) off-street resident/visitor parking spaces for each bed or bedroom unit, minimum.
 - b. off-street loading area - one (1) space for each thirty thousand (30,000) square feet of gross floor area, or a fraction thereof. No off-street parking area shall be considered as an off-street loading area.
 - c. off-street employee (staff) parking space needs shall be determined by the total proposed employee count divided by the number of work shifts/periods plus eight (8) spaces. The resulting number shall be increased by the number of facility vehicles required to serve the facility and resident needs. Such total parking space needs shall be segregated from residential and visitor parking and so designated by signs.
 - d. Development incentive - Notwithstanding the provision stated at subsection c., above, as an alternative thereto, an applicant for a development incentive to allow building height to exceed thirty (30) feet maximum shall include provisions to provide ground level and/or underground level parking facilities contained within each building foundation. Total building height may exceed allowable maximum of the equivalent that such contained parking is provided [number of stories, not exceeding two [2]]. The total effect shall result in additional open space yard areas abutting each such building; utilized to support additional resident recreational ancillary use. The floor area of any underground parking facility need not be included to determine compliance with floor area ratio requirements.

2. Independent Living Residences.
 - a. two (2) resident off-street parking spaces for each residential unit.
 - b. one-quarter (0.25) visitor off-street parking space for each residential unit.
3. On-site ancillary use/service facilities (remote from other resident uses).
 - a. Retail/Office - one (1) off-street parking space per one hundred-eighty (180) square feet of leasable floor space.
 - b. Restaurant-type/snack bar (food service) - one (1) off street parking space per four (4) seats.
4. Reduction of parking space requirements may be authorized by the Planning Board based upon presentation of substantiated statistical data.

7.4.6 Ancillary Uses. Elderly assisted living residence providers may furnish ancillary uses within a residential building or congregated in a separate structure, or both as approved by the Planning Board. Any commercial sales/service enterprises, as may be desirable for the convenience of those served, may include, but are not limited to barbers/hairdressers, retail sales, restaurants, snack bars, gift shops, laundry services, banking, financial services, businesses and professional offices and non-resident elderly day care, subject to the following conditions:

1. Ancillary uses shall be made available for use and convenience of the residents, guests and staff of an elderly assisted living unit residence or combination of residences. Any use provided for off-site patrons shall maintain traffic patterns and sufficient off-street parking, segregated from areas and access which are provided for resident, visitor and staff use; and shall not impact the functioning of the principal use, as determined by the Planning Board.
2. Ancillary uses shall not exceed twenty (20%) percent of the gross floor area allocated for residential use unless approved by the Planning Board.
3. Capacity of any restaurant/snack bar shall not exceed sixty (60) seats unless approved by the Planning Board.
4. Ancillary uses located within a residential structure shall have no exterior advertising display except for signs approved by the Planning Board, with advice from the Inspector of Buildings.
5. No on-site public retail or professional services shall be permitted as primary or ancillary uses within a RA or RB zoning district.

7.4.7 Decision. The Planning Board may impose additional conditions not inconsistent with this or other sections of the Zoning By-Law.

7.5 MULTIFAMILY DWELLINGS

7.5.1 Administration. The Board of Appeals may grant a special permit for the construction and occupancy of multifamily dwellings on any parcel in excess of five (5) contiguous acres in the RM District subject to the following regulations and conditions.

7.5.2 Application. Applicants shall submit to the Board of Appeals five (5) copies of the following:

1. An application.
 2. A site plan prepared by a registered architect, landscape architect and civil engineer, showing existing and proposed topography, proposed structures, drives, parking, landscaping and screening, utilities, drainage and reserved open space, if any.
 3. A ground floor plan, sections and elevations of all proposed buildings.
 4. Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure and subsidies anticipated; rent or sales prices, including any commitments for price ceilings; methods of water supply and sewerage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the town's expense; and means, if any, of providing for design control.
- 7.5.3 Impact Statement. An analysis of the consequences of the proposed development, shall be submitted, evaluating the following impacts at a level of detail appropriate to the number of units proposed:
1. Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
 2. Public services: traffic safety and congestion, need for water or sewer system improvements, need for additional public recreation facilities and need for additional school facilities.
 3. Social environment: rate of town population growth and range of available housing choice.
 4. Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.
 5. In the case of proposals for thirty (30) or more dwelling units, a site analysis shall also be submitted, consisting of a series of site analysis drawings at the same scale as the site plan, each on a separate sheet, indicating analysis of hydrologic systems, vegetative cover, slope and land form, soils and geology and such other characteristics as the applicant deems advisable.
- 7.5.4 Procedure. Forthwith upon receipt of the above materials, the Board of Appeals shall deliver one (1) set to the Chairman or designated alternate of the Planning Board, Conservation Commission and Board of Health for their review and recommendation, which shall be considered in the Board of Appeal's decision. No decision on a special permit for multifamily dwellings shall be made within thirty-five (35) days of the application without receipt of a report from the Planning Board, Board of Health and Conservation Commission.
- 7.5.5 Security. Before issuance of a special permit, a performance bond in the amount determined by the Board of Appeals shall have been posted in the name of the town assuring construction of access, utilities and drainage and cleanup following such construction in compliance with this chapter.
1. Work covered under the above performance bond shall be done under notification and inspection rules as established in the Ashland Planning Board's Subdivision Regulations, and the bond shall not be released until all work has been inspected and found to comply

with all applicable laws and requirements.

7.5.6 Site Requirements.

1. The site shall be so designed that accessways, utilities and drainage serving each structure meet the standards of the Ashland Planning Board's Subdivision Regulations; visibility of parking areas for eight (8) or more cars is minimized from public ways or from adjacent premises; lighting of parking areas avoids glare on adjoining premises; major topographic changes and removal of existing trees is avoided; and effective use is made of topography, landscaping and building placement to protect, to the degree feasible, the character of the environs.
2. Multifamily dwellings shall be so designed and located that egress does not create a hazard on any street or create substantial increase in traffic on any street other than a principal street.
3. Multifamily dwellings shall be allowed only if connected to a municipal sewer system.

7.5.7 Dimensional Requirements. Required lot area, frontage, setback and yards shall be subject to the following requirements:

1. Lot area shall equal not less than five thousand (5,000) square feet per dwelling unit, plus two thousand five hundred (2,500) square feet per bedroom.
2. Lot frontage shall equal at least three hundred (300) feet or one hundred fifty (150) feet if abutting other premises developed for multifamily use.
3. Front, side and rear yards shall be not less than fifty (50) feet, except that no multifamily structure or parking area serving a multifamily structure shall be less than three hundred (300) feet from any existing public street or less than two hundred (200) feet from any other premises not zoned RM.
4. Within the three-hundred-foot street setback, there shall be no development, except for access drives essentially perpendicular to the street, and no removal of trees having trunk diameter of six (6) inches or greater, except as essential for access and safe visibility for egressing vehicles and to remove unhealthy trees.
5. Required yards abutting a public way and required side and rear yards shall be maintained or landscaped so as to provide a dense planting of trees and shrubs with an effective height of at least six (6) feet.
6. Building height shall not exceed twenty-eight (28) feet. No building shall exceed two (2) stories in height.

7.5.8 Building Design.

1. Each building entrance shall give access to no more than two (2) dwelling units.
2. No floor except an unoccupied basement shall be below grade at its entire perimeter.
3. No structure shall contain more than twelve (12) dwelling units.

7.5.9 Decision. In considering approval of a special permit, the Zoning Board of Appeals shall seek an advisory from the Planning Board or its designated agent on the advisability of reducing lot

area to seventy-five percent (75%) of that otherwise required herein for any development sponsored by a public agency, nonprofit, limited dividend organization or cooperative in which forty percent (40%) or more of the dwelling units are to be subsidized for people of low or moderate income under programs regulated and financially assisted by agencies of the government of the United States or of the Commonwealth of Massachusetts under programs for that purpose. The special permit shall impose appropriate safeguards to ensure continued use of forty percent (40%) or more of the family units for subsidized housing. No special permit shall be issued prior to receipt of such advisory, unless forty-five (45) days have elapsed from the date of submission of the request by the Zoning Board of Appeals. Failure to advise within the time limit shall be deemed a favorable recommendation.

7.5.10 Phasing. Upon authorization of multifamily use by the Zoning Board of Appeals, the Planning Board shall establish an annual limit for the number of dwelling units to be authorized, taking into consideration the town-wide building rate experienced over the previous two (2) years and anticipated over the next half dozen years, the needs which the housing will serve, the ability of the town to provide services in a timely manner and the housing cost and feasibility consequences of the limitation.

7.6 ACCESSORY FAMILY DWELLING UNIT

7.6.1 Purpose. The intent and the purpose of this section is to permit accessory dwelling units in single-family residential districts subject to the standards and procedures here and after set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

7.6.2 Special Permit. A special permit may be granted for the conversion of, by attachment via common wall or containment within, an existing single-family dwelling only or new construction of the same only to accommodate an additional family living unit in districts where allowed in the Table of Use Regulations, provided that there is compliance with all provisions of this section.

7.6.3 Use Limitations. Such additional family living unit shall be limited to a maximum of four (4) persons, so conditioned, provided, further, that the owner of record is an occupier of the structure which includes the accessory family dwelling unit. No boarders or lodgers shall be allowed in either dwelling unit. There shall be no other living unit on the lot which such accessory unit is to be located.

7.6.4 Disposal of Sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory unit in accordance with the requirements of the Board of Health. Such determination shall be made prior to the application for a special permit and included with such application.

7.6.5 Ingress; Egress; and Access. Adequate provision, as determined by the Building Inspector, shall be provided for ingress and egress to the outside of each unit separately. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

7.6.6 Required Finding. The Zoning Board of Appeals shall determine that such conversion, new construction and occupancy of each unit shall meet the requirements of this section.

7.6.7 Area Limitation. Such accessory unit shall be limited to a maximum of twenty-five percent (25%) in floor area of the principal residence or eight hundred (800) square feet, whichever is greater, exclusive of any garage, shed or similar structure or other accessory use attached to the dwelling.

7.6.8 Plans. Floor plans of the accessory unit and principal residence, with a certified site plan showing the dwelling on the lot and its relationship to the neighborhood within two hundred (200) feet of the extremities of the lot, shall be filed with the Building Inspector, and in addition, five (5) copies of the same shall be submitted with the application for a special permit.

7.6.9 Parking. Provisions for off-street parking for dwellers of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Building Inspector, after consultation with the Town Planner.

7.6.10 Occupancy Permit. No occupancy of the additional family dwelling unit shall take place without an occupancy permit issued by the Building Inspector. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided that there is continued ownership. Thereafter, succeeding permits may be issued by the Building Inspector for each succeeding two-year period, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this Section and the special permit. Occupancy permits shall not be transferable upon new ownership or change in occupancy. An affidavit shall be presented to the Building Inspector attesting the fact that the circumstance for which such conditional use was granted will be complied with. Upon expiration of conditional use, the accessory kitchen unit shall be dismantled. The owner of record is responsible for initiating each application to the Building Inspector. Appropriate fees, as established and recorded, may be assessed for such renewal, review, investigation and processing.

7.7 SPECIAL PROVISIONS FOR HIGHWAY COMMERCIAL (CH) DISTRICT. In order to encourage mixed use facility within Commercial Districts on arterial roadways, the following special provisions shall apply in the Highway Commercial (CH) District: 1) mixed residential and commercial uses in the same buildings, subject to a Special Permit issued by the Planning Board and Site Plan Review as set forth in Section 9.4. Number of dwelling units permitted shall not exceed a maximum of five (5) units per acre.

SECTION 8.0. OVERLAY AND SPECIAL DISTRICT REGULATIONS²⁸

8.1 FLOODPLAIN OVERLAY DISTRICT (FPOD)

8.1.1 Purpose. The purpose of the Floodplain Overlay District (FPOD) is to protect the public health, safety and general welfare; to protect human life and property from the hazards of periodic flooding; to preserve the natural flood control characteristics and the flood storage capacity of the floodplain; and to preserve and maintain the groundwater table and water recharge areas within the floodplain.

8.1.2 District Delineation. The Floodplain District is herein established as an overlay district. The Floodplain Overlay District (FPOD) includes all special flood hazard areas within the Town of Ashland designated as Zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that

28. Editor's Note: The title of Section 8.0 was amended 11-19-2013 STM, Art. 22.

are wholly or partially within the Town of Ashland are panel numbers 25017C0494F, 25017C0511F, 25017C0512F, 25017C0513F, 25017C0514F, 25017C0518F, 25017C0626F, 25017C0627F and 25017C0631F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014. The FIRM and FIS report are incorporated herein by reference and are on file at the Department of Community Development and Health. **[Amended 5-5-2010 ATM, Art. 19; 5-7-2014 ATM, Art. 22]**

1. The floodway boundaries within the Town Ashland are delineated on the Middlesex County Flood Insurance Rate Maps and further defined by the Floodway Data Tables contained in the Flood Insurance Study, both dated July 7, 2014.
2. Base Flood Elevation and Floodway Data: a) Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge; b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
3. Notification of Watercourse Alteration. In a ravine situation, the Departments of Public Works and Community Development and Health shall notify adjacent communities, the NFIP Coordinator for Massachusetts, and the NFIP Program Specialist, of any alteration or relocation of a watercourse.

8.1.3 Use Regulations. The FPOD is established as an overlay district to all other districts. All development, including structural and nonstructural activities, whether permitted as a right or by special permit, must be in compliance with G.L. c. 131, s. 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains. The following uses of low flood damage potential and causing no obstructions to flood flows shall be permitted, provided that they do not require structures, fill or storage of materials or equipment:

1. Agricultural uses, such as farming, grazing, truck farming, horticulture, and the like.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, and the like.
4. Conservation of water, plants and wildlife.
5. Wildlife management areas and foot, bicycle and/or horse paths.
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

8.1.4 Special Permit. No structure or building shall be erected, constructed, substantially improved, reconstructed or otherwise created or moved and no earth or other materials dumped, filled, excavated or transferred unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to other provisions of this chapter) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects to the provisions of the underlying district in which the land is located.
2. Within ten (10) days of the receipt of the application, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, Board of Health and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days have elapsed.
3. All encroachments, including fill, new construction and substantial improvements to existing structures, and other development are prohibited in the floodway unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
4. The Board may specify such additional requirement and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.
5. All subdivision proposals must be designed to assure that: **[Added 5-7-2014 ATM, Art. 22]**
 - a. Such proposals minimize flood damage;
 - b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards.

8.2 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

8.2.1 Purpose. The purpose of the Groundwater Protection Overlay District bylaw is to:

1. Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Ashland;
2. Preserve and protect existing and potential sources of drinking water supplies;
3. Protect, preserve and maintain the existing and potential groundwater recharge areas within the Town of Ashland;
4. Conserve the natural resources of the Town of Ashland;
5. Reduce erosion of topsoil and the subsequent sedimentation of surface water bodies; and,
6. Prevent temporary and permanent contamination of the environment.

8.2.2 Overlay District. The Groundwater Protection Overlay District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection Overlay District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection Overlay District.

8.2.3 Definitions. Appropriate definitions of terms used in this section are found in Section 10.

8.2.4 Establishment and Delineation. For the purposes of this district, there are hereby established within the Town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on the current Zoning Map and identified as "Ground Water Protection Overlay District" on file in the office of the Town Clerk. **[Amended 5-2-2018 ATM, Art. 22]**

8.2.5 District Boundary Disputes. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the special permit granting authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. However, the Planning Board retains its authority to determine property location with regard to said Groundwater Protection Overlay District. At the request of the owner(s), the Town may engage a professional engineer (civil or sanitary), hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation.

8.2.6 Permitted Uses. Whenever the requirements of this section differ from those prescribed in other laws or codes, the stricter requirements designated to protect water supplies will take precedence. In the Groundwater Protection Overlay District the following regulations shall apply:

1. Conservation of soil, water, plants, and wildlife;
2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
3. Foot, bicycle and/or horse paths, and bridges;
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
5. Maintenance, repair, and enlargement of any existing structure, subject to Section 8.2.7 (prohibited uses) and Section 8.2.8 (special permitted uses) hereunder;
6. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section 8.1.7 (prohibited uses) and Section 8.2.8 (special permitted uses) hereunder;
7. Necessary public utilities and facilities designed so as to prevent contamination of surface water and groundwater;
8. Residential development, subject to Section 8.2.7 (prohibited uses) and Section 8.2.8 (special permitted uses) hereunder; and
9. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically permitted.

8.2.7 Prohibited Uses. The following uses are prohibited:

1. The disposal of leachable wastes, except residential subsurface waste disposal systems and normal agricultural operations;
2. Industrial and commercial uses which discharge process wastewater on-site;

3. Use of chemicals for deicing unless deemed necessary for public safety;
4. Storage of hazardous materials, as defined in G.L. Chapter 21E, unless in a free standing container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;
5. Landfills and open dumps as defined in 310 CMR 19.006;
6. Automobile graveyards and junkyards, as defined in G.L. Chapter 140B, section 1;
7. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
8. Storage of deicing chemicals unless such storage, including the loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
9. Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:
 - a. The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b. The replacement of existing subsurface disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);
 - c. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;
 - d. Sewage treatment facilities in those areas with existing water quality problems when it has been demonstrated to the Department of Environmental Protection's and the Special Permit Granting Authority's satisfaction both that these problems are attributable to current septic problems and that there will be a net improvement in water quality.
10. Facilities that generate, treat, store, or dispose of hazardous waste subject to G.L. Chapter 21C and 310 CMR 30.000, except the following:
 - a. Very small quantity generators as defined under 310 CMR 30.000;
 - b. Household hazardous waste centers and events under 310 CMR 30.390;
 - c. Waste oil retention facilities required by G.L. Chapter 21, section 52A;
 - d. Water remediation treatment works approved by the DEP for the treatment of contaminated ground or surface waters;
11. Storage of commercial fertilizers, as defined in G.L. Chapter 128, section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
12. Storage of animal manure unless covered or contained in accordance with the specifications of the U.S. Soil Conservation Service;
13. Landfilling of sludge or seepage as defined in 310 CMR 32.05;

14. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, provided that:
 - a. The replacement or repair of a system, which will not result in an increase in design capacity over the original design capacity of 310 CMR 15.00, whichever is greater, shall be exempted;
 - b. In cluster subdivisions the total sewage flow allowed shall be calculated based on the number of percale lots in the entire parcel;
 15. Storage of liquid petroleum products, except the following:
 - a. Normal household use, outdoor maintenance, and heating of a structure;
 - b. Waste oil retention facilities required by statute, rule, or regulation;
 - c. Emergency generators required by statute, rule, or regulation;
 - d. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that such storage, listed in (9) a. through d. above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;
 16. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 17. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the U.S. Geological Survey, except excavations for building foundations, roads or utility works;
 18. The use of septic system cleaners which contain toxic or hazardous chemicals.
- 8.2.8 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of a special permit by the SPGA under such conditions as it may require:
1. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
 2. The application of fertilizers for non-domestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on ground water due to nutrient transport, deposition, and sedimentation;
 3. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning [except as prohibited above]. Such activities shall require a special permit to prevent contamination of groundwater;
 4. The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect

water quality or quantity;

5. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

8.2.9 Application Content. The applicant shall file five (5) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

1. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
2. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
 - a. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and cleanup procedures;
 - b. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
 - c. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
3. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

8.2.10 Procedure for Issuance of Special Permit. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board.

1. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, the Conservation Commission and Town Engineer/Department of Public Works that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other Ashland boards or agencies in its decision.
2. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the Town.

3. Upon receipt of the special permit application, under MGL C 40A, section 9, the SPGA shall transmit one (1) copy to the Board of Health, the Conservation Commission and the Town Engineer/Department of Public Works for their written recommendations. Failure to respond in writing within twenty-one (21) days of receipt by the agency shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.
4. The SPGA shall hold a hearing, in conformity with the provision of G.L. c. 40A, Section 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in G.L. c. 40A, Section 11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Ashland Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said Section 11.
5. Notwithstanding the foregoing, where a special permit is required hereunder in connection with the development of a Priority Development Site (PDS), an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal. Review of an application made hereunder shall be combined with any other review(s) required of the Planning Board; where the Board of Appeals is responsible for said other review(s), all reviews shall occur at joint session(s) of the Planning Board and the Board of Appeals, when feasible. **[Added 5-5-2010 ATM, Art. 17²⁹]**
6. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified herein, and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - a. Be in harmony with the purpose and intent of this section and will promote the purposes of the Groundwater Protection District;
 - b. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
 - c. Not, during construction or thereafter, have an adverse environmental impact on any surface water, aquifer or recharge area;
 - d. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District; and,
 - e. Be consistent with the existing and probable future development of surrounding areas.

8.2.11 Permit Fee. A fee in the amount of twenty dollars (\$20.) shall be collected by the Town Clerk at the time that an application for a Special Permit is submitted. In addition, the SPGA may

29. Editor's Note: This article also provided for the renumbering of former Subsection 8.2.10.5 as Subsection 8.2.10.6.

impose a reasonable fee for the employment of outside consultants pursuant to the provisions of G.L. Chapter 44, Section 53G.

8.2.12 Permit Withdrawal. Any application for special permit may be withdrawn without prejudice by the applicant prior to the publication of the public hearing notice. Once the notice has been published, a withdrawal without prejudice may be permitted only with the approval of the SPGA.

8.2.13 Violations. Written notice of any violations of this Section shall be given by the Building Inspector/Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Health, Conservation Commission, and Town Engineer/Department of Public Works. The cost of containment, cleanup, or other action of compliance shall be borne by the owner and operator of the premises. For situations that require remedial action to prevent adverse impact to the water resources within the Groundwater Protection District, the Town of Ashland, the Building Inspector, the Board of Health or any of their agents may order the owner or the operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Ashland, the Building Inspector, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

8.3 ³⁰ Photovoltaic Installations Overlay District (PIOD). [**Added 11-19-2013 STM, Art. 18; amended 11-19-2013 STM, Art. 22**]

8.3.1 Purpose. The purpose of the Photovoltaic Installations Overlay District (PIOD) is to promote the creation of new Large-scale Ground-mounted Solar Photovoltaic Installations in appropriate locations within the Town of Ashland and to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and provide adequate financial assurance for the eventual decommissioning of such installations.

8.3.2 Establishment and Applicability. The Photovoltaic Installations Overlay District (PIOD) is an overlay district superimposed over the underlying zoning district(s), as shown on the Zoning Map. The provisions of this Section 8.3 shall apply to the construction, operation and/or repair of Large-scale Ground-mounted Solar Photovoltaic Installations within the PIOD, and to physical modifications that materially alter the type, configuration or size of these installations or related equipment.

8.3.3 As-of-Right Siting. As-of-Right Siting of Large-scale Ground-mounted Solar Photovoltaic Installations is permitted in the Photovoltaic Installations Overlay District (PIOD), except as noted below, subject to Site Plan Review by the Planning Board prior to construction, installation or modification thereof and upon compliance with the procedural and substantive requirements of this Section 8.3. [**Amended 5-7-2014 ATM, Art. 26**]

30. Editor's Note: Former Section 8.3, Wireless Communications Facilities, was renumbered as Section 6.4 by Art. 22 from the 11-19-2013 STM.

8.3.4 Special Permit Required. In addition to the requirements set forth in section 8.3.3 above, for portions of the overlay district that lie within any residential zone, Large-scale Ground-mounted Solar Photovoltaic Installations shall require a special permit from the Planning Board in accordance with the criteria set forth in section 9.3.2. **[Added 5-7-2014 ATM, Art. 26³¹]**

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

8.3.5.1 Compliance with Laws, Bylaws and Regulations. The construction and operation of all Large-scale Ground-mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code.

8.3.5.2 Building Permit and Building Inspection. No Large-scale, Ground-mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this Section 8.3 without first obtaining a building permit.

8.3.5.3 Fees. The application for a building permit for a Large-scale Ground-mounted Solar Photovoltaic Installation must be accompanied by the fee required for a building permit, in addition to any fees established by the Planning Board in connection with the required application for Site Plan Review.

8.3.6 Site Plan Review. Site Plan Review shall be conducted by the Planning Board in accordance with Section 9.4 of this Zoning Bylaw and as follows:

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

8.3.6.2 Required Documents. Not in lieu of but in addition to the requirements under Section 9.4 of this Zoning Bylaw, a project proponent shall provide the following documents to the Planning Board:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the Large-scale Ground-mounted Solar Photovoltaic Installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - iv. One or three line electrical diagram detailing the Large-scale Ground-mounted Solar Photovoltaic Installation, associated components and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

31. Editor's Note: Pursuant to this article, former Subsections 8.3.4 through 8.3.10 were renumbered as Subsections 8.3.5 through 8.3.11, respectively.

- v. Documentation of the major system components to be used, including the PV panels, mounting system and inverter;
 - vi. Name, address and contact information for the proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agent(s) representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site, see Section 8.3.6.3, below;
 - (c) An operation and maintenance plan, see Section 8.3.6.4, below;
 - (d) Zoning district designation for the parcel(s) of land comprising the project site, via submission of a copy of the Town's Zoning Map with the parcel(s) identified thereon;
 - (e) Proof of liability insurance; and
 - (f) Description of financial surety that satisfies Section 8.3.11.3, below.

The Planning Board may waive documentary requirements as it deems appropriate.

8.3.6.3 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 Large-scale Ground-mounted Solar Photovoltaic Installation.

8.3.6.4 Operation and Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the Large-scale Ground-mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, stormwater controls and general procedures for operational maintenance of the installation.

8.3.6.5 Utility Notification. Evidence shall be provided by the project proponent that the utility company operating the electrical grid where the Large-scale Ground-mounted Solar Photovoltaic Installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from said requirement.

8.3.7 Dimensional and Density Requirements.

1. Setbacks. For Large-scale Ground-mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows: **[Amended 5-7-2014 ATM, Art. 26]**
 - a. Front yard: the front yard depth shall be at least 10 feet; provided, however, that where the lot abuts or lies within a residential district, the front yard shall not be less than 50 feet.
 - b. Side yard: each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts or lies within a residential district, the side yard shall not be less than 50 feet.

- c. Rear yard: the rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts or lies within a residential district, the rear yard shall not be less than 50 feet.
2. Appurtenant Structures. All appurtenant structures to Large-scale Ground-mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

8.3.8 Design Standards.

1. Lighting. Lighting of Large-scale Ground-mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-scale Ground-mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
2. Signage. Signs on Large-scale Ground-mounted Solar Photovoltaic Installations shall comply with Section 5.3 of this Zoning Bylaw. In accordance therewith, all signs shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale Ground-mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.
3. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the Large-scale Ground-mounted Solar Photovoltaic Installations underground, depending on appropriate soil conditions, shape and topography of the project site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.

8.3.9 Safety and Environmental Standards.

1. Emergency Services. The Large-scale Ground-mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Large-scale Ground-mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
2. Land Clearing. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-scale Ground-mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, bylaws and regulations.
3. Landscape Architectural Plan. For any Large-scale Ground-mounted Solar Photovoltaic Installation that will be constructed in the Residence A, Residence B, or Residence

Multifamily Zoning Districts, a stamped and signed landscape architectural plan indicating how the Installation will be sufficiently buffered from residential neighbors shall be produced. Such plan shall require a minimum of eight (8) foot tall vegetative screening from adjacent uses and shall include a maintenance plan lasting as long as the Photovoltaic Installation is in place, whether operating or not. Such plan shall be approved by the Planning Board prior to Installation construction. **[Added 5-7-2014 ATM, Art. 26]**

8.3.10 Monitoring and Maintenance.

1. Condition of the Installation. The Large-scale Ground-mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integration of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Photovoltaic Installation and any access road(s), unless accepted as a public way.
2. Modifications. All material modifications to a Large-scale Ground-mounted Solar Photovoltaic Installation made following site plan approval by the Planning Board shall require an amendment thereto.

8.3.11 Abandonment or Decommissioning.

8.3.11.1 Removal Requirements. Any Large-scale Ground-mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 8.3.11.2, below, 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 Large-scale Ground-mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- c. Stabilization or 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 in order to minimize erosion and disruption to vegetation.

8.3.11.2 Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-scale Ground-mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the Large-scale Ground-mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this Section 8.3.11 within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation at the expense of the Proponent.

8.3.11.3 Financial Surety. Proponents of Large-scale Ground-mounted Solar Photovoltaic Installations shall provide a form of surety, either through an escrow account, bond or

otherwise, to cover the cost of removal of the installation in the event that the Town must remove it and remediate the landscape. Said surety shall be in an amount and form determined to be reasonable by the Planning Board, but in no event shall exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally- or state-owned installations. 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.

8.4 RAIL TRANSIT DISTRICT (RTD)

8.4.1 Purpose. The Rail Transit District (the "District" or sometimes hereinafter referred to as a "RTD") use in Ashland, associated with the MBTA Rail Station and abutting open land, is established to provide a coordinated, high aesthetic standard for the development of high technology, research and development, incubator establishments, offices, all of a non-nuisance-type and have provision for retail and multi-unit housing and age restricted housing components (rental and owner occupied). In addition, the purpose of this District is to promote a neo-traditional transit-oriented private and public development initiative which departs from the standard low-density, auto-oriented suburban residential growth of the past. The distinctive principle for this development's initiative is envisioned to provide:

1. features and site layouts that are conducive to walking, biking and transit riding;
2. pedestrian friendliness, alternative suburban living/working environments;
3. a better approach to revitalization and diversification of lands;
4. capability for better public safety, economic growth and public amenities; and
5. a lesser impact on the capability for providing associated Town services.

In addition, development shall strive to preserve the District's natural setting with its wetland, scenic and historic assets by properly relating improvements to the District's parcels and surrounding development. Development shall be compatible and complementary to the proposed coordinated roadway network serving such rail station and West Union Street. The District shall also encourage originality, flexibility and innovation in site design and development, specific to the intended use, including architecture and landscaping.

8.4.2 Location. This District designation is to be applied to the land area parcels described on (Exhibit "A" - Use Plan) annexed hereto and also referenced on the Zoning Map as a "Rail Transit District." For the purposes of this Section, when a special permit is required, the special permit granting authority shall be the Planning Board.³²

32. Editor's Note: Former Section 8.4.3, Definitions, as amended, which immediately followed this section, was deleted 11-19-2013 STM,

8.4.3 Area Requirements. The minimum land required for Rail Transit District (RTD) shall be one hundred fifty (150) acres and shall be contiguous to a commuter rail passenger station. For the purpose of this requirement, official streets shall not be deemed to divide acreage.

8.4.4 Permitted Uses. Within a Rail Transit District (RTD), the following listed development component-types of light industry, commercial and residential uses shall be allowed as designated. The location of each development component-type shall be depicted on the Use Plan on file with the Town Clerk for the Rail Transit District, which Use Plan provides for six (6) areas of development (hereinafter, such areas are referred to as "Area A"; "Area B"; "Area C"; "Area D"; "Area E"; and "Area F," which designations correspond to the development areas noted on the aforementioned Use Plan). The permitted uses and the Area on the Use Plan where such uses shall be permitted are as follows: **[Amended 5-5-2010 ATM, Art. 15; 5-5-2010 ATM, 23; 11-19-2013 STM, Art. 18]**

1. In addition to those uses listed, any other use compatible with the above uses which meet the standards and criteria set forth in this Section is allowed. Application for determination for an approved use shall include a site development plan with a detailed description of the use, approximate number of employees and residents, and the estimated volume of traffic to be generated, particularly trucks, as well as the criteria set forth in Section 9.4.

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use: (a) Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This shall include theoretical and applied research in all the sciences, product development and testing, engineering development, and marketing development. Uses shall include: biochemical, chemical, electronics, film and photography, medical and dental, metallurgy, pharmaceutical and X-ray	A N	B N	C Y	D Y	E Y	F N
(b) Services associated with permitted light industrial use.	N	N	Y	Y	Y	N
(c) Manufacture, research, assembly, testing and repair of components' devices, equipment and systems and parts and components including electronic components, communication equipment, guidance and control equipment, data processing equipment, computer hardware and/or software and measuring instruments.	N	N	Y	Y	Y	N

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use:	A	B	C	D	E	F
(d) Light manufacturing, processing and/or assembly of the following or similar products: food products, medical equipment, apparel, wood working shops, furniture, fabricated metal products, and stone, clay and glass products, optical devices, photographic and graphic equipment, and filing and labeling machinery	N	N	Y	Y	Y	N
(e) Parking in compliance with § 5.1 to service a use permitted in this component.	N	N	Y	Y	Y	N
(f) Accessory scientific use in compliance with § 3.2.4	N	N	Y	Y	Y	N
(g) Uses and structures (including without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary uses.	Y(2)	Y(2)	Y	Y	Y	Y(2)
h. Alternative energy and renewable energy manufacturing facilities	N	Y	N	Y	Y	N
i. Alternative energy and renewable energy research and development facilities	N	Y	N	Y	Y	N

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use:	A	B	C	D	E	F
Permitted Commercial Component Uses	A	B	C	D	E	F
(a) Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices, and general and corporate offices	N	N	Y	Y	Y	N
(b) Service industries, such as the repair of appliances, tooling, printing, blue printing, bookbinding, and food services	N	N	Y	Y	Y	N
(c) Wholesale industries, such as distribution and/or storage or warehousing of products similar to those listed in this subsection.	N	N	Y	Y	Y	N
(d) Retail sales and services, except motor vehicle sales, service stations and motor vehicle body repair/restoration/paint facilities	N	N	Y	Y	Y	N
(e) Restaurant	N	N	Y	Y	Y	N
(f) Catering Service.	N	N	Y	Y	Y	N
(g) Indoor commercial recreation.	N	N	Y	Y	Y	N
(h) Financial institutions without drive-up window.	N	N	Y	Y	Y	N

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use:	A	B	C	D	E	F
(i) Municipal use not elsewhere more specifically cited.	Y	Y	Y	Y	Y	Y
(j) Parking in compliance with § 5.1 to service a use permitted in this component (provided, however, that the Planning Board by Special Permit may permit modifications of the parking requirements on a case by case basis).	Y	Y	Y	Y	Y	N
(k) Accessory scientific use in compliance with § 3.2.4.	N	N	Y	Y	Y	N
(l) Outdoor commercial recreation other than campgrounds.	N	N	Y	Y	Y	N
(m) Theaters and cinemas	N	N	Y	Y	Y	N
(n) Day Care Facilities	Y	N	Y	Y	Y	N
(o) Accessory uses shall be allowed as follows:						

Rail Transit Use Table							
Permitted Light Industry Component Use:		Area Per Use Plan:					
Use:		A	B	C	D	E	F
	(i) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(2)	Y	Y	Y	Y(2)
	(ii) Food preparation and eating facilities	N	N	Y	Y	Y	N
	(iii) Day care facilities	Y	N	Y	Y	Y	N
	(iv) Recreational facilities	Y	Y	Y	Y	Y	N
Permitted Residential component uses:		A	B	C	D	E	F
(a) Age Restricted, Attached		Y	N	Y	Y	Y	N
(b) Age Restricted, Multifamily		Y	N	Y	Y	Y	N
(c) Age Restricted, Detached		Y	N	Y	Y	Y	N
(d) Dwelling Multifamily, For Rent		N	N	N	N	Y	N

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use:	A	B	C	D	E	F
(e) Continuing Care Residential Community (CCRC) or components thereof in conformance with § 7.4	N	N	Y	Y	Y	N
(f) Rest Home and/or Nursing Homes	N	N	Y	Y	Y	N
(g) Municipal recreational use.	N	N	Y	Y	Y	N
(h) Public Housing for the elderly.	N	N	Y	Y	Y	N
(i) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(2)	Y	Y	Y	Y(2)
Permitted Residential Component Uses	A	B	C	D	E	F
(a) Public Parks	N	Y	Y	Y	Y	N
(b) Community Centers and public recreation buildings.	N	Y	Y	Y	Y	N
(c) Recreation centers and facilities.	Y 1	Y	Y	Y	Y	N
(d) Education uses on land not owned by the Commonwealth of Massachusetts or any of its agencies, subsidiaries or bodies politic, by a religious sect or denomination, or by a nonprofit educational group	N	Y	Y	Y	Y	N
(e) Golf courses and related facilities.	Y	Y	Y	Y	Y	Y

Rail Transit Use Table						
Permitted Light Industry Component Use:	Area Per Use Plan:					
Use:	A	B	C	D	E	F
(f) Tennis clubs, swimming pools, health clubs and similar facilities, including membership clubs, public or private	Y(1)	Y	Y	Y	Y1	N
(g) Places and buildings for public assembly.	Y(1)	Y	Y	Y	Y(1)	N
(h) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(2)	Y	Y	Y	Y(2)
(1) only as accessory to the principal use						
(2) no sewage treatment structures may be located in such area, but such area may be used for transmittal purposes (i.e., underground piping and leaching)						

8.4.5 Prohibited Uses. Specific prohibited uses in the Rail Transit District (RTD) shall be:

1. Truck or trailer sales, with the exception of storing or garaging company motor vehicles.
2. Drive-in theaters or race tracks.
3. Mobile homes.
4. Junkyards or wrecking yards.
5. Refining or storage of petroleum.
6. Stockyards, animal slaughterhouses, or rendering plants.
7. Metal smelting.

8. New or used car sales.
9. Earth recycling facilities, including the processing of contaminated soils, unless required by law, and the processing of earth materials to produce asphalt or cement products.
10. The processing of soils or minerals, including, but not limited to, mining, importing and stockpiling of such materials.
11. Single Family Dwelling, Attached (Non Age Restricted, Attached).
12. Single Family Dwelling, Detached (Non Age Restricted, Detached).
13. No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes, odor, noise, vibration or excessive light under standards set forth in the performance criteria in this chapter; or inhibits the comfort, peace, enjoyment, health or safety of the community or the abutting areas or tends to their disturbance or annoyance under standards set forth in the performance criteria in this chapter.

8.4.6 Dimensional Requirements. Notwithstanding any provision to the contrary contained in the Zoning By-Law and except as otherwise specified in Section 8.4.14, below, the following dimensional requirements shall be the sole dimensional restrictions governing a Rail Transit District (RTD):

1. Lot Frontage. Minimum development parcel frontage shall be one hundred and fifty (150) feet.
2. Lot Area. Individual development component parcels within the Rail Transit District (RTD) shall require a minimum area of 30,000 square feet, except such area which is calculated to meet the requirements of Section 8.4.6.6, below, site area requirements for Transit Village Community (hereinafter referred to as, a "TVC").
3. Under Sized Lot Areas. Lots may be established with less than 30,000 square feet in area under Special Permit conditions of this chapter if determined by the Planning Board that such lot meets all other dimensional regulations of this Section.
4. Building Area. Age Restricted, Attached; Age Restricted, Detached and Age Restricted Multifamily, Dwelling and Dwelling Multifamily, For Rent Unit Requirements in a Rail Transit District (RTD). Determined based upon the total cumulative land area of the applicable Areas (A, C, D or E) as specified in the formula set forth herein, at a density of: (i) 10 units per acre for Age Restricted, Attached; Age Restricted, Detached; and Age Restricted, Multifamily; and (ii) twenty (20) units per acre for Dwelling Multifamily, For Rent (permitted in Area E only). Written computation of the foregoing density shall be provided at the time of the filing of a Site Plan Application with the Planning Board.
5. Building Separation. There shall be a minimum of twenty (20) foot separation between abutting buildings (side to side) in a Rail Transit District (RTD).
6. Area Requirements. Minimum area requirements shall be determined by computation to include total number and distribution of proposed residential dwelling units and wetland use restrictions. The following formula shall determine the number of residential dwelling units permitted per acre in a Rail Transit District:

Allowed Units Per Acre (as provided by this By-Law) x Usable Acres (as defined below) = Number of Permitted Residential Dwelling Units

Usable Acres = Total Acres shall mean: (i) for the Transit Village Community (TVC) the aggregate area in Area A, Area E and Area F combined; and (ii) the aggregate area in Area B, Area C and Area D combined, as the case may be.

[- 10% exclusion for Open Space]

[- the lesser of (i) 20% exclusion for Impervious Surfaces; or (ii) actual Impervious Surfaces]

[- Wetlands (90% of Wetlands as determined by Conservation Commission or other applicable authority unless such Wetlands are situated in the perimeter of the Rail Transit District area or included as part of design elements in any golf course in which event the area of such qualifying Wetlands shall not be deducted or wetland areas which are part of EPA Operable Unit I and Operable Unit III).]

7. Front Yard. The minimum front yard within any development component parcel shall be twenty-five (25) feet with parking restricted to no closer than ten (10) feet from rights-of-ways, except in a Transit Village Community (TVC) where parking shall be permitted to directly abut rights-of-ways.
8. Side Yard. The minimum side yard within any development component parcel shall be twenty-five (25) feet. Notwithstanding anything to the contrary contained herein, in no event shall Dwelling Multifamily, For Rent; Age Restricted Multifamily, Age Restricted, Attached; or Age Restricted, Detached with a height in excess of two (2) stories above grade (3 stories at the rear of the building if the slope of the land permits) be located within 200 feet of the property line of the residential properties which abut Area F and which are outside the Rail Transit District (RTD).
9. Rear Yard. The minimum rear yard within any development component parcel shall be thirty (30) feet. Notwithstanding anything to the contrary contained herein in no event shall Dwelling, Multifamily, For Rent; Age Restricted, Multifamily; Age Restricted, Detached, or Age Restricted, Attached with a height in excess of two (2) stories above grade (3 stories at the rear of the building if the slope of the land permits) be located within 200 feet of the property line of the residential properties which abut Area F and which are outside the Rail Transit District (RTD).
10. Lot Coverage. The maximum development coverage in a Rail Transit District (RTD) shall not result in aggregate Open Space being less than 30%. Such lot coverage restriction may be waived if appropriate and in keeping with reasonable land uses as determined by the

Planning Board when considering Site Plan Review Criteria.

11. Building/Structure Height. Except as otherwise specifically provided herein, the maximum height of any Dwelling Multifamily, For Rent structure) in a Rail Transit District (RTD) shall be three (3) stories above grade (four stories at the rear of the building if the slope of the land permits) and the maximum height of any Age Restricted, Attached, Age Restricted, Detached, and Age Restricted, Multifamily building and any accessory structure related to such age restricted dwelling building shall not exceed two (2) stories above grade (three stories at the rear of the building if the slope of the land permits). The maximum height of any commercial building permitted in a Rail Transit District (RTD) shall be thirty (30) feet. The maximum height may be increased to fifty (50) feet within the Rail Transit District (RTD) upon the grant of a Special Permit and in accordance with the State Building Code.

8.4.7 Buffering and Screening. In order to obstruct the view of adjacent land use parcels outside of the Rail Transit District (RTD), within a distance of fifty (50) feet, minimum, of side and rear yard boundaries, in place landscape greenery or other screening method(s) existing at the time of development shall remain undisturbed or shall be landscaped in accordance with a plan approved by the Planning Board. In the event that a golf course is developed in Area A, Area F and Area E, the open space of the golf course may serve a buffer space for purposes of this By-Law. Area F (100 feet in width) depicts a minimum buffer for abutting residential properties which are not part of a Rail Transit District (RTD). This buffer (Area F) shall be left in an open and natural state except for landscaping approved as part of the Site Plan for such development in Area A or any golf course open space constructed thereon. If such buffering/screening is deemed insufficient, it may be supplemented as determined by the Planning Board during the Site Plan Review process. Remaining non-buffered/screened yard areas shall remain unoccupied, except to support parking, internal drives, accessory structure building needs and emergency vehicle access, as deemed by the Planning Board during the Site Plan Review process.

8.4.8 Parking and Loading Requirements. Except in a TVC which shall be governed by Section 8.4.14.12.a, below, parking and loading requirements shall be in conformance with Sections 5.1 and 5.2.

8.4.9 Performance Standards. The performance standards set forth in Sections 8.4.10 to 8.4.12 are designed to encourage a high standard of development by providing assurance that uses within the Rail Transit District (RTD) shall be compatible with neighboring land uses in the vicinity, as deemed by the Planning Board.

8.4.10 Nuisance Standards.

1. Vibration shall not be discernible to any human's sense of feeling for three (3) minutes in any one (1) hour or producing an acceleration of more than one tenth (0.1) G.
2. Heat, glare or electrical disturbance shall not be discernible beyond the boundaries of the lot.
3. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringelmann Smoke Chart.
4. Air pollution shall not be detectable for any emission of solid or liquid particles in concentrations exceeding three tenths (0.3) grains per cubic foot of the conveying gas or

air at any point.

5. Emissions shall not endanger human health, nor cause damage to animals, vegetation or property, or cause spillage at any point beyond the boundaries of the lot.
6. Odor shall not be detectable by the human senses without the aid of instruments beyond the boundaries of the lot.

8.4.11 Open Space. Open Space for the aggregate area of the Rail Transit District shall equal not less than thirty percent (30%) of the total area of the Rail Transit District (RTD) and not less than ten percent (10%) in Area A and Area F, combined; Area C; Area D; and Area E.

8.4.12 Miscellaneous Standards.

1. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal.
2. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity.
3. The distance between buildings shall be sufficient to provide adequate light and air in conformance with the State Building Code.
4. Special attention shall be given to location and number of access points to the streets, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of the proposed building or neighboring properties.
5. Landscaping shall be in conformance to the Landscaping and screening requirements of Section 5.4.

8.4.13 Requirements of a Site Development Plan. The submission of a parcel Site Development Plan (refer to § 10.0, Definitions) shall meet all criteria set forth in this Section as well as Section 9.4.

8.4.14 Transit Village Community (TVC). A Transit Village Community (TVC) may be located in Area A and Area E and shall consist of for profit, luxury (market driven) apartment-type residences ("Dwelling, Multifamily, For Rent") and age restricted residences (Age Restricted, Attached; Age Restricted, Detached; and Age Restricted Multifamily), supplemented by accessory service structures and amenities described herein, may be situated in and be a part of a Rail Transit District (RTD) to promote a convenient and consolidated residential community. The following general requirements shall apply to the TVC.

1. Uses in a TVC shall be authorized upon Site Plan approval by the Planning Board as regulated by Section 9.4, except such approval shall be determined only after public hearing, with formal hearing notice to abutters and parties in interest, and that any proposal shall be further in compliance with the following provisions, as determined by the Planning Board.
2. The proposed use shall be served by water and sewer services (municipal and/or private) unless the Planning Board, with advice from the Ashland Board of Health and/or the Department of Public Works, deems that alternative services shall meet the long term needs of such proposed use and the Town of Ashland.

3. The site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the Rail Transit District, is of sufficient size, shape, topography and location to be capable of accommodating such multiple uses.
4. Building and Dwelling Unit Requirements in a TVC. The number of dwelling units permitted shall be determined in accordance with the formula set forth in Section 8.4.6.6, above, based upon the total cumulative land area of Area A, Area E and Area F at a density of: (i) 10 units per acre for Age Restricted, Attached; Age Restricted, Detached; and Age Restricted, Multifamily units; and; (ii) twenty (20) units per acre in Area E for Dwelling Multifamily, For Rent units (provided, notwithstanding anything to the contrary contained herein, such units in the Transit Village Community (TVC) shall be limited to no more than two Bedrooms as provided herein). Written computation of the foregoing density shall be provided at the time of the filing of a Site Plan Review Application with the Planning Board, based upon the following standards.
5. Maximum height and separation.
 - a. The maximum height of each residential development building shall be:
 - (i) For Dwelling Multifamily, For Rent three stories above grade (four stories at the rear of the building if the slope of the land permits); and
 - (ii) For Age Restricted, Attached; Age Restricted, Detached and Age Restricted, Multifamily and accessory buildings related thereto, two stories above grade (three stories at the rear of the building if the slope of the land permits); and
 - b. There shall be a minimum of a twenty (20) foot separation between abutting (side to side) buildings [within a Transit Village Community (TVC)].
6. The number of Bedrooms in each Dwelling, Multifamily, For Rent dwelling unit shall be limited to two (2). A one bedroom unit shall be permitted to have one Bedroom in addition to the kitchen living/dining room, study (as defined below) and bathrooms. A two bedroom unit shall be permitted to have two Bedrooms in addition to kitchen living/dining room, Study and bathrooms.
7. Allowable Accessory Buildings, Structures and Preferred Amenities. Customary accessory structures shall be allowed, as determined by the Inspector of Buildings. Such accessory arrangements shall be depicted on the Site Plan if contemplated prior to Site Plan approval.
8. Common Open Space. A clubhouse(s), swimming pool(s), tennis court(s), storage and maintenance structures and other accessory structures shall be allowed, as determined by the Inspector of Buildings after initial Site Plan approval, if in keeping with parcel development coverage. Such accessory arrangements shall be depicted on the Site Plan if contemplated prior to Site Plan approval.
9. Preferred Amenities. Green space, the creation of outdoor areas which may include, but are not limited to, sitting areas with tables, gazebo(s), trellises, paved and level walking/ biking paths, planters and individual/community garden space(s).
10. Allowable accessory service structure-types in a TVC shall be:

appliance repair outlets	day-care centers	ice cream parlors
art galleries	delicatessens	instruction studios
bakery outlets	dry cleaner outlets	laundromats
bank ATM	florist outlets	snack bars
bookstore outlets	food vendors	specialty food shops
collectible shops	gift shops	tailor/cleaner outlets

or other use having externally observable attributes similar to the above shall be allowed, as determined by the Inspector of Buildings after initial Site Plan approval.

11. Building Design Criteria. All buildings and structures shall be designed, located and constructed to afford the following:
 - a. compatibility of architectural styles, scales, building materials and colors within the development;
 - b. variations of facade, roof lines and interior layouts of dwelling units;
 - c. harmonious relationship of buildings and structures to each other with adequate light, air, circulation, privacy and separation; and,
 - d. the capability for constant surveillance, orientation and recognition (to this end, and in lieu of providing conventional streetlighting, individual building front yards and other areas along roadways not fronting buildings and approaches to common-use buildings and structures, shall be provided with architecturally, compatible, street-level type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board).
12. Additional Physical Requirements. Paved sidewalks shall be located and constructed to the bounds of the development from interior roadways to provide pedestrian access to neighboring streets and abutting parcels, if practical, as determined by the Planning Board. Road signs shall be provided to indicate "Private Way," or other appropriate wording, to temper unnecessary intrusion of off-site traffic.
 - a. 1.8 parking spaces per each dwelling unit meeting the dimensional requirements of a Parking Space defined in Section 5.1. **[Amended 5-5-2010 ATM, Art. 15]**
13. Special Requirements. All improvements to the development parcel, including rights-of-ways and dwelling unit/common areas and utility services, except as agreed to by the Town of Ashland when considering access for municipal emergency response vehicles, shall be considered private and developer owned. During construction and after completion of the development, the developer/owner shall be responsible for the maintenance of all dwelling units and other structures/appurtenances, rights-of-way, drives, walkways, parking area(s) and all snow plowing, landscaping, maintenance, trash removal and maintenance/repair of other common elements and facilities serving the residents. The Town of Ashland shall not be responsible, therefore, unless so agreed.

8.4.15 Decision. The Planning Board may impose additional conditions not inconsistent with this and

other Sections of the Zoning By-Laws and all appropriate State and Federal laws.

8.5 ASHLAND DOWNTOWN DISTRICT (ADD) [Amended 5-4-2016 ATM, Art. 21; 5-4-2016 ATM, Art. 22; 5-4-2016 ATM, Art. 23; 11-28-2016 STM, Art. 12; 6-12-2021 ATM, Art. 10]

8.5.1 Purpose. The purpose of this district is to:

1. Provide a framework to encourage the growth and development of a successful downtown that will promote village style redevelopment with a mix of commercial, retail, and residential uses in a walkable environment with a density that is consistent with the design principles herein, and that is functionally vibrant and active, and perceived to be an attractive destination visited by residents throughout Ashland and surrounding communities.
2. Broaden the tax base, enhance long-term economic vitality, improve the quality of life of residents, and improve the business climate by encouraging investment that will create employment and economic opportunity, attract other private investment and improvements to property. To reduce automobile dependency and air pollution by locating multiple destinations in close proximity. To strengthen the sense of community in Ashland by building on Downtown Ashland's inherent assets, historic architecture, and cultural offerings to rekindle entrepreneurship, downtown cooperation and civic engagement.

8.5.2 Purpose of Sub-Areas. The Ashland Downtown District (ADD) is divided into the three sub-areas designed to allow a mixture of land uses where feasible and appropriate. In addition, the ADD will:

1. Focus on site and building design required to promote attractive, functional development,
2. Allow greater flexibility in the use of land and design of buildings, structures, landscape and amenities, include a mix of retail, office, institutional and residential including affordable housing, and
3. The ADD is intended to foster a pedestrian friendly downtown with vibrant activities, shopping and an attractive place to live.

8.5.3 Map. This district is to be applied to the area referenced on the Zoning Map as Ashland Downtown District.

Sub-area A shall overlay all underlying districts so that any parcel of land lying in sub-area A shall also lie in the zoning district in which it was classified prior to May 10, 2006. Notwithstanding any regulations in this Section 8.5, all regulations of the underlying zoning districts shall continue to apply within the Downtown District, so that the uses permitted in this Section 8.5 shall be in addition to the uses permitted in the underlying district; provided however, that the following uses shall be prohibited: Earth, vegetative materials and stone removal; and outdoor storage of goods associated with a permitted use without screening as required by Section 5.4. Where screening is provided in sub-area A for the outdoor storage of goods associated with a permitted use the requirements of Section 5.4 shall be increased so that such goods shall be screened from adjacent uses by landscaped buffers which shall be at least 15 feet in depth and which shall contain opaque screening comprised of walls, fences, berms, shrubs or evergreen plantings, or any combination thereof to prevent adverse impacts on neighboring properties. Opaque screens shall be opaque in all seasons of the year. When berms are used to meet the requirements for a buffer strip they shall be planted with living vegetation.

The minimum, top width of a berm shall be three (3) feet, and the maximum side slope shall be 3:1. No more than twenty-five per cent (25%) of the coverage of a planted berm shall be mulch or non-living material.

8.5.4 Sub-Areas. There are three sub-areas in the ADD designed to promote and strengthen residential, retail and commercial development in the downtown area and to encourage mixed use that also promotes pedestrian and neighborhood activities in the downtown. The boundaries of the sub-areas are designated on the Ashland Zoning Map dated May 10, 2006.

1. Sub-area A is designed to promote the highest level of mixed use, encouraging retail on the first floor and commercial and/or residential on the upper floors.
2. Sub-area B is designed to promote some mixed use where feasible especially commercial/retail on the first floor and residential on the upper floors.
3. Sub-area C is designed to allow mixed uses where feasible but at a lower density than A and B.

8.5.5 Table of Uses. A use listed in the "Table of Uses" shown below is permitted in any sub-area of the ADD denoted by the letter "Y" and is not permitted in any sub-area of the ADD denoted by the letter "N." If denoted by the letters "SP" the use is permitted only if the Planning Board grants a special permit as provided herein and makes such specific findings as may be required by the Bylaw in respect of such use. Within the ADD, the following listed development types of uses and mixed uses shall be allowed as designated:

ASHLAND DOWNTOWN DISTRICT (ADD)	ADD-A	ADD-B	ADD-C
Permitted Residential Uses			
Single family and two-family dwelling homes, other than mobile home	N	SP	Y
Multifamily dwellings (3 or more dwellings)	Y	Y	SP
Dwelling units and retail, office and/or other allowed business in separate buildings on the same lot	Y1	Y	SP
Mixed residential and commercial/business	Y	Y	Y

ASHLAND DOWNTOWN DISTRICT (ADD)	ADD-A	ADD-B	ADD-C
Senior Residential Community pursuant to Sec 7.2 (no acreage requirement)	SP	SP	N
Cluster development pursuant to Sec 7.3	SP	N	N
Accessory family dwelling unit in compliance with Article IV, Special Regulations Sec 7.6	N	SP	SP
Permitted Community Services			
Religious or educational purposes on land owned or leased by a public body, religious group or nonprofit educational corporation	Y	Y	Y
Child daycare, adult care or assisted living facility	Y	Y	Y
Municipal uses not elsewhere specifically cited	Y	Y	SP
Post office	Y	Y	Y
Community center and public recreation center	SP	SP	SP
Nursing, convalescent, rest home, hospital	Y	Y	Y
Mixed business and residential use in the same building	Y	Y	Y

ASHLAND DOWNTOWN DISTRICT (ADD)	ADD-A	ADD-B	ADD-C
Mixed business and residential use in separate buildings on the same lot	Y	Y	Y
Business offices such as sale agents, real estate	Y	Y	Y
Bank or financial institutions without drive-up windows	Y	Y	Y
Bank or financial institutions with drive-up windows	SP	SP	N
Any use set forth above in a building with more than 20,000 sq. ft. of gross floor area	SP	N	N
Outdoor storage of products for sale	SP2	SP2	SP2
Home occupation in compliance with sec 3.2.1	Y	Y	Y
Permitted Restaurant Uses			
Restaurant and/or bakery with no outside seating and no drive-up window	Y	Y	Y
Restaurant and/or bakery, with outside seating and no drive-up window	Y	SP	SP
Restaurant, fast-food, no drive-up	SP	SP	N
Restaurant, fast-food with drive-up	SP	SP	N

ASHLAND DOWNTOWN DISTRICT (ADD)	ADD-A	ADD-B	ADD-C
Cafeteria, lunch or soda counter, ice cream establishment or food service	Y	Y	SP
Catering services	Y	SP	SP
Permitted Retail Uses			
Retail sales and/or services in building less than or equal to 10,000 sq. ft. of gross floor area	Y	Y	SP
Retail sales and/or services in building more than 10,000 sq. ft. of gross floor area	Y	SP	N
Open air vending (e.g. push carts)	SP	SP	SP
Bed-and-breakfast	SP	SP	SP
Veterinary, animal hospital, kennel in compliance with Sec 3.2 lots greater than five acres	Y	Y	Y
Agriculture, horticulture, viticulture or floriculture in compliance with Sec 3.2	Y	Y	Y
Permitted Recreational Uses			
Outdoor commercial recreation other than campgrounds	SP	SP	SP
Theaters and cinemas	Y	Y	SP
Indoor commercial recreation, including tennis club, health or fitness club, day spa	Y	Y	SP

ASHLAND DOWNTOWN DISTRICT (ADD)	ADD-A	ADD-B	ADD-C
Indoor bowling alleys and skating rinks	SP	SP	SP
Permitted Light Industrial Uses			
Printers and similar shops and trades	Y	Y	SP
Light manufacturing, research, assembly, testing	Y	SP	SP
Service industries, such as the repair of appliances	Y	Y	SP
Prohibited Uses			
Motor vehicle service stations, vehicle body repair, restoration, paint shop	N	N	N
Retail sales or rental of motor vehicles, trailers or motorized marine equipment	N	N	N
Adult entertainment establishments	N	N	N
Tattoo Parlors	N	N	N
Storage trailers and outdoor storage of goods associated with a business, retail, commercial or industrial use	N	N	N

Notes on Ashland Downtown District Table of Uses

1. Ground floors of buildings which front on streets shall be reserved for non - residential uses except as specified below
 - a. Dwelling units shall be allowed on ground floors of buildings only where:
 - (i) The building is set behind another building which has non-residential uses on the ground floor; or
 - (ii) The residential portion of the first floor of a building is set behind street-front

non-residential uses within the same building; or

- (iii) In other cases where the SPGA feels that street-front residential uses will not have an adverse impact on the continuity of the non-residential street front uses.

2. Allowed as accessory use only.

8.5.6 Lot and Dimensional Standards.

1. The dimensional requirements in a mixed-use building shall be governed by the ground-floor use of the building. In cases of a mixture of uses in one building or structure, the regulation for each use shall apply to the portion of the building, structure or land so used. The Planning Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved design and/or a design which reflects the design characteristics depicted in the renderings below in the Table Of Dimensional Requirements In The Ashland Downtown District.

Building Type	DIMENSIONAL STANDARDS (REQUIRED)						
	Frontage (Min.)	Lot Size	Front Yard (Min./Max)	Side Yard (Min.)	Rear Yard (Min.)	FAR (Max.)	Height (Max.)
Sub-Area A							
Mixed-Use and Commercial	100'	35,000 SF	8'/15'	0' if common wall; 15' otherwise	12'	2.0	3 Stories (max 38 feet)
Residential-only	100'	35,000 SF	15'/15'	0' if common wall; 15' otherwise	12'	2.0	3 Stories (max 38 feet)
Sub-Area B							
Mixed-Use and Commercial	75'	20,000 SF	8'/15'	0' if common wall; 10' otherwise	12'	1.5	3 Stories (max 38 feet)
Residential-only	75'	20,000 SF	15'/15'	0' if common wall; 10' otherwise	12'	1.5	3 Stories (max 38 feet)
Sub-Area C							
Mixed-Use and Commercial	50'	8,000 SF	8'/15'	0' if common wall; 10' otherwise	12'	1.5	3 Stories (max 38 feet)
Residential-only	50'	8,000 SF	15'/15'	0' if common wall; 10' otherwise	12'	1.5	3 Stories (max 38 feet)

2. Building Orientation. Buildings shall be placed on the site to define the edges of streets and public spaces, constructed to be parallel to the street or public space. Multiple buildings on single lots are permitted. Where multiple buildings exist, to the extent practicable they shall be arranged to form a grid-like pattern.

3. Front Yards. The following standards shall apply to front yards.
 - a. Within the front yard setback, the space shall be used for one or more combination of:
 - (i) Outdoor seating associated with a ground-floor eating establishment.
 - (ii) Publicly available open space, such as a plaza, or the like.
 - (iii) Garden space or other highly landscaped area, which in the opinion of the Planning Board contributes to the neighborhood's vibrancy.
 - (iv) Other uses, which in the opinion of the Planning Board contributes to the neighborhood's vibrancy.
 - b. The Planning Board may allow for greater front yards, whereby in its judgement, doing so will contribute to an improved public realm.
 - c. Parking is prohibited within the front yard setback.
 4. Rear Yards. Where a property abuts a residential district, the rear yard must be a minimum of 30 feet, which may be reduced to no less than a 12 foot rear yard through Special Permit by the Planning Board. Any reduction in the required rear yard setback will be at the discretion of the Planning Board, if in its opinion a reduced setback will not cause any adverse effects to the adjoining residential property.
 5. FAR (Floor Area Ratio). The total floor area of all principal buildings on a lot divided by the area of said lot.
 6. (Reserved)
 7. Height may be increased up to 48 feet through a Special Permit by the Planning Board and in accordance with Section 9.3 to allow for architectural features that add to the building design and which shall not increase additional living space. Examples of such features include a pinnacle, cupola, a clock tower, a terrace, observation area, and the like.
 8. Minimum lot size and minimum frontage requirements may be reduced upon issuance of a Special Permit by the Planning Board if, in its sole discretion, it finds that such a reduction will not negatively impact neighborhood character or have adverse impacts on abutting properties.
 9. Within the Ashland Downtown District the height of all buildings shall be measured from the grade plane of the fronting street vertically to the highest point of the structure. No building shall be greater than 38' feet in height other than allowed by the Special Permit in accordance with Section 8.5.6.7.
 10. A fourth (4) story may be added to a building through a Special Permit by the Planning Board in accordance with Section 9.3.
- 8.5.7 General Regulations. The Town of Ashland Design Review Guidelines (dated 2015 or the most recent edition), adopted by the Planning Board pursuant to the authority granted hereunder, available from the Town of Ashland Planning Department, shall guide the implementation of the standards of this section. All New signs will follow the sign requirements of the commercial "B: zones as noted in Sec 5.3." of this Zoning bylaw.

8.5.8 Performance Standards; Criteria. The ADD application and required plans shall meet the general performance criteria set forth in the regulations and design guidelines adopted pursuant to this Bylaw, including but not limited to Section 9.4 of this Zoning Bylaw. In addition, the Planning Board shall consider the criteria set forth in Section 8.5.14 and 9.3.2 of this Zoning Bylaw following general criteria, where relevant, before issuing a permit for development within the ADD.

1. Suitability of the site for the proposed use(s);
2. Impact on traffic and pedestrian flow and safety and access for emergency vehicles;
3. Adequacy of pedestrian access to buildings and between public spaces;
4. Impact on the visual character of the ADD and surrounding neighborhood;
5. Adequacy of utilities, including sewage disposal, water supply and stormwater drainage.

8.5.9 Design Principles. The leading design principles are:

1. To provide convenient and efficient pedestrian access within the ADD and to surrounding neighborhoods and facilities;
2. To provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and
3. To encourage buildings with a pedestrian oriented scale and design.

8.5.10 To encourage buildings that are compatible with the context and historic nature of downtown Ashland lot design standards. The following standards shall apply to all lots in the ADD:

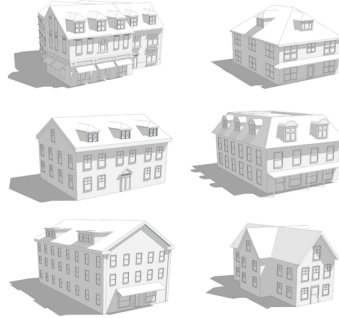
1. Sidewalks shall be required along the lots frontage on a street or streets and walkways between building entrances and the nearest street or streets with minimal interruption by driveways. Parking lot aisles, and access and interior driveways do not count as walkways;
2. Driveway and walkway connections to abutting lots are required within the ADD wherever feasible and appropriate.
3. An outdoor pedestrian area shall be provided on any lot where the floor area is 30,000 square feet or more. The pedestrian area shall be accented with pedestrian amenities such as benches and street furniture. Shade trees, ornamental trees and other landscaping shall be provided to create a separation between pedestrian and vehicular traffic, to highlight buildings and pedestrian spaces, to provide shelter from the sun, to minimize glare for drivers, to reduce noise, and to mitigate fumes.
4. The project must be connected to adjacent residential neighborhoods via pedestrian ways.
5. No driveway or parking lot shall be placed in the portion of a lot that is directly in front of a building as seen from a street, whether or not the building is located on the same lot as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a building that is located in the rear of another building when viewed from a street.

8.5.11 Building Design Standards.

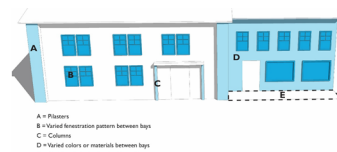
1. Buildings shall be of a design similar to the historic architecture in Downtown Ashland in terms of scale, massing, roof shape, spacing and exterior materials. The following

diagrams are intended to provide inspiration and general examples of compatible buildings and are not intended to be exactly imitated.

Examples of general building and facade typologies compatible within context of downtown Ashland. Note that these diagrams are intended as only guides for development.

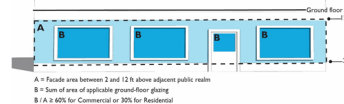


2. The building front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required.
 - a. Where buildings are greater than 60 feet in width along the public right-of-way, buildings shall have vertical modulation elements at minimum every 45 feet. These required vertical articulation elements include a combination of changes in the vertical plane of the building (minimum two foot and maximum 4 feet), vertical architectural details such as columns, pilasters, and the like, varied fenestration patterns, changes of material, and other elements, which, in the opinion of the Planning Board achieve the desired effect.

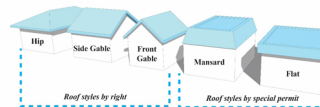


- b. Building facades should be horizontally articulated with a clearly defined base, middle, and top as illustrated below. For buildings three (3) stories and taller, the following standards apply:
 - (i) The bottom one to two (2) stories of a building should be visually integrated as an appropriately scaled expression of the building's base. The base should be visually differentiated from the stories above by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration.
 - (ii) The central portion of each facade should be visually integrated as an expression of the building's middle. The middle should be visually differentiated from the base and top by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration.
 - (iii) The top story of each facade should have a cornice, parapet, roof element, or change in massing as an expression of the building's top.

- (iv) Materials appearing heavier in weight should be used for the building's base, with materials appearing similar or lighter in weight used above.
3. Facades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a ground-floor facade facing the public right-of-way. Facade glazing is measured between two (2) feet and twelve (12) feet of the ground floor above the applicable facade. For commercial uses, the required percentage is a minimum of 60% and for residential uses, the required percentage is 30%. Window casings shall be of style and scale appropriate to the historic nature of the downtown and be no less than 3 inches wide.

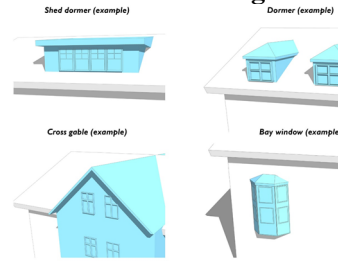


4. The following standards for roofs shall apply:
- Buildings shall have one the following roof styles: front gable, side gable, or hip roof.
 - The minimum pitch requirement is a 7/12 ratio. The Planning Board may grant a Special Permit at its sole discretion and in accordance with Section 9.3 for a reduced pitch of an otherwise by-right roof style.
 - The Planning Board may grant a Special Permit in accordance with Section 9.3 for Mansard, flat roofs, or other roof styles if the applicant can demonstrate that the proposed design will enhance the character of the neighborhood through inclusion of historically appropriate architectural details, such as cornices, moldings, and the like.



5. Buildings shall be designed to include massing components with the intent of adding visual interest and reducing the perceived visual bulk of buildings. Massing components include dormers, shed dormers, cross gables, bay windows, upper story step-backs, or the like.

Examples of building components to be incorporated into building designs. Note that window treatments, roof styles, and proportions can vary, depending on the context of the building's design.



8.5.12 Landscaping. See Section 5.4.

8.5.13 Parking and Loading. See Section 5.1 and 5.2. The schedule of parking requirements found in Section 5.1 shall apply. However in the ADD, the number of parking spaces required for each use shall be 75% of those stated in Section 5.1. Where there is a mixture of land uses on one lot, the number of parking spaces required shall be only 75% of those stipulated above, that is, where there is a mixture of uses the parking requirement will be 56.25% (75% times 75%).

1. Shared Motor Vehicle Parking. Shared use of motor vehicle parking is strongly encouraged, however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement shall be submitted to the Planning Board as part of any permit request. Said shared parking agreement shall address issues such as the maintenance, stripping and snow plowing of the shared parking area.
2. All parking areas, lots and/or facilities shall be connected to the parking areas, lots and/or facilities of all adjacent lots within the ADD, unless physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance.

8.5.14 Mandatory Findings. When a Special Permit is required, the Planning Board shall not issue a Special Permit unless without exception it shall find that the proposed use and development:

1. Is in harmony with the purpose and intent of this Bylaw;
2. Is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity that have functional or visual relationship to the proposed use;
3. Includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in reports from town boards and agencies, reports from consultants, and public hearings;
4. Will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development;
5. Will provide adequate provision for pedestrian traffic; and
6. Will comply with all requirements of all applicable requirements of this By-law.

8.5.15 If, in the judgement of the Town Planner, the design(s) proposed in an application reflect the

design characteristics encouraged in Subsection 8.5.7, the following stipulations shall take effect:

1. The Planning Board's maximum period of review and decision shall be ninety (90) days from the opening of a special permit public hearing and ninety (90) days from the opening of a meeting commencing a site plan review process, unless the review period is extended by mutual agreement of the Planning Board and applicant;
2. Planning Board special permit and site plan review processes shall be conducted concurrently;
3. A maximum of \$4,000.00 in up-front application fees shall be charged. This shall not include peer review fees.

8.6 WILDWOOD MIXED USE SPECIAL DISTRICT

8.6.1 Purpose. The Wildwood Mixed Use Special District in Ashland is established to:

1. Allow for a high aesthetic design standard for development that encourages interaction among activities located within this district, to enhance business vitality, and encourage residential uses in conjunction with commercial activities in a park like setting in order to create an active street life, and reduce vehicular traffic;
2. Encourage a blend of land uses that are compatible and create a livable community that includes multi-unit housing, senior housing, continuing care facilities, retail, offices, light industrial, commercial, and municipal uses;
3. Promote opportunities for a mixture of uses within buildings in this district;
4. Encourage a more pedestrian-friendly environment;
5. Promote the development of flexible space for small and emerging businesses within the buildings in this district;
6. Preserve the district's unique natural setting with its wetland, scenic, and historic assets by encouraging the development of open spaces and civic areas to accommodate workers, residents, student populace, pedestrians, shoppers, and others;
7. Advocate the originality, flexibility, and innovation in site design and development within the district;
8. Facilitate the integration of physical design and promote a high level of aesthetic design quality for architecture and landscaping within this district; and,
9. Ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.

8.6.2 Location. This district is to be applied to the area referenced on the Zoning Map as the Wildwood Mixed Use Special District.

8.6.3 Area Requirements. The minimum land required for the Wildwood Mixed Use Special District shall be 50 acres.

8.6.4 Table of Uses. Within the Wildwood Mixed Use Special District (WMUSD), the following listed development types of light industrial, commercial, residential, municipal/recreational and

miscellaneous uses shall be allowed as designated. **[Amended 11-28-2018 STM by Art. 8]**

Y = Permitted

SP = Conditionally Permitted with Special
Permit

N = Not Permitted

The location of each development component type shall be depicted on the Use Plan on file with the Town Clerk for the Wildwood Mixed Use Special District, which use plan provides for three (3) areas of development (hereinafter, such areas are referred to as "Area A," "Area B," "Area C" and "Area D" which designations correspond to the development areas noted on the aforementioned Use Plan). The Permitted Uses and the Area on the Use Plan where such uses shall be permitted are as follows:

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses (1) Light Industrial Uses	A	B	C	D	E
Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This section shall include chemical, electronics, photography & film, medical & dental, metallurgy, pharmaceutical & X-ray; limited to 10,000 sq. ft.	Y	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This section shall include chemical, electronics, photography & film, medical & dental, metallurgy, pharmaceutical & X-ray; greater than 10,000 sq. ft.	SP	Y	N	Y	Y
Services associated with permitted light industrial uses.	N	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Light manufacturing research; assembly, testing and repair of components, including electronic components; communication equipment; guidance & control equipment; data processing equipment; computer hardware and/or software; and measuring instruments	SP	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Light manufacturing, processing and/or assembly of the following or similar products: food products; medical equipment; apparel; woodworking shops; furniture; fabricated metal products; stone, clay and glass products; optical devices; photographic equipment; and, filing and labeling machinery.	SP	Y	N	Y	Y
Parking in compliance with the Zoning By-Law to service a use permitted herein, except that the Planning Board by Special Permit may permit modifications of the parking requirements on a case by case basis.	Y	Y	Y	Y	Y
Accessory scientific use	N	N	N	N	N
Sewerage treatment facility	SP	SP	SP	SP	SP

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Uses and structures customarily accessory and incidental to primary use.	Y	Y	Y	Y	Y
(2) Commercial Uses					
Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices, and general and corporate offices; limited to 3,000 sq. ft.	Y	Y	N	N	Y
Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices and general and corporate offices; over 3,000 sq. ft.	SP	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Service industries such as repair of appliances, tooling, printing, blueprinting and bookbinding.	SP	N	N	Y	Y
Food preparation and eating facilities; limited to 3,000 sq. ft.	Y	Y	N	Y	Y
Food preparation and eating facilities; over 3,000 sq. ft.	SP	Y	N	Y	Y
Personal service establishments, such as hair care, laundry, photography studio; limited to 3,000 sq. ft.	Y	Y	N	Y	Y
Parking in compliance with the Zoning By-law to service a use permitted herein, except the Planning Board by Special Permit may permit modifications of the parking requirements on a case by case basis.	Y	Y	Y	Y	Y
Short term automobile rental.	SP	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Retail sales, services and boutiques; limited to 3,000 sq. ft.	SP	SP	N	Y	Y
Retail sales, services and boutiques; over to 3,000 sq. ft.	SP	SP	N	Y	Y
Retail home furnishings, home improvement and miscellaneous material and equipment stores which operate totally within principal structures and require no outside storage or display of products or materials; limited to 3,000 sq. ft.	Y	Y	N	Y	Y
Restaurant; limited to 3,000 sq. ft.	Y	Y	N	Y	Y
Restaurant; over 3,000 sq. ft.	SP	Y	N	Y	Y
Restaurant, fast food	N	N	N	N	N
Catering service; limited to 3,000 sq.ft.	Y	Y	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Catering service; over 3,000 sq.ft.	SP	Y	N	Y	Y
Hotel, motel	SP	SP	N	SP	SP
Indoor commercial recreation facility	SP	Y	N	Y	Y
Financial institutions without drive-up window.	Y	Y	N	Y	Y
Financial institutions with drive-up window	N	SP	N	SP	N
Business schools	N	N	N	N	N
Cinema, theater, auditorium	N	Y	N	Y	Y
Continuing care residential community or components thereof	Y	Y	N	Y	Y
Rest home or nursing home	Y	Y	N	Y	Y
Accessory scientific use	N	N	N	N	N
Other drive-up services associated with any commercial or industrial use.	N	N	N	SP	N
Health club or clinic.	SP	SP	Y	Y	SP

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Outdoor commercial recreation other than campgrounds	N	SP	N	SP	SP
Uses and structures customarily accessory and incidental to the primary use.	Y	Y	Y	Y	Y
Sewerage treatment facility	SP	SP	SP	SP	SP
Day care facilities limited to 3,000 sq. ft.	Y	Y	Y	Y	Y
Day care facilities over 3,000 sq. ft.	Y	Y	Y	Y	Y
(3) Residential Uses					
Age restricted attached (as defined in § 8.4.3).	Y	Y	N	SP	SP
(3) Residential Uses					

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Age restricted mixed use building — defined as including one, a portion of a building containing more than one (1) dwelling unit used for occupancy by individuals living independently of each other containing at least one (1) dwelling unit owned or occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult; two, a portion of the building for occupancy of commercial uses	Y	Y	N	SP	SP

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Age restricted, multifamily (as defined in § 8.4.3).	Y	N	N	SP	SP
Dwelling, multifamily	Y	N	N	SP	SP
Dwelling, multifamily in a mixed use building – defined as including one, a portion of a building containing more than one (1) dwelling unit; two, a portion of the building for occupancy of commercial uses.	Y	Y	N	SP	SP
Public housing for the elderly.	Y	N	N	N	N
Affordable housing (defined as housing meeting affordability standards of the Commonwealth of Massachusetts Department of Housing and Community Development).	Y	N	N	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Uses and structures customarily accessory and incidental to the primary use.	Y	Y	Y	Y	Y
Sewerage treatment facility	SP	SP	SP	SP	SP
Dwelling, single family [excluded in a CDA as defined in § 8.6.6.10(a)]	N	N	N	N	Y
(4) Municipal Uses					
Municipal school, other municipal buildings and 24-hour municipal use.	Y	Y	Y	Y	Y
Municipal community center and recreation buildings.	Y	Y	Y	Y	Y
Municipal fields	Y	Y	Y	Y	Y
Municipal cemetery.	Y	Y	Y	N	N
Municipal golf courses and related facilities.	Y	Y	Y	Y	Y
Municipal tennis facilities and swimming pool.	Y	N	Y	Y	Y
Civic area	Y	Y	Y	Y	Y

WILDWOOD USE TABLE					
	Per Use Plan				
Land Use Area Uses	A	B	C	D	E
Uses and structures customarily accessory and incidentals to the primary use.	Y	Y	Y	Y	Y
Sewerage treatment facility.	SP	SP	SP	SP	SP
(5) Miscellaneous Uses					
Residential uses above the ground floor of commercial buildings.	Y	Y	N	Y	Y
Uses exceeding 20,000 sq. ft. except where they are designed to be compatible with the intended pedestrian oriented character of the zone.	N	SP	N	SP	SP

8.6.5 Prohibited Uses. The following uses shall be prohibited in all land use areas:

1. Truck or trailer storage with the exception of storing and garaging company vehicles or allowable vehicles of residential units;
2. Commercial self-storage other than an accessory use;
3. Automobile or truck service or repair station;
4. Automobile or motor vehicle body restoration shops, painting, repair;
5. Automobile or motor vehicle car washing;
6. Animal hospital; animal sales;

7. Adult entertainment;
8. Drive-in theatres or racetracks (defined as a measured course where animals or machines [which include non-motorized vehicles and motorized vehicles] are entered in competition against one another or against time, including tracks used only in the training of animals and exclusive of educational facilities);
9. Mobile homes;
10. Recycling collection facilities;
11. Junkyards or wrecking yards;
12. Refining or storage of petroleum;
13. Stockyards, animal slaughterhouses or rendering plants;
14. Metal smelting;
15. New or used car or truck sales;
16. Earth recycling facilities, including the processing of contaminated soils and the processing of earth materials to produce asphalt or cement products;
17. The processing of soils or minerals, including, but not limited to, mining, importing and stockpiling of such materials;
18. No use shall be permitted that violates that performance standards set forth in this section.

8.6.6 Dimensional Requirements.

1. Lot Area. Individual lots within the Wildwood Mixed Use Special District shall require a minimum of forty thousand (40,000) square feet, except as hereinafter noted. In Area "D" and "Area E" individual single-family dwellings lots shall require a minimum of thirty thousand (30,000) square feet.
2. In "Area A" only, non-senior residential dwellings will require a minimum lot area not less than 5,000 square feet per dwelling unit, plus one thousand square feet per bedroom for a maximum of two (2) bedrooms under the following percentages of development area of that which is buildable in "Area A" only: maximum of 75% "multifamily dwelling" uses (just residential) and or open space and minimum of 25% mixed uses with commercial (nonresidential use on first floor of the mixed use buildings) and/or commercial. Computations for additional housing units in mixed use structures on the second floor or higher shall be calculated at 600 sq. ft. per unit with a maximum of two bedrooms.
3. At least 10% of all housing units in "Area A" shall be affordable as defined by the Commonwealth. No single building shall contain more than 25% affordable housing.
4. Senior residential dwellings require a lot area not less than four thousand square feet per dwelling, plus one thousand fifty square feet per bedroom for two bedrooms.
5. Frontage. The minimum frontage shall be one hundred fifty (150) feet.
6. Front Yard. Front yard shall be no less than (25) feet except as noted below.

- (a) In "Area A," "Area D" and "Area E" there will be no front yard setback for commercial and mixed use buildings.
 - (b) In "Area B," for commercial or mixed-use projects, the front setback shall not exceed fifteen feet for fifty percent of the linear frontage of the building, except areas contiguous with the structure and used for outdoor dining or courtyards shall be exempt from this requirement. This setback shall not be used for parking.
 - (c) In residential only areas the front yard shall not be less than twenty-five feet. In areas where are two front yards on one lot, the permit granting authority may waive set back requirements.
7. Side Yards - shall not be less than twenty-five (25) feet. Multiple buildings on the same lot shall not be closer than twenty feet apart.
8. Rear yard. Shall not be less than twenty-five (25) feet except where the rear lot line is contiguous to a residential area, in which case the buffer zone shall apply as noted in Buffering and Landscaping.
9. Height. The height for buildings in the Wildwood Mixed Use Special District shall be as stated below. In no event shall any building exceed five stories in height.
- (a) For buildings containing only commercial uses or only residential units in "Area A," no building or structure shall exceed a height of three stories unless allowed under Special Permit conditions of this section.
 - (b) For buildings containing both commercial and residential uses in the same building, in "Area A, "Area D" and "Area E" no building or structure shall exceed a height of five stories.
 - (c) For buildings containing only residential uses in "Area D" and "Area E", no building or structure shall exceed a height of three stories unless allowed under the Special Permit conditions of this section.
10. Dwelling Unit Requirements Applicable to Multifamily Dwellings in Area "D".
- (a) Provisions for multifamily dwellings units— A multifamily project is limited to 115 units, except as noted hereinafter, and must have 15% of the units as affordable units. A multifamily project must set aside a minimum sized area of 80,000 square feet for commercial development (the "Commercial Development Area" or "CDA"). This CDA will have frontage along Waverly Street, can be a separate lot from the multifamily project or can be incorporated into the multifamily project. The CDA can be used for a mixed-use building (where the first floor is a commercial use and floors above include residential units). As part of the CDA an additional 25 multifamily units are permitted to be constructed. These units can be within the CDA in a mixed use building or outside of the CDA as part of the multifamily project that triggered the CDA. Waivers of dimensional requirements may be granted by the permit granting authority for the multifamily project and the CDA. Unit affordability will be determined by the standards of the Commonwealth of Massachusetts. Affordable units constructed will be spread among the market rate units in a project.
 - (b) Bedroom Limitation — A maximum of 15% of the units in a multifamily development can be three bedroom units. The remaining units in a multifamily

development must be either one or two bedroom units. The Applicant shall provide for the same proportion of one, two or three bedroom dwelling units for affordable housing units as for non-affordable units within the development.

11. Dwelling Unit Requirements Applicable to Multifamily Dwellings in Area "E".

- (a) Provisions for multifamily dwellings units - A multifamily project is limited to a maximum of eight (8) units .9 acres of land, and must have 15% of the units as affordable units. Waivers of dimensional requirements may be granted by the permit granting authority for the multifamily project. Unit affordability will be determined by the standards of the Commonwealth of Massachusetts. Affordable units constructed will be spread among the market rate units in a project.
- (b) Bedroom Limitations - A maximum of 15% of the units in a multifamily development can be three bedroom units. The remaining units in a multifamily development must be either one or two bedroom units. The Applicant shall provide for the same proportion of one, two or three bedroom dwelling units for affordable housing units as for non-affordable units within the development.

8.6.7 Buffering and Landscaping. For the purposes of this section, the term "buffer zone" shall be defined as a no-disturb zone. No headstones or burial plots are to be allowed in the buffer zone. There shall be no cutting of vegetation in the buffer zone without the express written approval of the Planning Board. Underground public utilities shall be allowed in the buffer zone.

- 1. There shall be at least a one hundred foot buffer zone along the eastern and southern perimeter of the Wildwood Mixed Use Special District as depicted on the Design Concept Plan. There shall be a 50 foot buffer zone for any commercial, mixed use, or municipal use abutting a residential property along the south side of East Union Street. Only commercial and/or mixed uses with commercial and residential components shall be constructed within three hundred (300) feet from the easterly right-of-way line of Chestnut Street, except that multifamily dwelling buildings shall be allowed within the area between the southern boundary of the Property and the road shown as Great Bend Circle on the subdivision plans endorsed by the Planning Board on July 13, 2000 and recorded with the Middlesex County (Southern District) Registry of Deeds as Plan 1187 of 2000.
- 2. Within the required setbacks set forth in this section with the exception of s. 8.6.7.1, above, there shall be no development, other than for access driveways essentially perpendicular to the street, and no removal of trees having trunk diameter of six (6) inches or greater, except as essential for access and safe visibility for exiting vehicles and to remove unhealthy trees and approved by the Planning Board.
- 3. Required yards abutting a public way and required side and rear yards shall be maintained or landscaped so as to provide a dense planting of trees and shrubs with an effective height of at least six (6) feet.
- 4. Landscaping shall be in conformance to the landscaping and screening requirements Section 5.0.

8.6.8 Parking and Loading Requirements. Parking and loading requirements shall be in conformance with Sections 5.1 and 5.2 and the noise bylaw (Chapter 204 of the Ashland Code). Modification in the reduction of the number of parking spaces shall be allowed by Special Permit of the Planning Board.

8.6.9 Walkways. For public convenience, a pedestrian and/or bicycle way shall connect various uses and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system. These uses include, but are not limited to, residential, parking, transit, bicycling, recreation and commercial. All land uses shall be interconnected by walkways and paths within the Wildwood Mixed Use Special District.

8.6.10 Lighting.

1. All outdoor lighting shall be designed so as not to adversely impact surrounding uses while also providing sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity or brightness.
2. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
3. Any outdoor lighting fixture shall be shielded so that it does not produce a strong, direct light beyond the property boundaries, and shall be directed toward the object to be illuminated. Light shall be directed away from residences.
4. An exterior lighting plan is required including the following items plus any additional information required by the Planning Board if needed to determine compliance with these provisions.
5. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights and orientation of all luminaries.
6. For all luminaries, descriptions and diagrams of physical configuration and photometric data, such as those available from manufacturers, indicating fixtures, lamps, reflectors and filter and showing the angle of light cut-off and light distribution patterns.
7. To avoid lighting impacts, outdoor lighting fixtures excluding municipal school outdoor recreational facilities (which are also subject to review by the Planning Board) shall be mounted no higher than fifteen (15) feet except for taller fixtures as requested and approved in writing by the Planning Board which shall be directed inward to the extent feasible, or otherwise oriented and shielded to avoid glare on adjoining premises and planting or other screening used to block headlight glare from drives and parking lots onto adjacent properties and roadway.

8.6.11 Performance Standards. The performance standards set forth in Sections 8.6.12 to 8.6.15 are designed to encourage a high standard of development by providing assurance that uses within the Wildwood Mixed Use Special District shall be compatible with neighboring land uses in the vicinity.

8.6.12 Nuisance Standards.

1. Noise levels shall be in conformance with the noise bylaw. (Chapter 204 of the Ashland Code.)
2. Commercial uses shall be prohibited from 24 hour operation. Said uses shall be designed to operate with limited hours of operation from 6:00 AM to midnight so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents. **[Amended 11-28-2018 STM by Art. 8]**

3. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.

8.6.13 Vibration, Smoke, Heat, Glare, and Odor Standards.

1. Vibration shall not be discernible to any human's sense of feeling for three (3) minutes in any one (1) hour for a total of 15 minutes in any one day, or producing an acceleration of more than one-tenth (0.1) G.
2. Heat, glare or electrical disturbance shall not be discernible from the outside of any structure.
3. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringelmann Smoke Chart.
4. Air pollution shall not be detectable for any emission of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air at any point.
5. Emissions shall not endanger human health, or cause damage to animals, vegetation or property, or cause spillage at any point beyond the boundaries of the lot.
6. Odor shall not be detectable by the human senses without the aid of instruments beyond the structure boundaries of the lot.

8.6.14 Security.

1. Residential units shall be designed to ensure the security of residents, including, but not limited to, the provisions of separate and secured entrances and exits.
2. Nonresidential and residential uses located on the same floor shall have common entrance hallways or common balconies.

8.6.15 Miscellaneous Standards.

1. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal.
2. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity.
3. The distance between buildings shall be sufficient to provide adequate light and air in conformance with the State Building Code.
4. Special attention shall be given to location and number of access points to the streets, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and do not detract from the design of the proposed building or neighboring properties.

8.6.16 Requirements for Submission of a Site Development Plan. The submission of a Site Development Plan shall meet all criteria set forth in this section and for Site Plan Review in Section 9.4 except that the Special Permit Granting Authority shall be the Planning Board within the Wildwood Mixed Use Special District. Application procedure for residential uses which is additional to other requirements set forth in this chapter. Applicants shall submit to the Planning

Board at least five copies of the following:

1. An application.
 2. A site plan prepared by a registered architect, landscape architect and civil engineer, showing existing and proposed topography, proposed structures, drives, parking, landscaping and screening, utilities, drainage and reserved open space.
 3. A ground floor plan, sections and elevations of all proposed buildings.
 4. Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure and subsidies anticipated; rent or sales prices, including any commitments for price ceilings; methods of water supply and sewerage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the town's expense; and means, if any, of providing for design control.
 5. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.
 6. Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
 7. Public services: traffic safety and congestion, need for water or sewer system improvements, need for additional public recreation facilities and need for additional school facilities.
 8. Economics: municipal costs and revenues, local business activity and local jobs.
 9. Social environment: rate of town population growth and range of available housing choice.
 10. Visual environment: visibility of buildings and parking
 11. A site analysis shall also be submitted, consisting of a series of site analysis the same scale as the site plan, each on a separate sheet, indicating analysis of hydrologic systems, vegetative cover, slope and land form, soils and geology and such other characteristics as the applicant deems advisable.
 12. Architectural design of buildings and sign design.
- 8.6.17 Decision. The approval of the Site Development Plan shall include such conditions and findings as deemed necessary by the Planning Board which shall be consistent with this Section, any covenant granted by the property owner with respect to the property comprising the Wildwood Mixed Use Special District and the Site and Design Rules and Regulations of the Planning Board. The approval by the Planning Board of any Site Development and Use Plan shall be binding upon the proponent, subject to the proponent's rights of appeal under state and local laws and regulations.
- 8.6.18 Security and Work Performed.
1. Before issuance of the permit, a security pursuant to state laws in the amount determined by the Planning Board shall have been posted in the name of the Town assuring construction of access, utilities and drainage and cleanup following such construction in

compliance with this chapter.

2. Work covered under the above security shall be done under notification and inspection rules as established in the Ashland Planning Board's Subdivision Regulations (Chapter 344 of the Ashland Code) and the bond shall not be released until all work has been inspected and found to comply with all applicable laws and requirements.
 3. The site shall be so designed that access ways, utilities and drainage serving each structure meet the standards of the Ashland Planning Board's Subdivision Regulations (Chapter 344 of the Ashland Code); visibility of parking areas shall be minimized from public ways or from adjacent premises; lighting of parking areas avoids glare on adjoining premises; major topographic changes and removal of existing trees is avoided; and effective use is made of topography, landscaping and building placement to protect, to the degree feasible, the character of the environs. The Planning Board may waive requirements of the Ashland Planning Board's Subdivision Regulations for a project.
 4. Multifamily dwellings shall be so designed and located that egress does not create a hazard on any street or create substantial increase in traffic on any street other than a principal street.
 5. Multifamily dwellings shall be allowed only if connected to a municipal sewer system.
- 8.6.19 Development Scheduling. Upon authorization of multifamily use, the Planning Board shall establish an annual limit for the number of dwelling units to be authorized taking into consideration the needs which the housing will serve, the ability of the Town to provide services in a timely manner, and the financial, fiscal, and social impacts, and feasibility consequences of the scheduling.

8.7 QUARRY REMEDIATION DISTRICT

8.7.1 Purpose. The purpose of this Quarry Remediation District is to:

1. promote the utilization of the best available mining technologies to construct suitable benches at the outer edges of open mining pits;
2. reduce erosion of topsoil and the subsequent sedimentation of surface water bodies;
3. promote re-vegetation of disturbed areas; and,
4. prevent blight and the pollution of the environment.

8.7.2 Scope and Authority. The Quarry Remediation District shall be considered as overlaying other zoning districts. Any uses permitted in the portions of the district so overlaid shall be permitted, but only subject to the provisions of this Section.

8.7.3 District Delineation. The Quarry Remediation District is defined as all lands within the Town of Ashland lying within that area designated as the "Quarry Remediation District" as depicted on the Plan of Land entitled "Ashland Quarry Closure Plan Showing Property Lines, Proposed Quarry Remediation District Delineation and Zoning Boundaries in Ashland and Hopkinton, Mass." drawn by Norwood Engineering Co., Inc., Consulting Engineers and Land Surveyors, dated February 27, 1998, prepared for the Ashland Planning Board, which plan is on file in the offices of the Planning Board and Town Clerk. The Quarry Remediation District is hereby incorporated as part of the "Zoning Map of Ashland, Massachusetts, revised through May,

1998," on file in the office of the Town Clerk.

8.7.4 Permitted Uses. The following uses shall be permitted within the Quarry Remediation District provided that such uses shall comply with all applicable local, state and federal laws as a matter of right. These uses shall only be permitted for so long as stone extraction is permitted in the Quarry Remediation District as shown on the above referenced plan.

1. Mining of rock, drilling and blasting and all procedures included thereto;
2. Transport of excavated stone by vehicle or conveyor to a processing plant;
3. Crushing, screening and washing of stone; and,
4. Maintenance, removal, repair and replacement of all mining equipment.

The following uses shall be permitted within the Quarry Remediation District as of right without reference to termination of mining activities:

5. Conservation of soil, water, plants and wildlife;
6. Outdoor recreation, nature study; and,
7. Proper operation of existing water bodies, other water control and conservation devices.

8.7.5 Prohibited Uses. The following uses are prohibited within the Quarry Remediation District:

1. Any commercial or residential use;
2. Any industrial use other than the specific mining activities enumerated above;
3. Storage or disposal of hazardous or toxic substances.

8.7.6 Restrictions. The following restrictions exist within the Quarry Remediation District:

1. At all times, there shall be erected and maintained a security fence around the northerly perimeter of the Quarry Remediation District; and,
2. All areas remaining exposed after mining has been terminated and which are not below water level shall be covered with six to eight inches of good quality topsoil and planted with cover vegetation adequate to prevent soil erosion.

8.7.7 Violations. Written notice of any violations of this section shall be given by the Building Inspector/Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violation(s) and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Select Board and Town Manager. The cost of containment, cleanup, or other action of compliance shall be borne by the owner and operator of the premises. **[Amended 11-20-2019STM, Art. 14]**

8.7.8 Enforcement. For situations that require remedial action to prevent adverse impact to the

resources within the Quarry Remediation District, the Town of Ashland, Building Inspector/ Zoning Enforcement Officer, or any of their agents, if authorized to act, shall proceed to enforce such order as provided by law. The remediation cost shall be the responsibility of the owner and operator of the premises.

8.8 Pond Street Mixed Use Overlay District. **[Added 5-6-2009 ATM, Art. 28]**

- 1.0 Purpose. The purpose of establishing the "Pond Street Mixed Use Overlay District" (PSMUOD) Zoning Bylaw is to promote economic development, encourage more efficient use of infrastructure, add vitality to the corridor and provide better access to employment opportunities and services by allowing high density mixed residential and commercial uses within the same building. The benefits of the PSMUOD Bylaw accrue only to those parcels located entirely within the boundaries of the PSMUOD. The PSMUOD shall hereby be established as designated on the zoning map dated, May 6, 2009.
- 2.0 Relationship to Underlying Districts and Regulations. The PSMUOD shall overlay the underlying districts so that any parcel of land lying in the PSMUOD also lies in one or more of the other zoning districts in which it was previously classified, as provided for in the Ashland Zoning Bylaws. The underlying zoning district permitted or allowed uses remain permitted or allowed. Any development proposed under the PSMUOD bylaw is not subject to the regulations of the underlying zoning district.
- 3.0 Special Permit Granting Authority. Any development pursuant to the PSMUOD by-law shall be allowed only by special permit. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) in the PSMUOD. A super majority shall be required for plan approval. All Special Permit applications made pursuant to the PSMUOD by-law shall conform to the standards and criteria and procedural provisions of the PSMUOD by-law and all relevant procedural provisions in the current Ashland zoning by-laws. Said Special Permit may be issued subject to such conditions as the Planning Board may deem appropriate to protect the public interest and to ensure that development to the PSMUOD will be consistent with the purpose of this Section and the controls set forth herein.
- 4.0 Development Criteria. In addition to the specific requirements contained within this Bylaw, the Ashland Planning Board shall issue a special permit for development within the PSMUOD only after consideration of the following:
 1. Adequacy of the site in relation to the size of the proposed structure(s);
 2. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
 3. Suitability of the site for the proposed use(s);
 4. Impact on traffic, pedestrian flow and safety and access for emergency vehicles;
 5. .Impact on the visual character of the neighborhood;
 6. Adequacy of utilities, including sewage disposal, water supply and storm water drainage;
 7. Degree to which the proposed project complies with the stated purpose of this bylaw;
 8. Impact of the proposal on the existing mix of structures and businesses in the PSMUOD.
- 5.0 Permitted Uses. Within the PSMUOD, the Planning Board may issue a special permit for the

following uses either solely or in combination:

5.1 Residential.

1. Dwelling units located above or adjacent to a building containing non-residential uses.
2. Dwelling units above or adjacent to non-residential uses may be connected for access if both are owned by the same entity and occupied by the owner or manager of the business
3. Special use provisions: Ground floor uses
 - a) Ground floors of buildings which front on streets shall be reserved for non residential uses except as specified below
 - b) Dwelling units shall be allowed on ground floors of buildings only where:
 - the building is set behind another building which has non-residential uses on the ground floor; or
 - the residential portion of the first floor of a building is set behind street-front non-residential uses within the same building; or
 - in other cases where the SPGA feels that street-front residential uses will not have an adverse impact on the continuity of the non-residential street front uses.

5.2 Non-Residential

1. Retail stores, including salesrooms and showrooms, general or personal service establishments, business and professional offices, executive and administrative offices, and banks
2. Drive through service windows.
3. Non-noxious light industrial/manufacturing uses.
4. Research/development and biotech uses.
5. All uses allowed by right or by special permit in the underlying zoning district.

6.0 Dimensional Regulations

1. Minimum Lot Size

- a) Minimum Lot Size is 30,000 sf. of "buildable lot area". The lot must contain the

"buildable lot area" in a single, contiguous site within the boundaries of the PSMUOD.

- b) No portion of a street, as defined by the by-law may be included in computing the minimum required "buildable lot area".
- 2. Minimum Lot Frontage. Minimum lot frontage is one hundred fifty (150') feet with at least one means of ingress/egress.
- 3. Density. One residential dwelling unit per 2,000 sf. of "buildable lot area."
- 4. Setbacks and Yard Regulations for Buildings.
 - 1. Following are the setback requirements:
 - a. Required front setback distance: no minimum and no maximum.
 - b. Required side yard width: 10 feet minimum.
 - c. Required rear yard depth: Minimum 15 feet
- 5. Display/Storage. No storage or permanent display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.
- 6. Height Regulations. Building heights up to five (5) stories are allowed in the PSMUOD, and, as a development incentive, the SPGA may allow buildings higher than five (5) stories if the developer can demonstrate to the SPGA's satisfaction, that the increased height is in keeping with the purpose of the bylaw.
- 7. Common Open Land.
 - 1. The developer is encouraged to have Common Open Land for use by the general public. The Common Open Land shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public.
 - 2. The SPGA may permit a density bonus of one (1) dwelling unit per 2,000 sf of Common Open Land provided the area of Common Open Land shall equal at least ten (10) percent of the total parcel area.
 - 3. Any required takings for Right of Way (ROW) improvements including sidewalks along a public street, will not impact the minimum required "buildable lot area" for the development and may be included in the Common Open Land calculation if said land is transferred to the Town or State, as appropriate, free of charge.

7.0 Affordable Housing.

- 1. As a condition of the grant of any special permit in the PSMUOD creating more than ten (10) residential units, a minimum of the following total number of dwelling units shall be restricted as affordable for a period of not less than ninety-nine (99) years. Fractions of .49 or less shall be rounded down and .50 or more rounded up. The form of the ninety-nine year restriction shall be approved by legal counsel to the SPGA, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town of Ashland for a

period of not less than 90 days after notice thereof.

- a. 10% of the units shall be affordable to persons or families qualifying as low to moderate income. Low to moderate income shall mean affordable to persons whose annual income does not exceed eighty percent (80%) of the Area Median Income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.
 - b. The SPGA may grant a density bonus in the event the developer proposes more affordable units than required. Said bonus shall be negotiated between the SPGA and developer.
2. The affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows housing to count towards the statutory affordable housing requirement of Chapter 40B of Massachusetts General Laws.
 3. The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available for the term, exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan.
 4. Affordable residential units shall be subject to a deed rider to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.
- 8.0 Parking Requirements. In the PSMUOD, off street parking shall be provided as follows:
1. For dwelling units, one (1) parking space per each studio or one bedroom unit and one and one half (1 1/2) parking spaces per each unit having two bedrooms or more.
 2. For non-residential uses, one parking space for each two hundred and fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.
 3. Uses not listed in this section shall comply with the parking space requirements of the Ashland Zoning Bylaws.
 4. In the case of mixed uses, the parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless it can be clearly demonstrated to the SPGA that the need for parking occurs at different times, in which event the SPGA may waive this requirement.
 5. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises associated therewith a substantial portion of which is within three hundred (300) feet of the generator.
 6. Off-street parking facilities and connecting drives between such facilities and the street

shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 5.1 of the Ashland Zoning By-laws, entitled: "Off Street Parking Requirements," shall be considered the minimum criteria for evaluating such design.

9.0 Review Standards. The Review Standards are established for the accomplishment of the following purposes:

- Ensure that the PSMUOD's becomes a unique and identifiable place and destination for residents, visitors and business affairs;
- Enhance the social and economic viability of the PSMUOD by preserving property values and promoting the attractiveness of PSMUOD as a place in which to live, work, visit and shop;
- Enhance the PSMUOD's economic resources;
Promote and encourage building design and building alterations that are of high quality and appearance;
Promote flexibility in and variety of development to enhance the natural and aesthetic qualities of the PSMUOD.

9.1 Administrative Procedures.

- a) All applications made pursuant to the PSMUOD by-law shall be subject to Design Review by the SPGA in accordance with the following Design Review Standards:
 1. Scale.
 - a) Buildings shall relate well to the pedestrian scale. Include appropriate architectural details to add visual interest to all facades that face streets, pedestrian pathways, parking lots, or other significant pedestrian spaces;
 - b) Continuous length of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces is discouraged.
 2. Entrances
 - a) For visibility and accessibility, all primary commercial and residential building

entrances shall be visible from either the right-of-way or the parking area, and shall have an entrance directly accessible from the sidewalk.

- b) Air Lock entrances shall not extend beyond the exterior facade into pedestrian pathways.
 - c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at night.
3. Architectural Details – Existing Buildings. If a proposed development includes alteration of, or addition to, an existing building, the change shall employ materials, colors, and textures as well as massing, size, scale and architectural features which show consideration for the original structure, if applicable and appropriate. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a building shall be preserved whenever possible, if applicable and appropriate.
 4. Exterior Materials and Appearance.
 - a) Ground floor portions of commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 50% of the facade surface.
 - b) Predominant wall materials are encouraged to have the appearance of wood, brick, stone or EIFS (stucco).
 5. Roof form.
 - a) New construction may incorporate flat or pitched roofs.
 - b) Flat roofs shall be concealed with parapets along the front and sides of the structures and shall not include scuppers or downspouts that outlet above ground level directly into any pedestrian ways.
 - c) Mechanical equipment shall be screened, organized and designed as a component of the roofscape, and not appear to be a leftover or add-on element.
 6. Service Areas, Utilities and Equipment. Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.
 7. Sustainable Building Design. New buildings constructed in the PSMUOD shall be "Energy Star Certified." Consideration shall be given to using sustainable building practices such as the LEED (Leadership in Energy and Environmental Design) rating system.³³

SECTION 9.0. ADMINISTRATION AND PROCEDURES

9.1 ENFORCEMENT

33. Editor's Note: Former Section 8.9, Photovoltaic Installations Overlay District (PIOD), added 11-19-2013 STM, Art. 18, which immediately followed this section, was renumbered as Section 8.3.

- 9.1.1 Building Inspector. This By-Law shall be enforced by the Building Inspector. The Building Inspector shall take such action as may be necessary to enforce full compliance with the provisions of the chapter and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Selectmen to the Town Counsel.
- 9.1.2 Compliance. Buildings, structures, signs or land may not be erected, substantially altered, moved or changed in use without certification by the Building Inspector that such action is in compliance with then applicable zoning or without review by him/her regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a building permit or certificate of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code may serve as such certification.
- 9.1.3 Permit Responsibility. Responsibility for obtaining permits and certification shall be that of the owner of the premises.
- 9.1.4 Violations and Penalties; Criminal Disposition. Any person violating any provision of this bylaw except Section 5.3 shall be fined, if convicted, according to the following schedule:

First offense:	\$100.00
Second offense:	\$200.00
Third and each succeeding offense:	\$300.00

Any person violating any provision of Section 5.3 shall be fined, if convicted, according to the following schedule:

First offense:	\$25.00
Second offense:	\$50.00
Third offense:	\$100.00
Subsequent offenses:	\$200.00

Each day or part thereof in violation of any provision of this chapter, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.

- 9.1.5 Violations and Penalties; Non-Criminal Disposition. Violations by any person of any provisions of this bylaw except § 5.3 may be processed pursuant to G.L. Chapter 40, s. 21D. Fines for violations shall be assessed according to the following schedule:

First offense:	\$100.00
Second offense:	\$200.00
Third and each succeeding offense:	\$300.00

Any person violating any provision of § 5.3 shall be fined, if convicted, according to the following schedule:

First offense:	\$25.00
Second offense:	\$50.00
Third offense:	\$100.00
Subsequent offenses:	\$200.00

Each day or part thereof of violation of any provision of this chapter, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Zoning Enforcement Officer, the Assistant Zoning Enforcement Officer, any person having police powers, or other person so designated by the Town Manager.

9.2 BOARD OF APPEALS

9.2.1 Establishment. The Board of Appeals shall consist of three (3) members and four (4) associate members, who shall be appointed and act in all matters under this chapter in the manner prescribed by G.L. Chapter 40A and 41, as amended.

9.2.2 Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

1. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority.
2. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances.
3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.
4. To hear and decide comprehensive permits for construction of low or moderate-income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.2.3 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.2.4 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3 SPECIAL PERMITS

9.3.1 Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

9.3.2 Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Community needs served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

9.3.3 Procedures. An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

9.3.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

9.3.5 Plans. Unless otherwise provided by rule or regulation of the special Permit Granting Authority, an applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

9.3.6 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.3.7 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.3.8 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

9.3.9 Priority Development Site(s). An application for a special permit required in connection with the development of a Priority Development Site (PDS) shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal. Review of an application for a special permit shall be combined with any other review(s) required of the Special Permit Granting Authority (SPGA). Where the Board of Appeals is designated as the SPGA and said other review(s) are required of the Planning Board, or where the Planning Board is designated as the SPGA and said other review(s) are required of the Board of Appeals, all reviews shall occur at joint session(s) of those Boards, when feasible. **[Added 5-5-2010 ATM, Art. 17]**

9.4 SITE PLAN REVIEW

9.4.1 Applicability. Site plan review shall apply to:

1. The construction of a commercial or industrial structure in the Commercial A, Commercial B or Industrial Zoning District;
2. The enlargement of floor area or change of use of a commercial or industrial structure in the Commercial H, Commercial D or Industrial Zoning District;
3. The change of use of a residential structure in the Commercial H, Commercial D or Industrial Zoning District;
4. The construction, exterior alteration or change of use of a structure in the Commercial H or D Zoning District so as to contain a mixture of residential and nonresidential uses;
5. The construction or erection of buildings or accessory structures (whether otherwise allowed by right or by special permit), except for single family homes and their accessory structures, including the enlargement or change in location of the exterior walls so as to increase the building footprint by ten (10%) or more, or increase its gross floor area by more than twenty-five percent (25%) whether or not accompanied by exterior construction except in conformity with a site plan bearing an endorsement of approval by the Planning Board.
6. The physical expansion of a parking area by ten percent (10%) or more; changes in use resulting in an increase in parking area requirements greater than or equal to six (6) spaces; new or expanded.
7. All applications for building permits including six (6) or more parking spaces, unless a site plan and design plan review have been endorsed by the Planning Board after consultation with other boards, departments and committees, including but not limited to the following: Inspector of Buildings, Board of Health, Select Board, Town Planner, Town Engineer, Water and Sewer Commission, Town Manager, Conservation Commission, Highway Department, Fire Department, Police Department and Technical Review Committee.
[Amended 11-20-2019STM, Art. 14]

No building permit shall be issued for the construction of any of the above without site plan review approval and design plan approval.

9.4.2 Purpose. The purpose of site plan review is to further the purposes of this chapter and to ensure that new development is designed in a manner which reasonably protects safety or internal circulation and egress, provides adequate access to each structure for fire and service equipment, assures adequate utility service and drainage, protects visual and environmental qualities and protects the property values in the town. Site plan review and design plan review are intended to require plan submittal for review by the Planning Board or its designee, as advisory to the Building Inspector and the Special Permit Granting Authority (SPGA), prior to the issuance of a building or special permit.

1. The purpose of Design Plan Review is to provide detailed review of uses and structures having a substantial impact upon the character of the Town; to prevent blight; to enhance

the natural and aesthetic qualities of the Town; to conserve the value of land and buildings; to protect and preserve the historic and cultural heritage of the Town; and to promote design which is compatible with present character of the Town.

9.4.3 Application.

1. Site plan review, design plan review and approval shall occur prior to the application for a building permit.
2. Prior to official application to the Planning Board, all requests for waivers from the provisions of this section shall be made, in writing, to the Planning Board for its review and decision. The Planning Board shall issue a written statement specifying waivers and/or additional information that must be included with the application within a fourteen-day period from the date of the first Planning Board meeting that follows the written waiver or condition request.
3. Incomplete applications shall not be accepted by the Planning Board. Following submission of an application to the Planning Board, the Board or its agent shall review the application for completeness within three (3) business days of the submission. Completeness shall be based on the requirements of Subsection D(1) as modified by the Planning Board in its pre-application review. If determined incomplete by the Planning Board or its agent, the applicant shall be notified by certified mail that the plan is not accepted due to incompleteness.
4. Each application for site plan review and design plan review shall be submitted to the Planning Board by the current owner of record or by a prospective buyer with a signed agreement to purchase, accompanied by six (6) paper copies of the site plan at 24 x 36 and six (6) copies at 11 x 17. The Town Planner may reduce the number of copies as he/she deems necessary and appropriate. PDFs of the application, site plan, and all other associated documents shall also be emailed to the Town Planner. **[Amended 5-7-2014 ATM, Art. 23]**
5. The Planning Board may require with any submission a payment sufficient to cover any expenses connected with a public informational meeting, review of plans, inspection services or on-site monitoring or installation of utilities as designated, including the cost of any engineering or planning consultant services necessary for review and/or determination of compliance with the construction standards adopted by the Planning Board as part of its rules and regulations. Such standards shall govern all construction in support of the aforesaid purposes, unless waived by the Planning Board. Said fees may be described in the Planning Board's fee schedule as periodically amended and available for public review in the Town Clerk's office. The Planning Board or its designee may communicate directly with the proponent in all matters concerning site plan review and may solicit comments from any party as it deems necessary.
6. For any project located on a Priority Development Site (PDS) and requiring site plan review, design plan review and approval hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D. Site plan and design plan review shall be combined with any other review(s) required of the Planning Board; where the Board of Appeals is responsible for said other review(s), all reviews shall occur at joint session(s) of the Planning Board and the Board

of Appeals, when feasible. **[Added 5-5-2010 ATM, Art. 17]**

9.4.4 Required Site Plans and Design Plan Review Contents. All site plans shall be prepared by a registered architect, landscape architect or professional engineer, unless this requirement is waived by the Planning Board because of unusually simple circumstances. The construction standards set forth in the Planning Board's Regulations Governing the Subdivision of Land, or the standards otherwise adopted by the Planning Board as part of its rules and regulations, shall govern all construction, unless waived by the Planning Board. The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. All site plans shall be on standard twenty-four-by-twenty-six-inch sheets and shall be prepared at a minimum scale of one (1) equals forty (40) feet or as approved by the Planning Board or its agent and shall show:

1. The location and boundaries of the lot and adjacent streets or ways and the location and owners' names of all adjacent properties.
2. Existing and proposed topography, including contours, the location of the wetlands (as defined by the Massachusetts Wetlands Protection Act), streams, water bodies, drainage swales, areas subject to flooding and unique natural land features.
3. Existing and proposed structures, including dimensions and elevations.
4. The location of parking and loading areas, driveways, walkways, access and egress points, curb cuts, handicapped spaces and fire lanes. Such information shall be provided on a separate sheet which also depicts and assures accessibility and travel flow compatibility, using recognized standards (DOT), for all types of vehicles intended to utilize the proposed site.
5. The location and description of all proposed septic systems, water supply, storm drainage systems, utilities and refuse and other waste disposal methods, including compactors, dumpsters and the equivalent.
6. Proposed landscape features, including the location and description of screening, fencing and plantings.
7. The location, dimensions, height and characteristics of proposed signs.
8. The location and description of all outdoor and streetlighting, including methods of screening adjacent properties and public ways from glare.
9. The location and description of proposed open space or recreation areas, if provided.
10. In the case of commercial or industrial projects, information on the types of business that may be operating on the property, so as to plan accordingly for the needs of specific types of businesses. In the case of projects where it is unclear what specific use will be involved, the applicant shall be required to provide information on the general characteristics to which uses on the site shall conform.
11. A construction timetable indicating estimated startup and completion dates.
12. An architectural rendering and/or cross-section of the development shall be submitted.
13. A separate Project Narrative that includes a description of the proposed uses and a written summary of the site plan. **[Added 5-2-2018 ATM, Art. 24]**

9.4.5 Procedures for Site Plan Review and Design Plan Review.

1. The maximum period of review and decision for site plans and design plan reviews shall be one hundred twenty days (120) days from the date of submittal of a complete application, unless the review period is extended by mutual agreement of the Planning Board and applicant. Failure by the Planning Board to vote a decision before the end of the review period shall be deemed approval of the plan. **[Amended 5-7-2014 ATM, Art. 23]**
2. The Planning Board shall within seven (7) days from the date of submittal of a complete application transmit one (1) 24 x 36 paper copy of the site plan to the Board of Health, Building Inspector, Conservation Commission, and Department of Public Works, and one (1) 11 x 17 paper copy to the Fire and Police Departments. Any comments and recommendations shall be issued to the Town Planner within seven (7) days of receipt of the abovementioned materials. **[Amended 5-7-2014 ATM, Art. 23]**
3. The Planning Board may hold a fact-finding and public information meeting within thirty (30) days of the receipt of an application. The applicant or his agent shall attend such a meeting in order to assist the Planning Board in responding to public questions and concerns. Failure to attend shall be deemed lack of compliance with the requirements of this chapter.³⁴

9.4.6 Site Plan Review Criteria and Design Plan Review; General Criteria. The following criteria shall be considered by the aforementioned Boards in the review and evaluation of a site plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located. If the proposal also requires a special permit, it must conform to the special permit requirements set forth herein. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. Before approval of a site plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that these criteria are met. Site plans shall, to the extent feasible:

1. Minimize use of wetlands, steep slopes, floodplains and hilltops;
2. Minimize obstruction of scenic views;
3. Preserve unique natural or historical features;
4. Minimize tree, vegetation and soil removal and grade changes;
5. Maximize open space retention;
6. Screen objectionable features from neighboring properties and roadways.
7. Consideration shall be given to the impacts of the project on town services and infrastructure.
8. Electric, telephone, cable television, gas, water, sewer, drainage and other such utilities shall be underground except in cases of extreme physical and environmental constraints.
9. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and

34. Editor's Note: Former Subsection 9.4.5.4, concerning time limits for decisions for projects in a priority development site (PDS), added 5-5-2010 ATM, Art. 17, was repealed 5-7-2014 ATM, Art. 23.

structures and other unsightly uses shall be set back or screened to protect the neighbors and those using public ways from objectionable features. Such areas shall not impede the flow of traffic on public ways.

10. When applicable, the site plan shall show measures to reduce and abate noise generated from the site that will impact surrounding properties.
11. The site plan shall comply with all zoning requirements for parking, loading, signage, dimensions and environmental performance standards and all other provisions of this By-law.
12. The site plan shall be consistent with the objectives of the Comprehensive Plan and other applicable specific plans adopted by the Planning Board.

9.4.7 Building Design. For all buildings other than single- and two-family structures, consideration should be given to architectural style and its relation to the prevailing character and scale of buildings in the neighborhood and the town. Factors to be considered include the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and sitting should be used to provide visual interests and to avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings.

9.4.8 Traffic. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site, in relation to abutting properties and in relation to adjacent ways. On-site areas for loading, unloading and storage shall not impede the flow of traffic on streets. In cases where the Planning Board deems it necessary to have a professional traffic analysis, such analysis shall describe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site. An analysis of traffic data (as is reasonably available from public agencies and departments) or all relevant intersections shall also be provided by the applicant. Plans shall demonstrate efforts to minimize the number of curb cuts. Parking plans shall maximize the extent to which employee parking is provided by the applicant so as not to overburden public parking facilities.

9.4.9 Water. The site plan shall show adequate measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation and to prevent changes in groundwater levels, increased volume and rate of runoff and potential for flooding. Drainage shall be designed so that runoff shall not be increased in rate or volume, groundwater recharge is maximized and neighboring properties will not be adversely affected.

9.4.10 Landscaping. Landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas and shall be related harmoniously to the terrain and to the use.

1. Site shall be developed in a coordinated manner to complement adjacent structures through placement, architecture, colors, and size/mass.
2. Whenever possible, buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
3. Provide unity of design through repetition of plans and coordination with adjacent

developments.

4. Landscape materials should be hardy species that are adaptable to local conditions, easily maintained and drought tolerant. Use of native plants is strongly encouraged.
5. Landscape treatment should be provided to enhance the building design and other site improvements.

9.4.11 Buildings. Sites should be developed in a coordinated manner to complement adjacent structures through placement architecture, colors, size, mass. Proposed buildings shall be related to their surroundings with respect to height, street facade, rhythm of solids and voids; spacing of buildings or signs; materials, textures, and color, roof slopes, and scale. All exterior building components including windows, doors, eaves, and parapets are to be included as elements of building design. Excessive brilliance or brightness shall be avoided except where that would enhance the character of the area. Mechanical equipment or other utility hardware on the roof, grounds or buildings shall be screened from view.

1. Building shall reflect an individual design that has considered site location, conditions, and surrounding development. Building design should provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time.
2. A consistent visual identity shall be applied to all sides of buildings visible to the general public. In these areas, all building sides shall have an equivalent level of quality of materials, detailing, and window placement. Abrupt ending of architectural details shall be avoided with no radical change in details, features, or materials.
3. Building design shall incorporate traditional building materials such as masonry, stone, heavy timbers, brick, and other natural appearing materials.

9.4.12 Final Action. The Planning Board's final action shall consist of:

1. A stamped determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this chapter; and
2. Written approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary, filed with the Town Clerk; or
3. A written denial of the application stating reasons for such denial and the specific changes required in the site plan in order to receive site plan approval. Any such denial shall refer to the site plan review criteria that are inadequately met in the plan and the expected negative impacts thus resulting.

9.4.13 Enforcement.

1. Construction that does not comply with the site plan approved under this section shall be deemed to be in violation of this chapter, and as such shall be subject to fines and legal processes so authorized.
2. The Planning Board may recommend the posting of a performance guaranty to assure compliance with the plan and conditions.
3. Construction inspections in support of the purposes of site plan review and design plan review shall be carried out by an agent designated by the Planning Board, and all such

costs shall be borne by the proponent, as aforesaid.

4. Prior to the use and occupancy of the project, all construction in support of the purposes of site plan and design plan review conditions shall be completed according to the approved plan. This includes maintenance of final grades and elevations as depicted, and the placement of hydrants according to Fire Department regulations. The Planning Board may require an as-built plan drawn in conformance with the standards adopted by the Planning Board as part of its rules and regulations.

9.4.14 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 Board upon the written request of the applicant.

9.4.15 Regulations. The Board may adopt reasonable regulations for the administration of site plan review.

9.4.16 Fee. The Board may adopt reasonable administrative fees and technical review fees for site plan review.

9.4.17 Appeal. Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

9.5 PLANNING BOARD ASSOCIATE MEMBER

9.5.1 Applicability. In cases where the Planning Board is designated as the Special Permit Granting Authority in specific sections of this Bylaw, one (1) associate member shall be authorized as provided for in Section 9 of G.L. Chapter 40A.

9.5.2 Initial Appointment. The Select Board and Planning Board shall appoint an associate member by majority vote of the combined membership of both boards, sitting and voting. A majority of each board shall be required to sit and vote. **[Amended 11-20-2019STM, Art. 14]**

9.5.3 Term of Office. Initially an associate member shall be appointed for a term expiring on June 30, 1999. Thereafter, the term of an associate member shall be for three (3) years.

9.5.4 Vacancy. In the event of a vacancy in the position of associate member, the position shall be filled in the same manner as outlined herein. The term of the person appointed to fill a vacancy shall be the remainder of the unexpired term of appointment.

9.5.5 Duties. The chairman of the Planning Board may designate an associate member to sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board.

9.6 Design Plan Review **[Added 5-4-2011 ATM, Art. 16]**

9.6.1 Purpose. The purpose of the Design Review is to coordinate the aesthetic development of designated areas in Town through land, site, architectural, and sign review. This shall occur through an open process that involves the community and as guided by relevant documents, the Design Guidelines, as well as commonly accepted design standards.

9.6.2 Form. Design Review is conducted by a Committee made up of 5 members and up to two alternates appointed by the Planning Board. Where possible, permanent members shall have experience in the fields of architecture, landscape architecture, or engineering and one person

owning a business in the town. Members shall be appointed for an initial term of one, two, or three years, at the conclusion of which they may be reappointed by the Planning Board for a term of three years. Terms shall be staggered. The Design Review Committee (DRC) meets twice a month or as needed to hear applications.

9.6.3 Applicability and Authority. The DRC shall review applications for Site Plan Review submitted under Section 9.4 of the Ashland Zoning Bylaw, provided the property exists in the following areas of town:

1. Downtown and Pleasant Street: The geographic center of Ashland, including the Ashland Downtown District zoning districts.
2. Route 135 Corridor: Properties with frontage on Route 135 and in the Highway Commerce, Industrial, Neighborhood Commerce, or Wildwood Mixed Use Zoning districts.
3. Route 126 Corridor: Properties with frontage on Route 126 and in the Highway Commerce, Village Commerce, or Multifamily zoning districts.
4. Properties with projects requiring design review per section 9.4.1.7 of Chapter 282 (Zoning) of the Town of Ashland Code. **[Amended 6-12-2021 ATM, Art. 8]**

Design Review shall evaluate requests for Site Plan Review on the design criteria in this bylaw and any Design Guidelines promulgated by the DRC. The DRC shall submit its written findings to the Planning Board and to the applicant along with any recommendations and suggested conditions. Such findings shall contain any recommendations and explanations and shall be submitted to the Planning Board to be included in its Site Plan Review process.

9.6.4 Fees. Reasonable administrative and technical review fees may be assessed for Design Review as determined by the Planning Board.

9.6.5 Required Design Plan Contents. Each application for design plan review shall include one full-size and seven reduced copies of the following:

1. Design review application;
2. Narrative describing the proposed project; and
3. Plans and drawings showing proposed work as detailed in the Design Review Guidelines.

9.6.6 Application Process

1. The design review application shall be submitted with the site plan submission. The design review process shall commence on the date a complete site plan application is filed with the Department of Community Development and Health.
2. The project shall be reviewed at a public meeting of the DRC. Abutters within 300 feet of the locus property shall be notified by regular mail sent out no later than one week before the meeting.
3. At the completion of its review, the DRC shall submit its written findings to the Planning Board for consideration during Site Plan Review.

4. The Design Review shall be completed and written findings shall be provided to the Planning Board prior to completion of the Site Plan Review but in no event shall Design Review be completed more than 60 days from the application date. The Applicant may choose to extend the time allowed for Design Review so long as the Committee submits its findings to the Planning Board prior to the completion of Site Plan Review. If the Committee fails to submit its findings to the Planning Board within 60 days, the Committee shall be deemed to have waived its authority to submit such findings.

9.6.7 Design Criteria. The DRC shall review applications for Site Plan Review based upon the following criteria:

1. Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of nearby developed areas.
2. Building Orientation. Buildings shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the surrounding area that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings with respect to:
 - i. Height;
 - ii. Street facade;
 - iii. Spacing of buildings or signs;
 - iv. Materials, textures and color;
 - v. Roof slopes; and
 - vi. Scale.
3. Open Space. All open space, landscaped and usable, shall be designed to add to the visual amenities of the area for persons passing the site or overlooking it from nearby properties.
4. Heritage. Removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable.
5. Pedestrian Access. The town recognizes that pedestrian and bicycle facilities are needed, as set forth in the Open Space and Recreation Plan which identifies several proposed actions to improve non-vehicular mobility and access.
6. Design Plan Review Guidelines. The Committee shall adopt Guidelines as approved by the Planning Board for the administration of Design Review.

9.6.8 Enforcement. Any recommendations by the DRC that the Planning Board adopt and incorporate into its Decision on Site Plan Review shall have the same legal enforcement authority as site plan approval.

9.7 Rate of Development Bylaw **[Added 11-28-2016 STM, Art. 13]**

9.7.1 Purpose: The Town of Ashland has experienced substantial and rapid growth in residential housing since the year 2000. Such growth arises from the development of both conventional residential subdivisions as well as multi-family development. Such rapid growth has placed

considerable strain on municipal resources, ranging from sewer and water service, emergency services, roadway repairs, storm water management and educational services. Given the limitations on allowable tax levy under G.L. c. 59, the Town is disabled from funding adequate services to support its growing housing stock. Failing to provide adequate services poses adverse impacts to the health, safety and welfare of residents, including the inability: (1) to provide safe and adequate roadways and other infrastructure; (2) to ensure that schools are not over-crowded; and (3) to maintain adequate staffing and equipment for the Ashland police and fire departments. To allow the Town to implement adequate policies, regulations and bylaws; and to invest in necessary infrastructure, which will enable the Town to ensure that adequate municipal services may be provided to all residents, the provisions of this bylaw employ temporary restrictions on the issuance of building permits for residential developments.

9.7.2 Applicability: This bylaw shall apply to any development approved after the effective date of this bylaw of: (1) a residential subdivision of four or more lots; (2) four or more lots for residential development as shown on a plan endorsed "Approval Not Required" by the Planning Board; or (2) a multi-unit or duplex apartment or condominium project containing residential units in two or more buildings. Each such type of development shall be hereinafter referred to as a "Project".

9.7.3 Building Permit Limitation: Each such Project to which this Bylaw applies may receive only 25% of its the proposed building permits for the proposed buildings or lots approved in said Project in a given year. For example, for an eight-lot subdivision, only two building permits for single or two family buildings may be issued per year; and for a condominium or apartment complex containing eight buildings to be used for residential units, only two buildings per year may receive building permits. Each fraction of a unit or building shall be rounded down with a minimum of one.

9.7.4 Exceptions: By Special Permit issued by the Planning Board, exceptions may be made to the foregoing limitation. Said Special Permit shall be determined in accordance with the provisions of Section 9.3.

9.7.4.1 This section 9.7 shall not apply to any Project in the CD district.

9.7.5 Term: The terms of this Bylaw shall expire four years following its effective date.

SECTION 10.0. DEFINITIONS

In this by-law, 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 by-law. 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"; 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 by-law.

Above ground level (AGL) — A measurement of height from the average grade of a site around the

perimeter of the base of the structure to the highest point of a structure. **[Amended 11-19-2013 STM, Art. 22]**

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 building or use — A building not attached to any principal building or a use customarily incidental to and located on the same lot with the principal building or use, except that if more than twenty-five percent (25%) of the floor area or fifty percent (50%) of the lot area is occupied by such use, it shall no longer be considered "accessory."

Accessory family dwelling unit — A dwelling unit contained with or an extension of a single-family structure to accommodate an additional family related by blood, marriage or adoption or sixty (60) years of age or older. The "accessory family dwelling unit" shall be no greater than twenty-five percent (25%) of the floor area of the principal dwelling or eight hundred (800) square feet in total floor area, whichever is greater.

Accessory sign — Any sign that, with respect to the premises on which it is erected, advertises or indicates one (1) or more of the following and which contains no other advertising matter: the person occupying the premises or the business transacted on the premises; or the sale or letting of the premises or any part thereof. **[Amended 11-19-2013 STM, Art. 22]**

Adult entertainment establishments — Shall include and be defined as follows:

Adult Bookstore — An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31, M.G.L. For purposes of this definition, "substantial or significant portion of stock" shall mean more than twenty-five (25) percent of the subject establishment's inventory or more than twenty-five (25) percent of the subject premises' gross floor area.

Adult Live Nudity Establishment — An establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in Chapter 272, Section 31, M.G.L. and which excludes minors by virtue of age.

Adult motion picture theater — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31, M.G.L.

Adult Paraphernalia Store — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Chapter 272, Section 31, M.G.L. For purposes of this definition, "substantial or significant portion of stock" shall mean more than twenty-five (25) percent of subject premises' gross floor area.

Adult Video Store — An establishment having as a substantial or significant portion of its stock-in-trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31, M.G.L. For purposes of this definition, "substantial or significant portion of stock" shall mean more than twenty-five (25) percent of the subject premises' gross floor area.

Age restricted, attached (townhouse) — One (1) of two (2) or more residential buildings having a common party wall separating dwelling units owned or occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult. **[Amended 11-19-2013 STM, Art. 22]**

Age restricted, detached — A residential building containing not more than one (1) dwelling unit and entirely surrounded by open space on the same lot owned or occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who may be under fifty-five (55) years of age, unless otherwise qualifies as a handicapped adult. **[Amended 11-19-2013 STM, Art. 22]**

Age restricted, multi-family — A building or portion thereof used for occupancy by individuals living independently of each other and containing three (3) or more dwelling units owned or occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult. **[Amended 11-19-2013 STM, Art. 22]**

Agricultural Use, Nonexempt — Agricultural use of property not exempted by G.L. c. 40A, s. 3.

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.

Alternative Energy — Energy shall include solar, wind, hydro (rivers), and geothermal (hot springs), that can replace or supplement traditional fossil fuel sources such as coal, oil, and natural gas. It is energy derived from sources that do not use up natural resources or harm the environment. **[Added 5-5-2010 ATM, Art. 22]**

Alternative Energy and Renewable Energy Manufacturing Facilities — Include, but are not limited to, the following: manufacturing of solar panel production, wind turbine or hydro turbine production, and fuel cell production. **[Added 5-5-2010 ATM, Art. 22]**

Alternative Energy and Renewable Energy Research and Development Facilities — Include, but are not limited to, the following: Research & Development Facilities used for research intended to enhance geothermal systems, research related to advance battery systems.[**Added 5-5-2010 ATM, Art. 22**]

Ambulatory — Capable of walking independently or of personal mobility aided by mechanical means or staff (aide) assistance; not bedridden.

Animal Kennel or Hospital — Premises for raising, harboring or care of domestic animals for a fee.

Antenna — The surface from which wireless radio signals are sent and received by a Wireless Communications Facility. [**Amended 11-19-2013 STM, Art. 22**]

Applicant — The legal or beneficial owner or owners of any land proposed within the Mixed Use Special District.

Aquifer — Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

As-of-right siting — As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Inspector of Buildings or the Site Plan Review as authorized by this bylaw.[**Added 11-19-2013 STM, Art. 18; amended 11-19-2013 STM, Art. 22**]

Assistance with Activities of Daily Living — Physical support, aid or assistance with bathing/bathroom use, dressing, grooming, ambulation, eating, self-administered medication management, or other similar tasks.

Assisted Living Facility — Facility licensed pursuant to G.L. c. 19D.

Awning or canopy — Includes any structure made of cloth or metal or a frame attached to a building and projecting there from and possibly carried by frames supported at grade level.[**Amended 11-19-2013 STM, Art. 22**]

Banner — A temporary sign consisting of lightweight flexible material, which is supported by a frame, ropes, cables, wires or other anchoring devices.[**Amended 11-19-2013 STM, Art. 22**]

Basement — That portion of a building which is partly or completely below grade.

Bed-and-Breakfast Inn — A house or portion thereof where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Bedroom —

1. Any habitable room in a dwelling, other than a living room, dining room, kitchen, utility room or bathroom, if such room exceeds seventy (70) square feet. Any dwelling unit in which no such room exists shall be construed to contain one (1) "bedroom."
2. Bedroom, Rail Transit District — A room providing privacy intended primarily for sleeping and consisting of not less than 70 square feet. A bedroom, for purposes of 310 C.M.R. 15.002, shall constitute a bedroom for purposes of the Rail Transit District. A one bedroom unit shall be permitted to have one Bedroom in addition to the kitchen, living/dining room, Study (as defined below) and bathrooms; a two bedroom unit shall be permitted to have two Bedrooms in addition to the kitchen, living/dining room, Study (as defined below) and bathrooms. [**Amended 11-19-2013 STM, Art. 22**]

Boardinghouse — A building used for lodging between five (5) and fifteen (15) individuals, with or without meals, for compensation, with the owner resident on the premises.

Buffering/Screening — Methods intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. Such techniques may include planting of greenery (including trees), fencing, walls, hedges, or other features.

Building — Any structure or parts thereof, enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed having a roof or similar covering, whether or not permanent in nature, to form a structure for the shelter of persons, animals or property.

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

Building directory — A wall sign listing names, times, uses and locations of various services, offices or activities within a building and which is intended to be read at close proximity.**[Amended 11-19-2013 STM, Art. 22]**

Building height — The vertical distance from the grade plane to the average height of the highest roof surface.

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

Business establishment — A single commercial or industrial enterprise which may occupy one (1) or more buildings or a portion thereof. See also "shopping center."

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.

Camouflaged — A Wireless Communications Facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."**[Amended 11-19-2013 STM, Art. 22]**

Camper — A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses, but not for permanent residence; and includes equipment commonly called "travel trailers," "pickup coaches" or "campers," "motorized campers" and "tent trailers," but not mobile homes.

Campground — Premises used for travel trailers, campers or tenting or for temporary overnight facilities of any kind where a fee is charged.

Camping, supervised — Facilities operated on a seasonal basis for a continuing supervised recreational, health, educational, religious and/or athletic program, with persons enrolled for periods of not less than one (1) week and with group dining if overnight accommodations are included.

Carrier — A company that provides wireless services.**[Amended 11-19-2013 STM, Art. 22]**

Catering services — Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Child care facility — A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

Clearing — Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.**[Amended 11-19-2013 STM, Art. 22]**

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.

Co-location — The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier. **[Amended 11-19-2013 STM, Art. 22]**

Commercial accommodations — A building or group of buildings containing guest units providing transient accommodations to the general public for compensation, and as an accessory use not more than a single dwelling unit; includes hotel, motel, tourist home, boardinghouse and lodging house.

Commercial recreation, indoor — A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

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

Contractor's yard — Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Convalescent, nursing or rest home — Any institution licensed as a nursing, convalescent or rest home or charitable home for the aged by the Department of Public Health pursuant to M.G.L.A. C. 3, § 71.

Convenience store — A retail sales food and beverage store that may sell prepackaged, frozen, chilled or sealed foods and meals to be heated and eaten, generally off the premises.

Copy Shop — Primarily a retail facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments, or similar large scale operations. **[Added 5-5-2010 ATM, Art. 25]**

Cross-polarized (or dual polarized) antenna — A low mount that has three panels flush mounted or attached very close to the shaft. **[Amended 11-19-2013 STM, Art. 22]**

Design concept plan — A preliminary plan showing the proposed use of all areas within the Wildwood Mixed Use Special District.

Development — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, excavation or drilling operations.

Double-faced sign — A freestanding, projecting or arcade sign with two (2) virtually identical faces which are back-to-back and not more than eighteen (18) inches apart. **[Amended 11-19-2013 STM, Art. 22]**

Drive-through — An establishment in which part of the business transacted is conducted by a customer in or on a vehicle. **[Added 5-7-2014 ATM, Art. 25]**

Drive-through only facility — An establishment in which part of the business transacted is conducted by a customer in or on a vehicle. **[Added 5-7-2014 ATM, Art. 25]**

Dwelling — **[Amended 11-19-2013 STM, Art. 22]**

1. Dwelling — A building or part thereof designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more

than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

2. Dwelling, multifamily or apartment — A structure containing three (3) or more dwelling units, irrespective of ownership or tenure.
3. Dwelling, multi-family, for rent, Rail Transit District — A building or portion thereof (Single Apartment) used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.
4. Dwelling, single family — Premises accommodating a single dwelling unit.
5. Dwelling unit — A building or portion of a building providing living quarters for a single family and up to four (4) boarders.³⁵

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. **[Amended 11-19-2013 STM, Art. 22]**

Educational use, nonexempt — Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Elderly Assisted Living Service — Any entity, organized for profit, which meets the following criteria:

1. provides room and, as applicable, either full or partial board; and,
2. provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not own or control, personal care services for three (3) or more adults who are not related by blood relationship or affinity to their care provider; and,
3. collects payments or third party reimbursements from, or on behalf of, residents to pay for the provision of assistance with the activities of daily living or arranges for the same; and,
4. provides, or arranges access to services and facilities including, but not limited to, the following: meeting rooms, laundry rooms, gardening, exercise rooms and recreational areas, restaurants/snack bars, libraries, offices, health practitioner services for diagnosis and out-patient services for residents only, self-administered medication management, meals, common or private dining facilities, physical therapy facilities, social activities, barber/beauty services, transportation for medical and recreational purposes, assistance with activities of daily living and such other common areas or additional services for residents as may be desirable.

Electronic message board sign — A sign with a fixed or changing display/message that includes alphabetic, pictographic, or symbolic informational content that is composed of a series of lights or electrically illuminated segments that may be changed through electronic/computer means. A time and/or temperature sign shall not be considered an electronic message board sign. **[Amended 11-19-2013 STM, Art. 22]**

Environmental assessment (EA) — An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a Wireless Communications Facility is placed in certain designated areas. **[Amended 11-19-2013 STM, Art. 22]**

Equipment shelter — An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment. **[Amended 11-19-2013 STM, Art. 22]**

35. Editor's Note: The definition of "dwelling," which immediately followed this definition, was repealed 11-19-2013 STM, Art. 22. See now the definition of "dwelling."

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 overhand, 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.

Fall zone — The area on the ground within a prescribed radius from the base of a Wireless Communications Facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material. **[Amended 11-19-2013 STM, Art. 22]**

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

Family day care home — Any private residence operating a facility as defined in G.L. c. 28A, s. 9.

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

Filling — The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation. **[Amended 11-19-2013 STM, Art. 22]**

Flea market — A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include selling goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent profit seeking businesses that require all local permits and licenses.

Floor Area Ratio — Expressed as a whole number and/or decimal, the division of gross floor area of all buildings within the development by the development parcel area.

Floor Area Ratio — Expressed as a whole number and/or decimal, the division of the gross floor area of all buildings on a lot by the area of the lot.

Floor Area Ratio — Expressed as a whole number and/or decimal, the division of the gross floor area of all buildings on a lot or parcel by the area of such lot or parcel.

Freestanding sign — Any sign supported by one (1) or more uprights, braces or poles or placed directly on the ground and not attached to a building. **[Amended 11-19-2013 STM, Art. 22]**

Functionally equivalent services — Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging. **[Amended 11-19-2013 STM, Art. 22]**

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

General service establishment — A facility providing general service including, but not limited to, small engine repair, small appliance repair, upholstery or furniture repair, catering, bicycle repair shop, sales office and the like.” **[Amended 5-5-2010 ATM, Art. 25]**

Grade Plan — A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the

building.

Grading — Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.**[Amended 11-19-2013 STM, Art. 22]**

Gross Floor Area — The total area of all floors of a structure computed using the outside walls of the unit in accordance with the State Building Code.

Groundwater — Water beneath the surface of the ground, whether or not flowing through known and definite channels.

Groundwater Protection District — The zoning district defined to overlay other zoning districts in the Town of Ashland. The groundwater protection district may include specifically designated recharge areas.

Guest Unit — A room or suite of rooms in commercial accommodations (hotel, motel, tourist home, boardinghouse or lodging house) suitable for separate rental. Any unit containing a stove and either or both a refrigerator or a kitchen sink shall be considered a dwelling unit.

Guyed tower — A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.**[Amended 11-19-2013 STM, Art. 22]**

Home Occupation — A business or profession engaged in within a dwelling by a resident thereof as a use accessory thereto.

Hospital — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other physical or mental conditions and including, as an integral part of the institution, related facilities, including laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Illumination, external — The illumination of a sign by a light source based outside the sign directed at the sign.**[Amended 11-19-2013 STM, Art. 22]**

Illumination, internal — The illumination of a sign by a light source from within the enclosed area of the sign itself.**[Amended 11-19-2013 STM, Art. 22]**

Impervious surface — Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Impervious surface, rail transit district — Any hard-surfaced man-made area that does not readily absorb or retain water, or other fluids, including, but not limited to buildings, parking areas, driveways, roads, sidewalks, paved recreation areas, and any areas in concrete or asphalt. For purposes of Section 8.4, the area of the MBTA Site Access Drive, the area associated with the parking lot of the MBTA station and the area of the "Superfund" cap shall not be deemed to constitute Impervious Surface.**[Amended 11-19-2013 STM, Art. 22]**

Junk — Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or automobile graveyard — The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

Kennel, commercial — A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land.

Large-scale ground-mounted solar photovoltaic installation — A solar photovoltaic system that is

structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.[Added 11-19-2013 STM, Art. 18; amended 11-19-2013 STM, Art. 22]

Lattice tower — A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.[Amended 11-19-2013 STM, Art. 22]

Leachable wastes — Waste materials, including solid wastes, sludge, sewage and pesticide and fertilizer wastes capable of releasing waterborne contaminants to the environment.

Licensed carrier — A company authorized by the FCC to construct and operate a commercial mobile radio services system.[Amended 11-19-2013 STM, Art. 22]

Light manufacturing — Fabrication, assembly, processing, finishing work or packaging.

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. At least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, other than any marsh, swamp or flat bordering on inland waters and other than land within utility transmission easements.

Lot coverage — Percentage of total lot area covered by structures or roofed.

Lot frontage — That portion of a lot fronting upon and having access to a street, measured continuously along one (1) street line between side lot lines or, in the case of corner lots, between one (1) side lot line and the midpoint of the corner radius. However, for lots on the outer side of a curved street, "lot frontage" may, at the owner's option, be measured at the required setback line, provided that seventy-five percent (75%) of the requirement is met at the street line.

Lot line — A line dividing one (1) lot from another, or from the street or any public place.

Major tree — A living tree with a trunk diameter of at least six inches measured 24 inches above ground level.[Amended 11-19-2013 STM, Art. 22]

Mansard roof — A roof having two (2) slopes on all four (4) sides, with the lower slope almost vertical and the upper slope almost horizontal.[Amended 11-19-2013 STM, Art. 22]

Mansard wall — The lower slope of a mansard roof.[Amended 11-19-2013 STM, Art. 22]

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.

Medical center or clinic — A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Medical marijuana dispensary — A not for profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.[Added 11-19-2013 STM, Art. 16; amended 11-19-2013 STM, Art. 22]

Mezzanine/Loft — A transitional level or levels between the floor and ceiling of any story of a structure containing an aggregate floor area of not more than 33% of the room in which the level or levels are located. Such mezzanine/loft shall not contribute to a "number of stories" determination of any structure, so contained. A mezzanine/loft shall be open and unobstructed to the room in which it is located except for walls not more than forty-two (42) inches high, columns and posts. Such mezzanine/loft shall not be utilized as bedroom quarters, except for provisioning for live-in nursing or other persons licensed

to provide health-care services to any occupant. (Refer to definition of "BEDROOM" contained in this section).

Mining — The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Mobile homes — A movable or portable dwelling built on a chassis designed for connection to utilities when in use, and designed, without necessity of a permanent foundation, for year-round living.

Monopole — The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top. **[Amended 11-19-2013 STM, Art. 22]**

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.

Motor vehicle body repair — An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

Motor vehicle general repairs — Premises for the servicing and repair of autos, but not to include fuel sales.

Motor vehicle light service — Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Mount — The structure or surface upon which antennas are mounted, including the following four types of mounts: **[Amended 11-19-2013 STM, Art. 22]**

1. **Roof-mounted.** Mounted on the roof of a building.
2. **Side-mounted.** Mounted on the side of a building.
3. **Ground-mounted.** Mounted on the ground.
4. **Structure-mounted.** Mounted on a structure other than a building.

Municipal facilities — Facilities owned or operated by the Town of Ashland.

Municipal sanitary waste disposal facility — A facility owned or operated by the Town of Ashland under the provisions of M.G.L.A. C. 111, § 150A, but shall not include the collection, treatment, storage, burial, incineration or disposal of hazardous waste, as defined by the Division of Hazardous Waste under M.G.L.A. C. 21(c), or of radioactive waste, including low-level radioactive waste as defined in Section 11e(2) of the Atomic Energy Act of 1954.

Nonaccessory sign — Any billboard, sign or other advertising device that does not come within the foregoing definition of an "accessory sign." **[Amended 11-19-2013 STM, Art. 22]**

Nonconforming Lot — A parcel of land which does not conform to the presently applicable lot frontage and/or lot area requirements of the Zoning Chapter.

Nonconforming sign — A sign or sign structure which was existing on the effective date of the most recent bylaw amending this chapter, which would not now be permitted.

Nonconforming use or structure — A use of land or a structure which does not conform to the presently applicable regulations of the Zoning Chapter for the district in which the structure or land is located.

Non-resident elderly day care — Staffing, facilities and programs which may include personal care services, recreational facilities and common dining facilities that are provided to individuals who are fifty-five (55) years of age or older and/or to disabled adults, who do not reside in elderly assisted living residences, which are made available to such persons for a fee, on a daily or part time basis.

Nursing or convalescent home — Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Omnidirectional (whip) antenna — A thin rod that beams and receives a signal in all directions.**[Amended 11-19-2013 STM, Art. 22]**

Open space — Lot area not covered by any structure other than a swimming pool and not used for drives, parking or storage, but including balconies and any roof area developed for recreation. If not part of a structure or paved, it shall be kept stabilized with vegetative cover, pine needles, bark or other organic materials.

Open space, rail transit district — The land in the Rail Transit District (RTD) not covered by any structures other than a swimming pool and not used for drives, parking or storage, but including any roof area developed for recreation as well as paved, groomed or maintained trails or recreation walkways or bicycle paths. If not part of a structure or paved, it shall be kept stabilized with vegetative cover, pine needles, bark or organic materials. Any areas dedicated to (a) a golf course use (except areas covered by structures); and (b) any area subject to the jurisdiction and review of the United States Environmental Protection Agency ("EPA"), Massachusetts Department of Environmental Protection ("DEP") or future successor agencies exercising similar jurisdiction including those areas identified as "Operable Unit I" and "Operable Unit III" in the EPA documentation by and between various property owners and the EPA and/or DEP shall be considered Open Space. This definition shall be applicable only to land governed by Section 8.4.**[Added 11-19-2013 STM, Art. 22]**

Panel antenna — A flat surface antenna usually developed in multiples.**[Amended 11-19-2013 STM, Art. 22]**

Parking garage — A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

Parking space — Space adequate to park an automobile, not less than nine by twenty (9 x 20) feet, plus means of access. Where spaces are not marked, each space shall be assumed to require three hundred fifty (350) square feet.

Personal service establishment — A facility providing personal services including, but not limited to, hair salon, shoe repair, tailor, nail salon, dry cleaning, and photography studio.**[Amended 5-5-2010 ATM, Art. 25]**

Political sign — A temporary sign relating to the election of a person to public office, or a political party or a matter to be voted upon at an election called by a duly constituted public body.**[Amended 11-19-2013 STM, Art. 22]**

Portable sign — A sign not permanently affixed to the ground, a building or other structure, including, but not limited to, signs designed to be transported by wheels.**[Amended 11-19-2013 STM, Art. 22]**

Print Shop — Primarily an industrial establishment in which the principal business consists of duplicating and printing services using blueprint, or offset printing equipment, including publishing, binding and engraving.**[Added 5-5-2010 ATM, Art. 25]**

Priority Development Site (PDS) — The property or properties designated as such by majority vote of Town Meeting and subsequent approval of the Interagency Permitting Board established by G.L. c. 23A, § 62, all pursuant to G.L. c. 43D, now being identified in the Assessor's records as Map 13, Lot 85 and Map 15, Lot 12. Final action on application(s) relating to the use or development of the Priority Development Site (PDS), or the buildings and/or structures thereon, shall be taken within one hundred eighty (180) days, subject to extension as per G.L. c. 43D and 400 CMR 2.00, et seq. **[Added 5-5-2010 ATM, Art. 17]**

Projecting sign — Any sign attached in a plane approximately perpendicular to the surface of a building or other structure. **[Amended 11-19-2013 STM, Art. 22]**

Public housing for the elderly — Housing operated by a public body created pursuant to M.G.L.A. C. 121B, § 3, as amended, or corresponding provisions of earlier laws and reserved for occupancy by persons sixty-two (62) years or older.

Public water supply — A system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such a system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Radiofrequency (RF) engineer — An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies. **[Amended 11-19-2013 STM, Art. 22]**

Radiofrequency radiation — The emissions from Wireless Communications Facilities. **[Amended 11-19-2013 STM, Art. 22]**

Rated nameplate capacity — The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC). **[Added 11-19-2013 STM, Art. 18; amended 11-19-2013 STM, Art. 22]**

Recharge areas — Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III, or areas in the Groundwater Protection District designated in the Town of Ashland lying within one thousand (1,000) feet of the Town's existing and potential well sites.

Recreational vehicle — A vehicle or vehicular attachment with or without motive power designed for temporary sleeping or living quarters for one (1) or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, beach buggy and motor home.

Renewable Energy — Energy generated from natural resources such as sunlight, wind, rain, and geothermal heat, which are naturally replenished. Renewable energy is natural, which does not have a limited supply. Renewable energy can be used again and again, and will never run out. Renewable energy sources include hydro, geothermal, solar, tidal wave, and wind. **[Added 5-5-2010 ATM, Art. 22]**

Research and Development Facilities — Are those used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. **[Added 5-5-2010 ATM, Art. 22]**

Residential districts — Zoning districts in the Ashland Zoning bylaw and indicated on the Zoning Map of Ashland which do not allow commercial or industrial uses by right. **[Amended 11-19-2013 STM, Art. 22]**

Resident/residential partner — "Resident" shall mean an individual fifty-five (55) years of age or older and/or a disabled adult. If residence is occupied by a married couple, one (1) spouse may be under fifty-five

(55) years of age. If unmarried, residents shall otherwise meet the qualifications for "Family," as regulated by § 10.0. Definitions.

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 establishments."

Restaurant, fast-food — An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building, in the parking lot or off premises and usually requires ordering food at a counter or a drive-through window.**[Amended 5-7-2014 ATM, Art. 25]**

Retail — A facility selling goods but not specifically listed in the Table of Use Regulations.

Sandwich sign — Any sign constructed of durable materials which has two (2) identical, flat faces, and which is designed to be displayed on the ground. For the purposes of Section 5.3, a "sandwich sign" shall not be considered a portable sign or a temporary sign.**[Amended 11-19-2013 STM, Art. 22]**

Security barrier — A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.**[Amended 11-19-2013 STM, Art. 22]**

Self-administered medication management — Reminding residents to take medication, opening containers for residents, opening pre-packaged medication for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label of the container and reassuring residents that they have obtained and are taking the dosage as prescribed.

Senior residential community (SRC) — A residential development of one-story homes, with certain amenities, specifically designed for the active, independent older person and/or adult handicapped. It is not intended that a recreational-type vehicle be used or occupied as accessory to any dwelling unit. Such development shall be operated and maintained in all respects in compliance with all statutes and regulations/conditions promoted, herein.

Separation — The distance between one carrier's array of antennas and another carrier's array.**[Amended 11-19-2013 STM, Art. 22]**

Setback — The distance between a front, rear, or side lot line and the line of a building or projection thereof, measured on a line perpendicular to the lot line.

Shopping center — A ground-level commercial development of four (4) or more retail sales and service establishments on one (1) acre or more of land in a single parcel of common ownership, providing multiple tenancy of a single or several large common structures and being of a single development or of several phases of a single comprehensive development.**[Amended 11-19-2013 STM, Art. 22]**

Show window display — Displays of merchandise, pictures, posters, prices, promotional statements, etc., designed and intended for view by pedestrians standing in front of the show window.**[Amended 11-19-2013 STM, Art. 22]**

Sign — Any object, letter, figure, design, symbol, artistic display, trademark, flag, illumination or other device intended to call attention to or identify a place, subject, person, firm, business, performance, article, machine or merchandise. Individual types of signs are defined in Section 5.3. The following, however, shall not be considered "signs" within the context of this chapter:

SECTION 10.0

ASHLAND CODE

SECTION 10.0

- (1) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (2) Legal notices or informational signs erected or required by government bodies;
- (3) Temporary signs erected for a charitable or religious cause;
- (4) Temporary signs inside display windows covering, in aggregate, not more than ten percent (10%) of the window area, illuminated by building illumination only;
- (5) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;
- (6) 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;
- (7) Signs guiding and directing traffic and parking, not exceeding two (2) square feet in area and bearing no advertising matter;
- (8) Holiday decorations;
- (9) Interior building signs not intended for view from the street;
- (10) Name and address plates, not to exceed two (2) square feet in area; and
- (11) Vending machine signs and credit card signs, the latter not to exceed one (1) square foot in area.

Sign, area of — The surface area within a single continuous perimeter enclosing all the display area of the sign, but not including structural members not bearing advertising matter unless internally or decoratively lighted. One (1) side only of flat, back-to-back signs shall be counted.**[Amended 11-19-2013 STM, Art. 22]**

Sign height — The difference in height between the elevation of the established or proposed grade level beneath the sign and the elevation of the uppermost extremity of the sign structure.**[Amended 11-19-2013 STM, Art. 22]**

Sign maintenance — The renewal, painting, repair or cleaning of an existing sign which retains the same sign information items, colors, composition, location and structure as the original.**[Amended 11-19-2013 STM, Art. 22]**

Sign structure — Any assembly of materials which supports a sign and which is not an integral element of a wall or building.**[Amended 11-19-2013 STM, Art. 22]**

Site development plan —

1. A plan submitted to the Planning Board in compliance with the accepted design concept plan. This plan shall contain information as required by site plan review and shall contain all covenants related

to use, location and bulk of buildings and other structures. In addition, there shall be depiction of the use or density of development, side streets, walks, bike paths, parking facilities, open space and other public facilities.

2. Site development plan, Rail Transit District — A plan submitted to the Planning Board in compliance with the accepted Use Plan. Submission of a Site Development Plan shall be required by the Applicant for any development in the Rail Transit District (RTD). The Site Development Plan shall contain information as required herein, site plan review, and all covenants related to use, location and bulk of buildings and other structures. In addition, there shall be depiction of the use and density of development, roadways, sidewalks, bike paths, parking facilities, open space and other public facilities. The approval of the Site Development Plan shall include such conditions and findings as deemed necessary by the Planning Board which shall be consistent with the intent of Section 8.4, a certain Covenant granted by the property owner with respect to the property comprising the Rail Transit District (RTD), and the Site Plan Rules and Regulations of the Planning Board. The approval by the Planning Board of any Site Development and Use Plan shall be binding upon the proponent, subject to the proponent's rights of appeal under state and local laws and regulations. Where a Site Development Plan is required in connection with the development of a Priority Development Site (PDS) located within the Rail Transit District (RTD), the submittal and review of such Plan shall be in accordance with the provisions of Section 9.4 of these By-laws, as applicable to PDS. **[Amended 5-5-2010 ATM, Art. 17; 11-19-2013 STM, Art. 22]**

Site plan review — Review by the Planning Board to determine conformance with local zoning bylaws. **[Added 11-19-2013 STM, Art. 18; amended 11-19-2013 STM, Art. 22]**

Snack bar — A small restaurant-type facility serving pre-packaged snacks, and/or simple/easily prepared light meals and beverages.

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 Board of Health of the Town of Ashland 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.

Special permit granting authority, Rail Transit District — For purposes of Section 8.4, the Planning Board. **[Amended 11-19-2013 STM, Art. 22]**

Special permit granting authority (SPGA) — The Special Permit Granting Authority (SPGA) for Wireless Communications Facilities shall be the Planning Board. **[Amended 11-19-2013 STM, Art. 22]**

Story — That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story above grade — Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than six (6) feet above grade plane;
2. More than six (6) feet above the finished ground level for more than fifty percent (50%) of the total building perimeter; or,
3. More than twelve (12) feet above the finished ground level at any point.

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 the land and the buildings erected or to be erected thereon.

Structure — Anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something located on the ground; swimming pools having a capacity of four thousand (4,000) gallons or more; and mobile homes, but not including elements not more than twenty-four (24) inches in height or walls, fences or customary yard accessories, excluding windmills, radio transmitters/receivers, (ham radio stations), satellite television receiving dishes, structures and elements, which require positioning within minimum yard requirements are excluded and may be permitted on special permit by the Zoning Board of Appeals.

Study — A Study shall mean an area not containing a closet and not separated from surrounding areas by a door (i.e., open to surrounding areas so as not to provide privacy) and having a minimum opening to surrounding areas of not less than six feet in width and not less than seven feet in height.**[Amended 11-19-2013 STM, Art. 22]**

Tattoo Parlor/Body Piercing Studio — An establishment whose principal business is the practice of body piercing or tattooing. Body piercing is defined as the puncturing or penetrating the skin of a client with pre-sterilized single-use needles and insertion of pre-sterilized jewelry or other adornment into the opening exclusive of ear piercing. Tattooing is defined as any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin or mucosa. (Refer to Chapter 295 [Body Art] in the Code of the Town of Ashland.)**[Added 5-5-2010 ATM, Art. 25]**

Temporary sign — Any sign, banner, valance or advertising display which may easily be dismantled or removed and which can feasibly be displayed for a limited period of time in any one (1) location, except sandwich signs or portable signs.**[Amended 11-19-2013 STM, Art. 22]**

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.

Toxic or hazardous material — Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Ashland. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. For the purposes of this section, they also include, without limitation, substances defined in Section 101(14) of the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980.

Tourist — A dwelling in which, as an accessory use, rooms are rented to more than four (4) but fewer than ten (10) persons.

Transit village community — As defined in and part of a Rail Transit District (RTD) and with the uses permitted in Section 8.4.14, herein.**[Amended 11-19-2013 STM, Art. 22]**

Transport terminal — Terminal facilities for handling freight with or without maintenance facilities.

Unified facade — The front of any shopping center, multiple-tenancy structure or group of two (2) or more adjacent buildings under one (1) ownership or joint control, which have a consistent appearance in terms of design, color scheme, illumination, materials and areas designated for signs.**[Amended 11-19-2013 STM, Art. 22]**

Use plan — A preliminary plan of the proposed uses of all land areas within a Rail Transit District.**[Amended 11-19-2013 STM, Art. 22]**

Vending, open air — The sale of any merchandise or goods from a fixed location upon privately owned property not within any permanent building or structure designed for the sale of such goods. The term "open air vending" shall specifically include the sale of merchandise or goods from stands, stalls, vehicles, tents and all other sales not within a permanent structure. The term "sale" is herein defined as the actual transfer of goods or merchandise. The term "open air vending," however, shall not include activity of itinerant vendors who continuously move about from place to place and who do not occupy any particular parcel of private property as a permanent or stationary place for the conduct of their business.

Vehicle — Any device for carrying passengers, goods, or equipment, usually one moving on wheels or runners, as a car, truck, trailer, bus or sled.

Wall sign — Any sign affixed directly to or suspended from a wall, marquee, mansard wall or parapet wall of a building, with the exposed face of the sign in a plane approximately parallel to the face of the wall and extending from it less than twelve (12) inches. A "wall sign" may be either of one-piece construction or of individual letters or symbols. A "wall sign" may also be attached to a wall or to the vertical or nearly vertical surface of an awning or canopy which is permanently affixed to a building.**[Amended 11-19-2013 STM, Art. 22]**

Warehouse — A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Watershed — A water supply drainage basin.

Water supply drainage basin — An area within which all overland and subsurface water flows to a common body of water associated with a water supply or a potential water supply.

Window sign — Any permanent or temporary sign which can be read from a public street or a parking lot, and which is placed on the outside or inside face of a glass window or within a distance of two (2) feet inside the window. Show window displays are not included.**[Amended 11-19-2013 STM, Art. 22]**

Wireless communications — The three types of services regulated by this Bylaw. Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services are the FCC Personal Wireless Services as described in the Telecommunications Act of 1996.**[Amended 11-19-2013 STM, Art. 22]**

Wireless communications facility (WCF) — Facility for the provision of wireless communications, as defined by the Telecommunications Act.**[Amended 11-19-2013 STM, Art. 22]**

Wireless communications tower — A structure (with antennas, if any) chosen to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

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.

Zone II — The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

Zone III — The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

Division 3: Select Board Regulations

Chapter 286

REGULATION OF MULTI-CHANNEL SERVICE PROVIDERS

[HISTORY: Adopted by the Select Board of the Town of Ashland 5-11-1994 ATM, Art. 10; amended in its entirety 11-20-2019STM, Art. 13. Subsequent amendments noted where applicable.]
§ 286-1. Rules and regulations; violations and penalties.

The Select Board is hereby authorized to adopt, and from time to time amend, rules and regulations for the establishment of standards for multi-channel voice, picture and/or data transmission service providers and distributors, including but not limited to cable television providers, in the Town of Ashland, to protect consumers, to assure quality and continuity of service, and to provide an up-to-date communications network in and for the town and its citizens. Such rules and regulations may make provision for imposition, after public hearing, of fines or penalties for violations thereof, not to exceed three hundred dollars (\$300.) for each day or part thereof during which a violation occurs.

ASHLAND CODE

Chapter 293

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Select Board of the Town of Ashland 4-15-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Fire lanes — See Ch. 148.

Abandoned, junked and unregistered vehicles — See Ch. 265.

Handicapped parking — See Ch. 164.

Street excavations — See Ch. 330.

Streets and sidewalks — See Ch. 249.

ARTICLE I
General Provisions

§ 293-1. Statutory authority. [Amended 11-20-2019STM, Art. 13]

The Select Board of the Town of Ashland, acting under the authority conferred by MGL c. 40, § 22, and by virtue of any and every other enabling power, does hereby make, adopt and establish the following rules and orders for the regulation of carriages and vehicles used in said town and special regulations as to the use of motor vehicles upon particular or certain ways therein, hereinafter referred to collectively as the "rules."

§ 293-2. Intent.

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other, except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.

§ 293-3. Construal of provisions. [Amended 11-20-2019STM, Art. 13]

The provisions of these rules, so far as they are the same as those of any existing rules, orders or regulations heretofore made by the Select Board of Ashland, shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of carriages and vehicles, except such as have been adopted under and in compliance with MGL c. 90, § 18, are hereby expressly repealed; provided, however, that such repeal shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the repeal for an offense committed under any of said rules, orders or regulations hereby repealed.

§ 293-4. Definitions.

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

BUS STOP — An area in any street, square or other public place, set apart and designated as such by the Select Board, in which buses or other licensed motor vehicles may stop to receive or discharge passengers. [Amended 11-20-2019STM, Art. 13]

CROSSWALK — That portion of a roadway included within the prolongation or connection of curblines and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

EMERGENCY VEHICLE — Vehicles of the Fire and Police Departments, ambulances and emergency vehicles of public service corporations when responding to an emergency of a public nature.

FUNERAL — Any procession of mourners, properly identified as such, accompanying the remains of a human body.

INTERSECTION — The area embraced within the extensions of the lateral curblines or, if none, then the lateral boundary lines of intersecting ways as defined in MGL c. 90, § 1, including divided ways. The rules and regulations herein contained governing the restriction or movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals, whether or not such place is an "intersection" as herein defined.

LANE — A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER — Any officer or official authorized by law to direct, control or regulate traffic who is in uniform or has his badge of office displayed upon the left breast of his outer garment.

OFFICIAL CURB MARKING — That portion of a curbing painted by authority of the Select Board with the written approval of the Massachusetts Highway Department for the purpose of indicating a place in which parking is prohibited or restricted.**[Amended 11-20-2019STM, Art. 13]**

OFFICIAL STREET MARKING — Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Select Board and has the written approval of said Massachusetts Highway Department.**[Amended 11-20-2019STM, Art. 13]**

OFFICIAL TRAFFIC SIGNALS — All signals, conforming to the standards prescribed by said Massachusetts Highway Department not inconsistent with these rules and orders, placed or erected by authority of the Select Board for the purpose of directing or warning traffic.**[Amended 11-20-2019STM, Art. 13]**

OFFICIAL TRAFFIC SIGNS — All signs, markings and devices other than signals, conforming to the standards prescribed by said Massachusetts Highway Department and placed or erected by authority of the Select Board for the purpose of guiding, directing, warning or regulating traffic.**[Amended 11-20-2019STM, Art. 13]**

PARKING — The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while engaged in loading or unloading passengers or in obedience to an officer or traffic sign or signal or, if disabled, while arrangements are being made to move such vehicle.

PARKING METER — Any mechanical device not inconsistent with the provisions of this chapter and placed or erected on any public way within the Town of Ashland for the regulation of parking. Each "parking meter" installed shall indicate by proper legend the legal parking time established by this chapter and when operated shall at all times indicate the balance of legal parking time permitted and, at the expiration of such period, shall indicate illegal or overtime parking.

PARKING METER SPACE — Any space within a parking meter zone, adjacent to a parking meter, which is duly designated for the parking of a single vehicle by lines painted on the surface of the street adjacent to or adjoining each parking meter.

PARKING METER ZONE — Includes any street or portion thereof upon which parking meters are installed and in operation and upon which parking of vehicles is permitted for a limited time, subject to compliance with the further provisions of this chapter.

PEDESTRIAN — Any person afoot or riding in or upon a vehicle moved by human power, except bicycles and tricycles.

PERSON — Includes any individual, firm, partnership, association or corporation.

RAILROAD CROSSING — An intersection of a way with a railroad right-of-way.

ROADWAY — That portion of a street or highway between the regularly established curblines or that part, exclusive of slopes known as "shoulder," improved and intended to be used for vehicular traffic.

SAFETY ZONE — Any area or space set aside within a roadway for exclusive use of pedestrians and which is indicated by signs, lines or markings, having the written approval of said Massachusetts Highway Department.

SERVICE ZONE — An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

SIDEWALK — That portion of a street or highway parallel with the roadway, set aside for pedestrian travel.

STREET OR HIGHWAY — The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STANDS — An area in the roadway, designated by the Select Board and marked, in which licensed taxicabs are required to park while waiting to be engaged. **[Amended 11-20-2019STM, Art. 13]**

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances, either singly or together, while using a street or highway for the purpose of travel.

TRAFFIC CONTROL SIGNAL — Any device using colored lights, which conforms to the standards as prescribed by the Massachusetts Highway Department of the Commonwealth of Massachusetts, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop or proceed.

TRAFFIC ISLAND — Any area or space set aside, within a roadway, for the purpose of separating vehicular traffic and which is not intended for use by vehicular traffic.

U-TURN — The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway.

§ 293-5. through 293-6. (Reserved)

ARTICLE II
Authority and Duties of Police

§ 293-7. Direction of traffic.

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of these rules and orders, provided that, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, members of the Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of these rules and orders.

§ 293-8. Temporary closing of streets.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession.

§ 293-9. Temporary parking prohibitions.

The Chief of Police is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof whenever there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

§ 293-10. Exceptions.

The provisions of these rules and orders shall not apply to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair; to officers when engaged in the performance of public duties or to drivers of emergency vehicles while operating in an emergency and in the performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

§ 293-11. Records to be kept.

The Chief of Police shall report to the Registrar of Motor Vehicles such operators as are found to be constant violators of these rules and orders.

§ 293-12. through 293-13. (Reserved)

ARTICLE III

Traffic Signs, Signals, Markings and Zones**§ 293-14. Traffic signs and signals.**

- A. The Director of Public Works is hereby authorized and, as to those signs and signals required hereunder, it shall be his duty, to place or cause to be placed all official traffic signs, signals, markings and safety zones. All official traffic signs, signals, markings and safety zones shall be maintained by the Fire Department and/or the Department of Public Works. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Massachusetts Highway Department. **[Amended 10-18-2000 ATM, Art. 14]**
- B. Sections 293-8 and 293-9 of Article II and §§ 293-23 through 293-27 of Article IV, relating to parking shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one sign will be clearly visible for a distance of at least 75 feet to drivers approaching such an exit.

§ 293-15. Display of unauthorized signs, signals and markings prohibited.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

§ 293-16. Location of bus stops, taxicab stands and service zones. [Amended 11-20-2019STM, Art. 13]

The location of all bus stops, taxicab stands and service zones shall be specified by the Select Board and in the case of taxicab stands, the Select Board shall designate who may use them as such.

§ 293-17. Interference prohibited; violations and penalties.

No person shall willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking, and any person so doing shall be liable to a fine of \$100 for each and every offense.

§ 293-18. Obedience to traffic signs, signals and markings.

No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, painted curb, marking, marker or legend unless otherwise directed by a police officer.

§ 293-19. Experimental regulations. [Amended 11-20-2019STM, Art. 13]

For purposes of trial, the Select Board may make temporary rules regulating traffic, or test under actual conditions, traffic signs, signals, markings or other devices. No such experimental rules regulating traffic shall remain in effect for a period of time longer than 30 days.

§ 293-20. through 293-21. (Reserved)

ARTICLE IV
Stopping, Standing and Parking

§ 293-22. General prohibitions. [Amended 11-20-2019STM, Art. 13]

No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or park in any street, way, highway, road or parkway under the control of the Town of Ashland in violation of any of the traffic rules or orders adopted by the Select Board and in particular in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or traffic sign or signal:

- A. Within an intersection.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking other than angle parking is permitted, unless both wheels on the right side of the vehicle are within 12 inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within 12 inches of the curb.
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.
- G. Upon any street or highway within 10 feet of a fire hydrant.
- H. Upon any street or highway within 20 feet of any intersecting way, except an alley.
- I. Within 15 feet of the wall of a fire station or directly across the street from such station, provided that signs are erected acquainting the driver with such restrictions.
- J. In front of any private road or driveway.
- K. Opposite or alongside any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- L. Upon any bridge.

§ 293-23. Parking prohibited on certain streets.

Upon the following streets or highways or parts thereof parking is hereby prohibited:

Name of Street	Side	Location
Alden Street [Added 10-7-1998]	East	From Homer Avenue to a point 170 feet south
Central Street [Added 5-24-2000]	North	From Homer Avenue to Alden Street
Cherry Street	Both	From Summer Street to a point 100 feet north

Name of Street	Side	Location
Chestnut Street [Amended 9-20-2000]	Both	From Prospect Street to the Holliston Line
Chestnut Street [Repealed 9-20-2000]		
Chestnut Street	Both	From the intersection at Main Street and Prospect Street to a point 200 feet south
Chestnut Street	Both	From Union Street to a point 150 feet south
Concord Street	Both	From Fountain Street/Front Street for a distance of 110 feet northerly
Cross Street	Both	From Howe Street to High Street
Eliot Street	North	From Route 126 for a distance of 150 feet east
Eliot Street	South	From Route 126 for a distance of 200 feet west
Esty Street [Added 10-7-1998]	East	From a point 350 feet north of Union Street for a distance of 51 feet
Esty Street [Added 10-7-1998]	West	From a point 318 feet north of Union Street for a distance of 120 feet
Fountain Street	Both	From Route 135 (Union Street) for a distance of 450 feet northerly, then from Front Street/Concord Street for a distance of 230 feet easterly
Front Street	Both	From Concord Street/Fountain Street to a point 160 feet westerly
Front Street	North	From Main Street to a point 180 feet east
Front Street	North	From a point 1,300 feet east of Main Street to Concord Street
Front Street	South	From Main Street to Fountain Street
High Street	Both	From the eastern curb of Ballfield Drive for a distance of 440 feet westerly

Name of Street	Side	Location
High Street	Both	From the entrance curb of the entrance to Gryncel Park westerly for a distance of 440 feet
High Street	East	From a point 20 feet south of the bridge for a distance of 140 feet southerly
High Street	East	From a point 20 feet south of High Street Drive for a distance of 140 feet southerly
Holly Lane	Both	From Howe Street north for 1,000 feet
Homer Avenue	Both	From Union Street to a point 200 feet north
Homer Avenue	North	From Main Street to a point 1,900 feet east
Homer Avenue	South	From Main Street to a point 50 feet east
Homer Avenue	South	From a point 120 feet east of Main Street to a point 1,900 feet east
Howe Street	Both	From Hopkinton town line north to Cordaville Road
Indian Spring Road [Added 12-1-1999]	Both	Entire length, between the hours of 7:00 a.m. and 2:00 p.m., Monday through Friday
Main Street	Both	From Chestnut Street to a point 300 feet north
Main Street	Both	From Union Street to a point 250 feet south
Main Street	East	From Union Street to Myrtle Street
Main Street	West	From a point 50 feet south of Pleasant Street to a point 75 feet north of Pleasant Street
Main Street	West	From Summer Street to a point 100 feet north of Summer Street
Main Street	West	From Union Street to a point 200 feet north

Name of Street	Side	Location
Main Street	West	From a point 60 feet south of Water Street to Myrtle Street
Pleasant Street	Both	From Main Street to a point 200 feet west
Prospect Street	Both	From Chestnut Street to a point 250 feet south
Summer Street	Both	From Union Street to a point 150 feet east
Summer Street	North	From Main Street to a point 225 feet west
Name of Street	Side	Location
Union Street	Both	From the intersection at Cherry Street and Summer Street to a point 200 feet east
Union Street	Both	From the intersection at Cherry Street and Summer Street to a point 275 feet west
Union Street	Both	From Fountain Street to a point 200 feet east
Union Street	Both	From Fountain Street to a point 250 feet west
Union Street	Both	From the intersection at Homer Avenue and Chestnut Street to a point 200 feet east
Union Street	Both	From the intersection at Homer Avenue and Chestnut Street to a point 250 feet west
Union Street	Both	From Main Street to a point 200 feet west
Union Street	Both	From Main Street to a point 250 feet east
Warren Road [Added 9-20-2000]	Both	From Main Street to Chestnut Street

§ 293-24. Bus stops.

- A. No person shall park a vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon any street within a business district at any place other than a bus stop, when a nearby bus stop is available for use.

§ 293-25. Taxicab stands.

- A. No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand for a period of time longer than 15 minutes except while actually engaged in loading or unloading, provided that such loading and unloading does not exceed a period of time longer than 1/2 hour.
- B. No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs except while engaged, or while waiting for an opportunity to use a taxicab stand designated for his use.

§ 293-26. Service zones.

No person shall park a vehicle upon any street in any service zone for a period of time longer than 30 minutes and except while actually engaged in loading or unloading.

§ 293-27. Time limit parking.

No person shall park a vehicle for longer than the time limit indicated at any time except Sundays and public holidays in the following described streets or parts thereof:

Name of Street	Side	Time Limit	Location
Central Street [Amended 4-26-2000]	South	1 hour, except in front of Pittaway School, 2 spaces, 15 minutes	From Homer Avenue to Alden Street
Chestnut Street [Added 9-20-2000]	West	2 hours	In pullout opposite Larcrige Lane for access to Ashland Reservoir
Homer Avenue	South	1 hour	From Main Street at a point 50 feet east to a point 109 feet east
Main Street [Added 7-18-2007]		1 hour	In front of 159-163 Main Street (four parking spaces)

§ 293-28. Parking vehicles for sale prohibited.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

§ 293-29. All-night parking prohibited. [Amended 4-26-2000]

- A. No person shall allow, permit or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on any street for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. of any day during the period from November 1 through March 31 of the following year.
- B. No person shall allow, permit or suffer any vehicle registered in his name, other than acting in an emergency, to be parked in the town-owned lot on Front Street, commonly known as Montenegro

Square Parking Lot, for a period of time longer than one hour between the hours of 1:00 a.m. and 5:00 a.m. any day of the year.

§ 293-30. through 293-31. (Reserved)

ARTICLE V
Traffic Regulations

§ 293-32. Clinging to moving vehicles.

It shall be unlawful for any person traveling upon a bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach himself or his vehicle to any moving vehicle or street car upon any roadway.

§ 293-33. Emerging from alley or private way.

The operator of a vehicle emerging from an alley, driveway or a garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such an alleyway or driveway.

§ 293-34. Traffic control signals.

A. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic-regulating sign (other than a stop sign), signal or device. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(1) Green indications shall have the following meanings:

- (a) Drivers facing a circular green may proceed straight through or turn right or left unless a sign at such place prohibits either turn. Drivers turning right or left shall yield the right-of-way to other vehicles, and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Drivers facing a green arrow, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movements as are permitted by other indications shown at the same time. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(2) Steady yellow indications. Drivers facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when drivers shall not enter the intersection.

(3) Steady red indications shall have the following meanings:

- (a) Drivers facing a circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersections or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in Subsection A(3)(b) below.
- (b) When a sign is in place permitting a turn, drivers facing a steady circular red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as provided in Subsection A(3)(a) above. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (c) Drivers facing a steady red arrow indication may not enter the intersection to make the movement indicated by such arrow, and unless entering the intersection to make such other movement as is permitted by other indication shown at the same time, shall stop at a clearly marked stop line or, if none, before entering the crosswalk on the near side of the intersection or, if none, before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.
- (4) Red and yellow indications. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.
- (5) Flashing signal indications shall have the following meanings:
 - (a) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line or, if none, before entering the crosswalk on the near side of the intersection or, if none, then at a point nearest the intersecting roadway where the drivers have a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the provisions of MGL c. 89, § 8.
 - (b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

B. Traffic control signals shall be installed at the following described intersections:

Intersection
Cherry Street and West Union Street
Chestnut Street and Union Street
Homer Avenue and Union Street
Main Street, Chestnut Street and Prospect Street [Added 9-18-2002]
Main Street and Front Street
Main Street and Pleasant Street [Added 9-18-2002]
Main Street and Summer Street/Homer Avenue
Main Street and Union Street
Oregon Road and Oak Street
Prospect Street and Eliot Street
Summer Street and Homer Avenue/Main Street
Union Street and Cherry Street/Summer Street
Union Street and Fountain Street
Union Street and Homer Avenue/Chestnut Street
West Union Street, Voyagers Lane and MBTA Access Road [Added 9-18-2002]

C. Pedestrians.

- (1) Pedestrians crossing ways or roadways. Pedestrians shall obey the direction of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within 300 feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in this subsection. For the purpose of this subsection, a marked crosswalk shall be construed to be that area of a roadway reserved for pedestrian crossing located within two solid white reflectorized twelve-inch pavement markings in rural areas or markings not less than six inches wide in urban areas, said markings or lines being no less than six feet apart.
- (2) Pedestrian actuation.
 - (a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then shall cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
 - (b) At a traffic control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicles while in performance of emergency duties, regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in this subsection.
- (3) Pedestrian obedience to traffic control signals. Traffic control signal color indications and legends shall have the commands ascribed to them in this subsection and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.
 - (a) Red and yellow or the word "walk." Whenever the red or yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
 - (b) Red alone or "don't walk." Whenever the words "don't walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication, or when the words "don't walk" are illuminated by rapid intermittent flashes.
 - (c) Green alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
 - (d) Yellow alone, red alone or flashing "don't walk." Pedestrians approaching or facing a yellow, red or flashing "don't walk" illuminated indication shall not start to cross a roadway.
 - (e) Flashing red, yellow or green. At any traffic control signal location where a flashing red,

flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

- (4) Pedestrian crossings and use of roadways.
 - (a) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
 - (b) Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.
 - (c) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.
 - (d) When sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction.
 - (e) Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway shall proceed immediately to the sidewalk or edge of roadway adjacent to the vehicle, and shall cross the roadway only as authorized by these regulations.
 - (f) It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.
- (5) Crossing at nonsignalized locations. Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.
- (6) Operators to exercise due care. The provisions of these regulations shall in no way abrogate the provisions of MGL c. 90, §§ 14 and 14A, which provide precautions for safety of other travelers and for the protection of blind persons crossing ways. Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.
- (7) Pedestrians soliciting rides or business. No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.
- (8) Officers to enforce pedestrian regulations. These pedestrian control regulations shall be enforced by all officers of the Town of Ashland.
- (9) Exemptions. The provisions of these rules and regulations governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to traffic or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

- (10) Penalties. Any person who violates the provisions of this article which deal with proper use of ways by pedestrians shall be punished by a fine as provided in MGL c. 90, § 18A.
- (11) Effect of regulations. All existing rules and regulations governing the operation of vehicles or the use of ways by pedestrians which are inconsistent herewith are hereby expressly repealed. This repeal shall not, however, affect any punishment imposed or any complaint or prosecution pending at the time of passage hereof for any offense committed under any of the said rules and regulations hereby repealed.

§ 293-35. U-turns.

No operator shall back or turn a vehicle so as to proceed in the direction opposite to that in which said vehicle is headed or traveling on the following streets:

Name of Street	Direction of Travel	At Intersection of
Main Street	North	Front Street
Main Street	North	At railroad crossing
Main Street	South	At railroad crossing
Main Street	South	Summer Street

§ 293-36. School zones.

No person shall drive a vehicle in excess of 20 miles per hour in the areas designated below, during school days, during the times listed below, except as directed by school flashing lights indicating 20 miles per hour.

Name of Street	Location	Time
Central Street	William Pittaway School	When lights are flashing
Concord Street	David Mindess School	When lights are flashing
Fruit Street	Henry Warren School	When lights are flashing
Green Street	300 feet east and west of Albert Ray Drive	8:00 a.m. to 4:00 p.m.
Pleasant Street	Metro West Christian Academy	8:00 a.m. to 4:00 p.m.
Union Street	William Pittaway School	When lights are flashing
West Union Street	H.B. Walker School (high school)	When lights are flashing

§ 293-37. Stop intersections.

- A. Every driver of a vehicle or other conveyance approaching an intersecting way at which there exists, facing him, an official sign bearing the word "stop" and authorized by this section, said sign having apart from this regulation the written approval of the Massachusetts Highway Department, and such approval being in effect, shall, before entering and proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such point as may be clearly marked by a sign or

line, or if there is no line so marked, at a place between said sign and the line of the street intersection. In the case of a line of two or more vehicles approaching such stop sign, the drivers of the second and third vehicles in any group shall not be required to stop more than once at said designated line or place or in the immediate vicinity. This regulation shall not apply when the traffic is otherwise directed by a police officer or by any lawful traffic regulating sign, signal or device. This regulation is not applicable to through ways established by the town or to a funeral procession as provided in § 293-45 of this article.

- B. The erection and maintenance of official stop signs are authorized by the Select Board and the Massachusetts Highway Department as follows: **[Amended 11-20-2019STM, Art. 13]**

Stop Sign on	Direction of Travel	At Intersection of
Acton Road	West	Myrtle Street
Alden Street	North	Homer Avenue
Alden Street	South	Leland Avenue
Alden Street	South	Union Street
Alden Street	Both	Central Street
Alfred Road [Added 10-25-2000]	South	Raymond Marchetti Street
Algonquin Trail	East	Pond Street
Annetta Road	North	Eliot Street
Bellview Heights	East	Fountain Street
Birch Hill Road	East	Pine Hill Road
Butterfield Drive	West	Pond Street
Candlelight Way	North	Cordaville Road
Captain Eames Circle (both ends)	West	Cedar Street
Caroline Road	South	Eliot Street
Cary Road [Added 3-3-1999]	Both	Woodland Road
Cedar Street	Both	Eliot Street
Cedar Street	North	East Union Street
Cedar Hill Road	East	Pine Hill Road
Cedar Hill Road	West	Sudbury Road
Central Street	East	Homer Avenue
Central Street	West	Main Street
Cherry Street	North	Pleasant Street
Cherry Street	North	West Union Street
Cherry Street	South	Summer Street

Stop Sign on	Direction of Travel	At Intersection of
Cheryl Lane	West	Olive Street
Chestnut Street	North	Main Street
Chestnut Street	South	Prospect Street
Clark Street	North	Union Street
Clyde Road	East	Main Street
Columbus Avenue	North	Union Street
Concord Street	East	Front Street/ Fountain Street
Concord Street	West	Raymond Marchetti Street
Crestwood Drive	North	Fruit Street
Cutler Drive	East	Fountain Street
Davis Farm Road	South	Fruit Street
Day Road	South	Eliot Street
Douglas Road	West	Pond Street
East Union Street	West	Waverly Street
Edgewood Drive	North	West Union Street
Edwards Road	East	Cedar Street
Eliot Circle	North	Eliot Street
Eliot Street	Both	Pond Street
Eliot Street	Both	Prospect Street
Eliot Street	West	Chestnut Street
Endicott Street	North	Cordaville Road
Esty Street	North	Summer Street
Esty Street	South	Union Street
Fatima Drive [Added 10-24-2001]	South	Wadsworth Road
Femia Road	East	Cedar Street
Fountain Street	North	Fountain Street/ Front Street
Fountain Street	South	Route 135 (Union Street)
Foxhill Road	South	Cordaville Road
Frankland Road	East	West Union Street
Fruit Street	East	Eliot Street
Fruit Street	West	Prospect Street
Green Street	East	Fountain Street

Stop Sign on	Direction of Travel	At Intersection of
Green Street	North	Myrtle Street
Green Street	West	Acton Road
Green Street	West	Hilldale Road
Greenhalge Road	West	Pond Street
Greenwood Road	North	East Union Street
Gray Birch Road	East	Chestnut Street
Gray Birch Road	South	Main Street
Grover Road	East	Cedar Street
Hawthorne Road	South	East Union Street
Heritage Avenue	East	Oak Street
High Street	East	Pleasant Street
High Street	South	High Street Extension
Highey Road	South	East Union Street
Howe Street	North	Cordaville Road
Hunters Lane	South	Cordaville Road
Indian Spring Road	East	West Union Street
Ivy Lane	East	Oak Street
James Jackson Way	East	West Union Street
Kings Row	West	Oak Street
LaFollette Road	East	Olive Street
Leach Lane	West	Prospect Street
Learned Road	West	East Union Street
Leland Avenue	West	Main Street
Leland Farm Road	North	Eliot Street
Lincoln Road [Added 9-18-2002]	North	Oregon Road
Long Hill Road	East	Cedar Street
Long Hill Road	North	Eliot Street
MacArthur Road	East	Cedar Street
MacIntosh Lane	West	Prospect Street
Meadowbrook Lane	North	Prospect Street
Metropolitan Avenue	North	Union Street
Morey Drive	West	Olive Street

Stop Sign on	Direction of Travel	At Intersection of
Mountain Gate Road	North	Eliot Street
Mulberry Lane	East	Cedar Street
Mulberry Lane	South	Eliot Street
Mulhall Drive	West	Cedar Street
Nancy Drive	North	Eliot Street
New Castle Road	Both	Prospect Street
Nickerson Road	East	Pond Street
Oak Street	South	Cordaville Road
Olive Street	North	West Union Street
Oregon Road	Both	Oak Street
Park Road	East	Summer Street
Park Road	West	Cherry Street
Parker Road	West	Oregon Road
Parkhurst Drive	South	Winter Street
Pine Hill Road	East	Myrtle Street
Pleasant Street	East	Main Street
Pond View Lane	South	Fruit Street
Presidents Row	West	West Union Street
Prospect Heights	East	Prospect Street
Raymond Marchetti Street [Added 10-25-2000]	East	Alfred Road
Raymond Marchetti Street	West	Myrtle Street
Raymond Way	South	Prospect Street
Riverview Drive	East	Fountain Street
Riverview Drive	North	Green Street
Roberts Road	West	Waverly Street
Rockwood Drive	South	Cordaville Road
Shady Hollow Path	West	Cedar Street
Sheffield Drive	South	Eliot Street
Spring Street	North	Olive Street
Spyglass Hill Drive	West	Pond Street
Stagecoach Drive	South	Prospect Street
Stonybrook Drive	East	Oak Street

Stop Sign on	Direction of Travel	At Intersection of
Strobus Lane	East	Myrtle Street
Sudbury Road	West	Winter Street
Summer Street	South	Cherry Street
Sunset Road	East	Chestnut Street
Sunset Road	West	Main Street
Thomas Street	East	Cordaville Road
Tilton Avenue	North	Pleasant Street
Tri Street	West	Pond Street
Upland Road	East	Fountain Street
Voyagers Lane	West	West Union Street
Warren Road	Both	Main Street
Warren Road	East	Chestnut Street
Washington Avenue	East	Pond Street
Wayside Lane	South	Fruit Street
Webster Road	West	Prospect Street
Wesson Road	North	East Union Street
Whippoorwill Lane	East	Oak Street
Winter Street	South	Cordaville Road

§ 293-38. Yield intersections. [Amended 11-20-2019STM, Art. 13]

The erection and maintenance of official yield signs are authorized by the Select Board and the Massachusetts Highway Department as follows:

Yield Sign on	Direction of Travel	At Intersection of
Eliot Street	Both	Route 126 (Pond Street)
Eliot Street Cutoff	South	Pond Street

§ 293-39. Drivers to keep to right of roadway divisions.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or as are divided by any marked structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

§ 293-40. Entry upon road surface under construction or repair prohibited.

No operator shall enter upon the road surface of any street or highway or section thereof when, by reason of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such

road surface is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used or when so advised by an officer, watchman, member of the street or highway crew or employee of the town, either audibly or by signals.

§ 293-41. Driving upon sidewalks prohibited.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

§ 293-42. Driving through safety zones.

The driver of a vehicle shall not, except on a signal from an officer, drive over or through a safety zone.

§ 293-43. Operation at under- and overpasses and at intersections with islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings.

§ 293-44. Funerals to be properly identified.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple cross attached to both the first and the last vehicles.

§ 293-45. Drivers in funerals or other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.
- B. At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red and/or yellow indication.
- C. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

§ 293-46. Unlawful riding.

It shall be unlawful for any person to ride on any portion of a vehicle not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty or within truck bodies in space intended for merchandise.

§ 293-47. One-way streets.

The streets or portions thereof designated in this section and specifically incorporated in this section are declared to be one-way streets, and all vehicular traffic shall move on those streets or portions thereof in the direction designated in this section:

Name of Street	Direction of Travel	At Intersection of
Alden Street	South	From Union Street to Leland Avenue
Cherry Street	North	From Tilton Avenue to Pleasant Street
Maple Court	North	Between Church Court and Homer Avenue
Private drive adjacent to fire house	West	From Main Street to the parking lot
Tri Street	West	From Eliot Street to Pond Street
Water Street	East	From Pleasant Street to Myrtle Street

§ 293-48. Lane use reservations.

The lane locations described below are hereby designated as lane use reservations and traffic shall move only as indicated.

Intersection (Location)	Direction of Travel	Lane Reserved	Purpose
Eliot Street and Route 126 (Pond Street)	Both	Left	Left turn only onto Route 126
Front Street and Main Street	West	Left	Left turn only onto Main Street
Homer Avenue and Main Street	West	Right	Right turn only onto Main Street
John Stone Inn driveway and Main Street	East		Right turn only onto Main Street
Main Street and Chestnut Street	South	Left	Left turn only onto Chestnut Street
Main Street and Front Street	North	Right	Right turn only onto Front Street
Main Street and Front Street	South	Left	Left turn only onto Front Street
Main Street and Summer Street	South	Right	Right turn only onto Summer Street
Main Street and Union Street	North	Left	Left turn only onto Union Street
Main Street and Union Street	South	Left	Left turn only onto Union Street
Prospect Street and Chestnut Street	North	Left	Left turn only onto Chestnut Street

Intersection (Location)	Direction of Travel	Lane Reserved	Purpose
Union Street and Cherry Street	East	Left	Left turn only onto Cherry Street
Union Street and Chestnut Street	West	Left	Left turn only onto Chestnut Street
Union Street and Fountain Street	East	Left	Left turn only onto Fountain Street
Union Street and Homer Avenue	East	Left	Left turn only onto Homer Avenue
Union Street and Main Street	East	Left	Left turn only onto Main Street
Union Street and Main Street	West	Left	Left turn only onto Main Street

§ 293-49. Speed limits.

The following speed limits are established at which motor vehicles may be operated in the areas described:

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Chestnut Street	North	35	Beginning at a point 1.40 miles north of the Holliston-Ashland line thence northerly 0.57 mile
Chestnut Street	North	35	Beginning at the Holliston-Ashland line thence northerly 1.29 miles
Chestnut Street	South	30	Beginning at a point 0.63 mile south of Union Street thence southerly 0.11 mile
Chestnut Street	South	35	Beginning at a point 0.74 mile south of Union Street thence southerly 1.29 miles
Chestnut Street	South	35	Beginning at Union Street thence southerly 0.63 mile
Cordaville Road and Pleasant Street	East	20	Beginning at the end of State Highway thence easterly 0.17 mile

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Cordaville Road and Pleasant Street	East	25	Beginning at a point 0.70 mile east of the end of State Highway thence easterly 0.08 mile
Cordaville Road and Pleasant Street	East	35	Beginning at a point 0.17 mile east of the end of State Highway thence easterly 0.53 mile
Cordaville Road and Pleasant Street	West	20	Beginning at a point 0.57 mile west of Main Street thence westerly 0.16 mile
Cordaville Road and Pleasant Street	West	35	Beginning at a point 250 feet west of Main Street thence westerly 0.57 mile
East Union Street	East	25	Beginning at Route 135 thence easterly 0.11 mile
East Union Street	East	30	Beginning at a point 0.66 mile east of Route 135 thence easterly 0.47 mile
East Union Street	East	35	Beginning at a point 0.11 mile east of Route 135 thence easterly 0.55 mile
East Union Street	West	25	Beginning at a point 1.02 miles west of the Framingham Town line thence westerly 0.11 mile
East Union Street	West	30	Beginning at the Framingham Town line thence westerly 0.47 mile
East Union Street	West	35	Beginning at a point 0.47 mile west of the Framingham Town line thence westerly 0.55 mile

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Eliot Street	North	25	Beginning at a point 1.38 miles north of Chestnut Street thence northerly 0.10 mile
Eliot Street	North	30	Beginning at a point 1.48 miles north of Chestnut Street thence northerly 0.62 mile
Eliot Street	North	30	Beginning at Chestnut Street thence northerly 0.20 mile
Eliot Street	North	35	Beginning at a point 0.99 mile north of Chestnut Street thence northerly 0.39 mile
Eliot Street	South	25	Beginning at a point 0.62 mile south of the Sherborn Town line thence southerly 0.10 mile
Eliot Street	South	25	Beginning at a point 1.11 miles south of the Sherborn Town line thence southerly 0.79 mile
Eliot Street	South	30	Beginning at the Sherborn Town line thence southerly 0.62 mile
Eliot Street	South	35	Beginning at a point 0.72 mile south of the Sherborn Town line thence southerly 0.39 mile
Fountain Street	North	25	Beginning at Front Street thence northerly 0.10 mile
Fountain Street	North	30	Beginning at a point 0.10 mile north of Front Street thence northerly 0.89 mile

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Fountain Street	South	25	Beginning at a point 0.89 mile south of the Framingham Town line thence southerly 0.10 mile
Fountain Street	South	30	Beginning at the Framingham Town line thence southerly 0.89 mile
Main Street	North	25	Beginning at a point 0.82 mile north of Chestnut Street and Prospect Street thence northerly 0.36 mile
Main Street	North	35	Beginning at Sunset Drive thence northerly 0.45 mile
Main Street	South	25	Beginning at a point 1.12 miles south of Water Street and Myrtle Street thence southerly 0.06 mile
Main Street	South	25	Beginning at Water Street and Myrtle Street thence southerly 0.36 mile
Main Street	South	35	Beginning at a point 0.67 mile south of Water Street and Myrtle Street thence southerly 0.45 mile
Myrtle Street	North	30	Beginning at Water Street and Main Street thence northerly 1.26 miles to the Framingham-Ashland line
Myrtle Street	South	30	Beginning at the Framingham-Ashland line thence southerly 1.26 miles to Water Street and Main Street

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Oak Street	North	35	Beginning at a point 250 feet north of Cordaville Road thence northerly 1.51 miles to Ashland-Southborough line
Oak Street	South	30	Beginning at a point 1.49 miles south of Ashland-Southborough line thence southerly 0.07 mile, ending at Cordaville Road
Oak Street	South	35	Beginning at Ashland-Southborough line thence southerly 1.49 miles
Olive Street	North	25	Beginning 200 feet north of Clinton Street thence northerly 1.14 miles
Olive Street	South	25	Beginning 200 feet south of Route 135 thence southerly 1.14 miles
Prospect Street	North	25	Beginning at a point 1.09 miles north of the Holliston Town line thence northerly 0.05 mile
Prospect Street	North	30	Beginning at the Holliston Town line thence northerly 0.73 mile
Prospect Street	North	35	Beginning at a point 0.73 mile northerly of the Holliston Town line thence northerly 0.36 mile
Prospect Street	South	30	Beginning at a point 0.36 mile south of Chestnut Street thence southerly 0.73 mile

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
Prospect Street	South	35	Beginning 250 feet south of Chestnut Street thence southerly 0.36 mile
Waverly Street	East	35	Beginning at Union Street and East Union Street to the Framingham line
Waverly Street	West	35	Beginning at the Framingham line to Union Street and East Union Street
West Union Street	West	35	Beginning at intersection with Presidents Row continuing 0.8 mile
West Union Street and Union Street	East	35	Beginning at a point 1.32 miles north of the Hopkinton-Ashland line thence northerly 0.16 mile
West Union Street and Union Street	East	35	Beginning at a point 1.48 miles north of the Hopkinton-Ashland line thence northerly 0.70 mile
West Union Street and Union Street	East	45	Beginning at the Hopkinton-Ashland line thence northerly 0.32 mile
West Union Street and Union Street	West	30	Beginning at a point 1.11 miles south of Waverly Street and East Union Street thence southerly 1.00 mile
West Union Street and Union Street	West	30	Beginning at a point 0.95 mile south of Waverly Street and East Union Street thence southerly 0.16 mile

Name of Highway	Direction of Travel	Speed Limit (mph)	Location
West Union Street and Union Street	West	35	Beginning at a point 0.25 mile south of Waverly Street and East Union Street thence southerly 0.70 mile
West Union Street and Union Street	West	45	Beginning at a point 2.11 miles south of Waverly Street and East Union Street thence southerly 0.32 mile

- B. Operation of a motor vehicle at a rate of speed in excess of these limits shall be prima facie evidence that such speed is greater than is reasonable and proper.
- C. The provisions of this regulation shall not, however, abrogate in any sense MGL c. 90, § 14.

§ 293-50. Dropping or leaking loads prohibited.

No vehicle shall be moved on any street or highway, nor shall any owner or person in control of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway, unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

§ 293-51. Operation of heavy commercial vehicles.

- A. The use and operation of heavy commercial vehicles having a carrying capacity of more than 21/2 tons, are hereby restricted on the following named streets or parts thereof, and in the manner outlined and during the period of time set forth.

Name of Street	Hours/Days	Limits
Alden Street	All/All	Between Union Street and Leland Avenue (the alternate route shall be Main Street)
Grey Birch Road	All/All	Entire length
Myrtle Street	All/All	Between Main Street and Framingham Town line

- B. Exemptions. Subsection A of this section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to federal, state, municipal or public service corporation owned vehicles.

§ 293-52. Entrance prohibited.

Do not enter onto:

Clyde Road from Main Street between the hours of 3:00 p.m. and 5:00 p.m.

Warren Road from Chestnut Street between the hours of 6:00 a.m. and 9:00 a.m.

§ 293-53. through 293-54. (Reserved)

ARTICLE VI
Accident Reports

§ 293-55. Drivers required to report accidents.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to the apparent total extent of \$1,000 or more shall, within 24 hours, make a full and complete report in writing of such accident to the Police Department. A driver who has been incapacitated as a result of such accident and to such an extent as to make reporting impossible or unfavorable to his recovery shall be required to appoint a designee. Said designee has five working days to report such accident. The report shall be made on a form furnished by the Police Department, copies of which shall be available at the Police Station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

§ 293-56. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provision of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

§ 293-57. through 293-58. (Reserved)

ARTICLE VII
Violations and Penalties

§ 293-59. Violations and penalties.

Except as otherwise provided by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations shall be punishable by a fine of \$25 for each offense; the provisions of this section shall not supersede any penalties established by the RMV, MGL c. 90 or any other section which has a fine, violation or penalty already established.

ARTICLE VIII
Removal of Improperly Parked Vehicles
[Added 12-7-2016]

§ 293-60. (Reserved)

§ 293-61. Statutory authority; exemptions.

In accordance with the provisions of MGL c. 40, § 22D, these regulations authorize the removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the Town. Vehicles specifically exempt by MGL c. 40, § 22D, shall not however be subject to such removal.

- A. Authorized. It is hereby authorized that the Chief of the Ashland Police Department or other officers of the rank of Sergeant or higher (to include the Officer In Charge-OIC) as he may from time to time designate, to remove, to some convenient place through the agency of a person or persons in the employ of the Police Department or by an independent contractor any vehicle parked or standing on any part of any way under the control of the municipality in such a manner as to impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation or ordinance which prohibits the parking or standing of all vehicles on such way or portions thereof at such time and recites that whoever violates it shall be liable to charges for the removal and storage of the vehicles as well as subject to punishment by fine.
- B. Independent contractors. The Police Department shall have the duty to select independent contractors for towing vehicles as regulated by the State Department of Telecommunications and Energy.
- C. Liability for removal. The Town shall not liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage under this Chapter.
- D. Interpretation. Nothing contained herein shall be interpreted to restrict the Commonwealth of Massachusetts from regulating the towing of vehicles on state highways or state property located in the Town of Ashland in accordance with the general laws as amended.

§ 293-62. Contracts for towing and storage.

- A. The Chief of Police shall award contracts for the towing and storage of vehicles removed and stored under this article by competitive bids, advertisements for which shall be inserted once in a newspaper published in the Town at least seven days prior to the opening of bids. Such advertisements shall provide that the Town reserves the right to reject any and all bids. Such contract shall provide that there shall be no obligation on the part of the Town for the payment of towing or storage charges but that the contractor must resort for payment to the owners of vehicles removed from the public streets and stored as provided herein.
- B. No towing company shall be allowed to provide police-ordered towing services to the Town unless it is under written agreement with the Police Department to abide by the terms and conditions established in the written agreement. Further, any tow company so permitted shall maintain an office and secured storage facility, and shall be available on a twenty-four-hour, seven-day-a-week basis for towing.
- C. In accordance with 220 CMR 272, the maximum charge for towing up to five miles may not exceed \$90.00 which includes one hour of Service and/or Waiting Time to be computed from the time of

arrival at the scene. (If service exceeds one hour refer to 220 CMR 272, Note 1. The use of Note 1, for a trespass tow or snow removal tow is prohibited.) A surcharge per mile of \$3.00 is established for miles towed in excess of five miles. Storage Fees not to exceed two dollars (\$2.00) for any twenty-four-hour period; not to exceed one dollar and fifty cents (\$1.50) for any period less than twenty-four hours.

- D. The charges incurred for such removal or towing and storage shall be payable to the contracted towing firm before the owner of such vehicle shall be entitled to remove the same from the place of storage.
- E. In addition to those fees imposed by the towing contractor for removal and storage of the vehicle, the penalty for parking in a tow zone shall be prescribed in accordance with § 293-59.

§ 293-63. General prohibition towing zones.

Vehicles found in violation of the provisions of following sections, except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department, and the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage.

- A. Sections 293-22 through 293-29.
- B. Upon any parking space violation specifically designated for the physically handicapped.
- C. In any other area where a notice of the prohibition of parking is provided by sign bearing the legend "TOW AWAY ZONE" and located so as to be visible to approaching drivers.
- D. Any vehicles obstructing the removal of snow and ice as outlined in § 249-13.

§ 293-64. Record of towed vehicles.

The Police Department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one year and shall contain the following information:

- A. The registration of the vehicle.
- B. The location from which it was towed, and time and date of tow order.
- C. The location to which it was moved.
- D. Name of towing contractor.
- E. Name and rank of officer who authorized towing.

§ 293-65. Recovery of Towed Vehicle by Owner.

Any vehicle removed pursuant to the provisions of this Chapter shall be held until all charges lawfully imposed for such removal and storage following the same have been paid and if in the calendar year in which such vehicle is so removed and in the preceding calendar year five or more notices in the aggregate have been affixed to said vehicle as provided in M.G.L. c. 90, § 20A1/2 due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited.

§ 293-66. Complaints.

Complaints related to any actions taken under these §§ 263-60 through 263-65 shall be heard by the Town of Ashland Police Chief.

Division 4: Board of Health

Chapter 295**BODY ART**

[HISTORY: Adopted by the Board of Health of the Town of Ashland as revised through 5-9-2023.

Amendments noted where applicable.]

§ 295-1. Purpose.

The Town of Ashland is promulgating rules and regulations in the form of this Body Art Regulation which provides minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein Body Art activities are to be performed and Sterilization of Instruments to be used in the conduct of Body Art. By enacting this Body Art Regulation, the Town of Ashland has determined that these rules and Regulations are necessary to protect the public's health by preventing diseases, including, but not limited to, the transmission of hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

In addition, this Body Art Regulation establishes a requirement and a procedure for the registration with the Ashland Board of Health of all persons performing such Body Art activities, a requirement for minimal training standards for such practitioners, including requirements for the prevention of disease transmission and for knowledge of anatomy and physiology provisions for the regular inspection of establishments wherein Body Art activities are to be performed and for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this Body Art Regulation, or for other means of enforcement of the provisions of this Body Art Regulation.

This Body Art Regulation provides for an annual fee to be paid by a person and/or establishment registered under this Body Art Regulation. This fee is intended to help defray the cost to the Town of Ashland of administering this Body Art Regulation.

§ 295-2. Authority.

These Regulations are promulgated under the authority granted to the Ashland Board of Health (Board) pursuant to Massachusetts General Law 111 Section 31, which states "Boards of health may make reasonable health Regulations."

§ 295-3. Definitions.

The following terms used in this Regulation, unless context otherwise requires, shall have the following meaning:

1. **AFTERCARE INSTRUCTIONS** — shall mean written instructions, approved by the Board, given to a person upon whom one or more Body Art activities have been performed, specific to the Body Art procedure(s) rendered or performed, concerning the proper care to be given to the area of the body upon which the Body Art has been performed and concerning the surrounding area of the body.
2. **ANTISEPTIC** — shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.
3. **AUTOCLAVE** — shall mean an apparatus for sterilization utilizing steam pressure at specific temperature over a designated period of time.
4. **AUTOCLAVING** — shall mean the process which results in the destruction of all forms of microbial

life - including highly resistant bacterial spores - by the use of an autoclave for a minimum of thirty (30) minutes at 17 pounds of pressure (PSI) at a temperature of 250 degrees Fahrenheit (F).

5. BOARD — shall mean the Ashland Board of Health or its designated agents.
6. BODY ART — shall mean the practice of physical body adornment, alteration, or modification by means including but not limited to piercing, tattooing, micro-blading, branding, braiding/implantation, or scarring.
7. BODY ART APPRENTICE — shall mean an individual working under the supervision of a Body Art Practitioner meeting the Apprenticeship Program established in Section 2 of the Body Art Regulation.
8. BODY ART ESTABLISHMENT — shall mean any facility that has been inspected and approved by the Board (or one of its designated agents) for use in conducting Body Art activities and for which a current permit is issued by the Board in accordance with this Body Art Regulation.
9. BODY ART REGULATION — shall mean this set of Regulations, as amended from time to time by the Ashland Board of Health.
10. BODY ART PRACTITIONER — shall mean a person who has received a license to perform Body Art activities by the Board pursuant to this Body Art Regulation.
11. BODY ART PRACTITIONER LICENSE — shall mean a license issued by the Board to a person qualified to engage in the practice of Body Art in accordance with this Body Art Regulation.
12. BODY PIERCING — shall refer to the form of Body Art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person for the purpose of the temporary or permanent placement or insertion of jewelry or other adornment or device therein.
13. BRAIDING — shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.
14. BRANDING — shall refer to the form of Body Art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.
15. CLEANING AREA — shall mean the area in a Body Art establishment used in the sterilization, sanitation, or other cleaning of instruments or other equipment used for the practice of Body Art.
16. CONTAMINATED or CONTAMINATION — shall refer to the presence of or a reasonable possibility of the presence of blood, bodily fluids, infectious, or potentially infectious matter on an inanimate object.
17. CONTAMINATED WASTE — shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or potentially infectious materials, as defined in 29 Code of federal Regulation part 1910.0130, as defined in 105 Code of Massachusetts Regulation 480.00 et seq., or in this Body Art Regulation.
18. COSMETIC TATTOOING — also known as permanent cosmetics, micro pigment implantation,

micro-blading or dermal pigmentation, shall refer to the form of Body Art requiring the implantation of permanent pigment around the eyes, lips, and cheeks of the face and hair imitation.

19. CUSTOMER or CLIENT — shall mean a person upon whom one or more Body Art activities is/are to be performed, and shall include a Minor Client.
20. CUSTOMER WAITING AREA — shall mean the area in a Body Art establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.
21. DISINFECT — shall mean the destruction of pathogenic microorganisms using a Liquid Chemical Germicide.
22. DISINFECTANT — shall mean the same as Liquid Chemical Germicide.
23. DERMIS — shall mean the deeper, thicker portion of the skin lying beneath the epidermis, to include the subcutaneous layer.
24. EAR PIERCING — shall mean the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.
25. EPIDERMIS — shall mean the outer layer of skin, which is composed of four recognizable layers of cells usually, a total of about 0.1mm thick.
26. EQUIPMENT — shall mean machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display case, storage units, sinks, and all other apparatus and appurtenances used in connection with the operation of a Body Art establishment.
27. EXPOSURE — shall mean an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.
28. EXPOSURE CONTROL PLAN — shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health Administration to eliminate or minimize potential for an Exposure.
29. EXPOSURE INCIDENT REPORT — shall mean a written report detailing the circumstances of an Exposure.
30. GERMICIDE or GERMICIDAL SOLUTION — shall mean the same as Liquid Chemical Germicide.
31. HAND SINK — shall mean a sink supplied with hot and cold potable water under pressure, which is used solely for washing hands, arms, or other portions of the body.
32. HOT WATER — shall mean water, which is heated to attain and maintain temperature between 110° F and 130° F.
33. INFECTIOUS WASTE — shall mean the same as Contaminated Waste.
34. INSTRUMENT STORAGE AREA — shall mean the area in a Body Art establishment used for the storage of linens, equipment, and instruments used for Body Art.
35. INSTRUMENT or INSTRUMENT USED FOR BODY ART — shall mean those hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during Body Art procedures.

36. INVASIVE - shall describe a procedure causing entry into the body either by incision or by the insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
37. JEWELRY — shall mean any device or adornment inserted into a pierced or incised area or portion of the body.
38. LICENSE — shall mean a document issued by the Board pursuant to this Body Art Regulation authorizing a person to conduct allowed Body Art procedures in the Town of Ashland.
39. LIQUID CHEMICAL GERMICIDE — shall mean a substance registered with the United States Environmental Protection Agency for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.
40. MICRO-BLADING — shall mean a pulling or swiping motion with a set of slightly curved needles. It results in a fine line or scoring of the skin into which the temporary color is delivered by multiple needles being moved as they rotate through the skin in a slight curve.
41. MINOR or MINOR CLIENT — shall mean a person of less than 18 years of age as of that person's last birth date.
42. MOBILE BODY ART ESTABLISHMENT — shall mean any trailer, truck, car, van, camper, or other motorized or non-motorized vehicle, a shed tent, movable structure, bar, home or other facility wherein, or concert, fair, party, or other event whereat one desires to actually conduct Body Art procedures, excepting only a Licensed Body Art Establishment.
43. OPERATOR — shall mean any person alone or jointly with other persons who owns, controls, operates or manages a Body Art Establishment.
44. PARENTERAL — shall mean the invasion of the skin barrier or mucous membranes
45. PERMIT — shall mean a document issued by the Board pursuant to this Body Art Regulation authorizing the use of a facility for the conducting of Body Art activities.
46. PHYSICIAN — shall mean a person licensed by the Commonwealth of Massachusetts in accordance with Massachusetts general Law chapter 112 section 2.
47. PROCEDURE SURFACE — shall mean any surface of an inanimate object that contacts an unclothed part of a person upon whom Body Art is to be performed.
48. PROHIBITED FORMS OF BODY ART - shall refer to those forms of Body Art prohibited under this Body Art Regulation
49. SANITIZE — shall mean the process of reducing the number of microorganisms on a surface to a safe level using a Liquid Chemical Germicide.
50. SANITIZER — shall mean the same as Liquid Chemical Germicide.
51. SCARIFICATION — shall refer to a form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar.
52. SHARPS — shall mean any object (sterile or not) that may purposefully or accidentally cut or penetrate the skin or mucosa of a person, including but not limited to, needles, scalpel blades, razor blades, and lancets.

53. SHARPS CONTAINER — shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, or disposal and is labeled with the International Biohazard Symbol.
54. SINGLE USE — shall mean products or items that are intended for one-time, one-person use and are to be disposed of after such use including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.
55. STERILIZATION UNIT — shall mean a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Board for use for Sterilization in a Body Art Establishment.
56. STERILIZE — shall mean to effectively kill all microorganisms, including bacterial spores.
57. TATTOO — shall refer to the form of Body Art consisting of the injection of ink, dye, or other medium to form or create an indelible mark, figure or decorative design in the subcutaneous portion of the skin.
58. TATTOOING — shall mean the act or process of creating a tattoo.
59. TATTOO GUN — shall mean an electric, vertically vibrating tool used for tattooing.
60. TATTOO INKS/PIGMENTS/DYES — shall mean the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.
61. TEMPORARY BODY ART ESTABLISHMENT — shall mean the same as Mobile Body Art Establishment.
62. THREE DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION — shall refer to the form of Body Art consisting of or requiring the placement of injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass, or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.
63. ULTRASONIC CLEANING UNIT — shall mean a unit approved by the Board and physically large enough to fully submerge Instruments in liquid, which unit removes all foreign matter from the Instruments by means of high frequency oscillations transmitted through the contained liquid.
64. UNIVERSAL PRECAUTIONS or STANDARD PRECAUTIONS — shall mean the set of guidelines and controls, published by the Center for Disease Control as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to healthcare and public-safety workers" in Morbidity and Mortality Weekly Report by the center for Disease Control (CDC) June 23, 1989, Vol.38,NO.S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures" in Morbidity and Mortality Weekly Report July 12, 1991, Vol.40, No. RR-8, each as amended or updated. This method of infection control requires the employer and the employee to assume that all human blood and specified human bodily fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include, but are not limited to, hand washing, donning of gloves, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and bodily fluid contaminated products.
65. WORKSTATION — shall mean an area within a Body Art Establishment designated for use in the conducting of Body Art activities.

§ 295-4. Severability.

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

§ 295-5. The Practice of Body Art - Body Art Practitioner License Required.

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner or Apprentice License issued by the Board pursuant to this Body Art Regulation.

§ 295-6. Body Art Facility - Body Art Establishment Permit Required.

No person shall establish a facility for the conduct of a business consisting of or including performance of one or more Body Art activities upon the person of another without a valid Permit to operate such facility as a venue within which to conduct Body Art activities issued by the Board in accordance with this Body Art Regulation.

§ 295-7. Exemptions.

- (a) Physicians licensed in accordance with M.G.L. c. 112 § 2 who practice Body Art procedures as part of a patient treatment are exempt from provisions of the Body Art Regulation so long as such Body Art activities are performed in a medically acceptable manner.
- (b) Individuals, who pierce only the lobe of the ear with a pre-sterilized single-use stud and clasp ear-piercing system without the use of a so-called piercing gun, are exempt from the provisions of this Body Art Regulation.

§ 295-8. Commonwealth of Massachusetts - Registration or Licensing.

The requirements of this Body Art Regulation to obtain a Body Art Practitioner License and/or a Body Art Facility Permit are separate from and in addition to the requirements of Massachusetts General Law Chapter 110, § 5 or any similar requirements that may be mandated by the Commonwealth of Massachusetts.

1. Body Art Practitioner

- 1.1 Application - Registration - Body Art Practitioner License
- 1.2 Body Art Practitioner License - Compliance with Minimal Training Requirements
- 1.3 Hepatitis B Vaccination Status - Disclosure
- 1.4 Hygiene
- 1.5 Minimal Education requirements
- 1.6 Blood Borne Pathogen Training Course - Content
- 1.7 Body Art Practitioner License - Consent to Comply with Body Art Regulation

- 1.8 Body Art Practitioner License - Board Authorized to Issue
- 1.9 Body Art Practitioner License - Acting Within Scope of License
- 1.10 Body Art Practitioner License - Posting requirement
- 1.11 Body Art Practitioner License - Impairment by Drugs or Alcohol
- 1.12 Restriction of Certain Body Art Activities
- 1.13 Sterile Conditions
- 1.14 Rash, Lesion, or Visible Sign of Infection
- 1.15 Use of Licensed Facility
- 1.16 Body Art Practitioner - Use of Mobile or Temporary Establishment - Prohibited

1.1 Application - Registration - Body Art Practitioner License

Any person, aged 18 years or older, seeking registration under this Body Art Regulation to obtain a Body Art Practitioner License shall submit a completed application provided by the Board and shall pay the Town of Ashland a fee per the fee schedule approved by the Board of Health. A Body Art Practitioner License shall be valid for no more than one year. The Board may renew a Body Art Practitioner License under this Body Art Regulation and each applicant for such renewal shall pay to the Town of Ashland a renewal fee per the fee schedule. All Body Art Practitioner Licenses shall expire on December 31 of the year of issuance. Applications for renewal under this Body Art Regulation shall be submitted to the Board at least thirty (30) days in advance of the expiration date.

1.2 Application - Body Art Practitioner License - Compliance with Body Art Regulation Requirements

An applicant for a Body Art Practitioner License shall demonstrate to the Board his/her successful compliance with all training, disclosure, consent, and educational requirements of this Body Art Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner License prior to the issuance or renewal of a Body Art Practitioner License by the Board.

1.3 Hepatitis B Vaccination Status - Disclosure

- (a) A Hepatitis B Vaccination is highly recommended.
- (b) An applicant for a Body Art Practitioner License shall provide to the Board, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which the applicant does perform Body Art activity, valid documentation of his/her Hepatitis B Virus (HBV) vaccination status stating:
 - a. Certification of completed vaccination;
 - b. Laboratory evidence of immunity (titer);

- c. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed licensed healthcare professional's statement specifying the name of the Body Art Practitioner License applicant and that the vaccine cannot be given; or
- d. Certificate of vaccination declination of HBV, i.e. for medical or religious reasons as provided in Massachusetts General Law chapter 76 section 15.

1.4 Hygiene

Every Body Art Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activity. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further Body Art activity.

1.5 Minimal Training Requirements

Every applicant for a Body Art Practitioner License or a renewal of a Body Art Practitioner License, in order to be qualified for such a License, shall provide to the Board evidence of satisfaction of the following minimal training requirements:

- a. For a Body Art Practitioner License enabling one to perform Body Piercing, the completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I&II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin).
- b. For a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing, the completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I&II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing.
- c. For all Body Art Practitioners, the successful completion of a course on Prevention of Disease transmission and Bloodborne pathogens taught by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of 29 CFR 19010.1030.
- d. Current certification in American Red Cross First Aid, or its equivalent, Cardio-Pulmonary Resuscitation (including use of an Automated External Defibrillator).
- e. Body Art Practitioner work experience:
 - i. Evidence satisfactory to the Board of at least two years' actual experience in the practice of performing Body Art activities of the kind for which the applicant seeks a Body Art Practitioner License to perform, whether such experience was obtained within or outside the Commonwealth, or
 - ii. Evidence of a completed apprenticeship program as approved by the Commonwealth of Massachusetts or the Board, with instruction in the kind of Body Art for which the

applicant seeks a Body Art Practitioner License to perform.

1.6 Blood Borne Pathogen Training Course - Content

Any course taken by an applicant to fulfill the requirements set forth in this Body Art Regulation concerning the exposure control and Blood borne pathogen training shall meet the requirements of 29 CFR 19010.1030 et seq., as amended from time to time, and, at a minimum, shall provide instruction in the following subject matter:

- a.
 - (1) A general explanation of the epidemiology and symptoms of Blood borne diseases and all communicable diseases potentially transmitted through Body Art activity;
 - (2) An explanation of the modes of transmission of Blood borne pathogens and other communicable diseases potentially transmitted through Body Art activity;
 - (3) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for the Body Art practitioner and/or the client/recipient;
 - (4) An explanation of the use and limitations of methods that will prevent or reduce exposure to the Body Art Practitioner and/or client/recipient of Blood borne pathogens and other communicable diseases;
 - (5) Information on different types, proper use, and removal of gloves and proper handwashing technique;
 - (6) Information on the proper selection and use of disinfectants and antiseptics;
 - (7) Information on the HBV vaccine, including information on its efficacy, safety, method of administration, and the benefits of vaccination against HBV;
 - (8) An explanation of what constitutes an exposure incident, the risk of disease transmission following an exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs involving Blood borne pathogens; and,
 - (9) An opportunity for interactive questions and answers with the instructor of the training session.
- b. Upon conclusion of a course as described above, an examination based on the information covered in the course shall be administered to each attendee of the course by the entity administering the course, with documentation of the results for each attendee provided to him or her. The Body Art Practitioner License applicant shall provide the results of such examination to the Board.

1.7 Body Art Practitioner License - Consent to Comply with Body Art Regulation

An applicant for a Body Art Practitioner or Apprentice License shall sign a statement provided by the Board consenting to and agreeing to abide by all of the provisions of this Body Art Regulation.

1.8 Body Art Practitioner License - Board Authorized to Issue

- a. If an applicant for a Body Art Practitioner License demonstrates compliance with section

1.5(a) and all other provisions of this Body Art Regulation, excepting only section 1.5(b), then the Board is hereby authorized to issue a Body Art Practitioner License pursuant to the provisions of this Body Art Regulation which authorizes the applicant to conduct Body Art activities permitted under this Body Art Regulation.

- b. If an applicant for a Body Art Practitioner License does not demonstrate compliance with section 1.5(a) of this Body Art Regulation, but does demonstrate compliance with section 1.5(b) and with all other provisions of this Body Art Regulation, then the Board is hereby authorized to issue a Body Art Practitioner License that authorizes the applicant to conduct Body Art activities permitted by this Body Art Regulation, excepting Body Piercing.

1.9 Body Art Practitioner License - Acting Within Scope of License

A Body Art Practitioner shall only perform those forms of Body Art for which he/she holds a Body Art Practitioner License issued by the Board.

1.10 Body Art Practitioner License - Posting Requirement

A Body Art Practitioner and/or Operator shall post in an area of the Body Art Establishment accessible to the Board and to the Clients the original of the current Body Art Practitioner License of the Body Art Practitioner.

1.11 Body Art Practitioner - Impairment by Drugs or Alcohol

No Body Art Practitioner shall conduct any Body Art activity while under the influence of alcohol or drugs.

1.12 Restriction of Certain Body Art Activities

No Body Art Practitioner shall:

- a. Tattoo a Minor Client;
- b. Pierce a client under 14 years of age - with the sole exception of Ear Piercing; or
- c. Perform or engage in any of the activities prohibited under section 8 of this Body Art Regulation.

1.13 Sterile Conditions

A Body Art Practitioner shall only conduct Body Art activities under sterile conditions.

1.14 Rash, Lesion or Visible Sign of Infection

The skin of a Body Art Practitioner shall be free from rash, any lesion or visible sign of infection. A body Art Practitioner shall not conduct any form of Body Art activity upon any area of a Client that evidences the presence of any rash, lesion, or visible sign of infection.

1.15 Use of Licensed Facility

A Body Art Practitioner shall only conduct Body Art activities within a facility with a current Body Art Establishment Permit, and which Establishment is in compliance with all provisions of this Body Art Regulation.

1.16 Body Art Practitioner - Use of Mobile or Temporary Body Art Establishment - Prohibited

No Body Art Practitioner shall conduct any form of Body Art activity in a Mobile or Temporary Body Art Establishment.

2. Apprenticeship Program

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| 2.1 | Apprenticeship Program - Authorization |
| 2.2 | Compliance with this Body Art Regulation |
| 2.3 | Apprenticeship Program - Minimum Requirements |
| 2.4 | Apprenticeship License - Board Authorized to Issue |
| 2.5 | Clients - Notice and Consent |

2.1 Apprenticeship Program - Authorization

This Regulation established pursuant to Massachusetts General Law chapter 111 section 31, shall not prohibit a Body Art Practitioner from participating in any License Apprenticeship Program.

2.2 Compliance with this Body Art Regulation

Any Body Art Practitioner may establish a License Apprenticeship Program whereby apprentices may work under a licensed Body Art Practitioner to gain the experience necessary to obtain a license to practice. A Body Art Practitioner Apprenticeship Program established pursuant to this section 2 of this Body Art Regulation shall require that all participants in such Program adhere to and abide by all relevant provisions of this Body Art Regulation excepting only section 1.5(e) herein.

2.3 Apprenticeship Program - Minimum requirements

As a minimum requirement of the Body Art Practitioner License Apprenticeship Program established hereunder, the Board shall require that each participant in such program shall be required to complete the requirements of section 1.5 (a) through (d) inclusive and 1.6 of this Body Art Regulation prior to participating in such program or conducting any form of Body Art activity upon a Client or the person of another.

2.4 Apprenticeship License - Board Authorized to Issue

The Board is hereby authorized to issue a Body Art Practitioner Apprenticeship License to participants in a Body Art Practitioner License Apprenticeship Program established pursuant to section 2.1 of this Body Art Regulation provided such participant qualifies for the same pursuant to the provisions of this Body Art Regulation by meeting the requirements of section 1.5(a) through (d) inclusive and 1.6 of this Regulation.

2.5 Clients - Notice and Consent

- a. Before a person acting under a Body Art Practitioner Apprentice license conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.

- b. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, such person must obtain the Client's written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to section 3.2 of this Body Art Regulation and such written consent shall be maintained therewith.

3. Customers/Clients

- 3.1 Application and Consent Form for Body Art Activity - Requirement
- 3.2 Application and Consent Form for Body Art Activity - Content
- 3.3 Disclosure of Certain Health Related Information
- 3.4 Impairment by Drugs or Alcohol
- 3.5 Aftercare Instructions - Requirement
- 3.6 Aftercare Instructions - Minimum Content
- 3.7 Age Requirements for Certain Body Art Activities
- 3.8 Rash, Lesion or Visible Sign of Infection

3.1 Application and Consent Form for Body Art Activity - Requirement

Every Client shall complete an application and consent form approved by the Board prior to having any Body Art activity performed upon or to their body.

3.2 Application and Consent Form for Body Art Activity - Content

Every application and consent form, required by section 3.1 of this Body Art Regulation, shall contain a minimum of the following:

- a. General information regarding Body Art, including, at a minimum, the following statements:
 - 1. Tattoos should be considered permanent; and
 - 2. The removal of Tattoos would require surgery or other medical procedure(s) that may result in scarring of the skin.
- b. Information as to the side effects of Body Art, including, but not limited to, hypertrophic scarring, possible adverse reactions to ink/dye pigment, possible change in color of ink/dye pigment over time, a decreased ability of physician to locate skin melanoma in regions concealed by Tattoos or other forms of Body Art, possible nerve damage, febrile illness, tetanus, systemic infection, and keloid formation;
- c. Client Information, including:
 - 1. Name;
 - 2. Age and valid identification;

3. In the case of a Minor Client, the Parent or Legal Guardian's name, proof of parentage or legal guardianship through a copy of birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent or legal guardian's relationship to the Minor Client, and the consent to conduct of the contemplated Body Art activity upon the Minor Client;
 4. The type of the Body Art activity to be performed.
 - d. Instructions requiring the Client to adhere to the Exposure Control Plan as such Plan relates to the Client's conduct in the Body Art Establishment;
 - e. The address and phone number of the Board and instructions for the Client, or in the case of a Minor Client - the Minor Client and his/her Parent or Legal Guardian, to contact the Board with any questions or concerns regarding safety, Sanitation or Sterilization procedures;
 - f. The name of the Body Art Practitioner who is to conduct the Body Art upon the Client or Minor Client;
 - g. The manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/ink or pigment to be used in the Body Art activity;
 - h. Signature of Client;
 - i. In the case of a Minor Client, the signature of the Client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner;
 - j. The signature of the Body Art Practitioner;
 - k. The date(s) of all signature(s); and,
 - l. The date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete.
- 3.3 Disclosure of Certain Health Related Information
- a. A Client shall inform the Body Art Practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:
 1. Diabetes;
 2. History of hemophilia (bleeding);
 3. History of skin disease, skin lesions or skin sensitivities to soap, Disinfectants, etc.;
 4. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
 5. History of epilepsy, seizures, fainting or narcolepsy;
 6. The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting.
 7. History of or suspicion of adverse reactions to latex or latex-containing products.

- b. A Client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.
- c. The Body Art Practitioner shall require the Client to sign a release form confirming that the above information was obtained or attempted to be obtained and the Client refused to disclose the same.

3.4 Impairment by Drugs or Alcohol

No person shall receive any form of Body Art activity who is under the influence of drugs or alcohol.

3.5 Aftercare Instructions - Requirement

All Clients shall obtain and read and follow the Board approved Aftercare Instructions appropriate for the form of Body Art conducted upon such person.

3.6 Aftercare Instructions - Minimum Content

Aftercare Instructions shall be approved by the Board and shall include, at a minimum, the following:

- (1) Proper care of site following the procedure;
- (2) Restrictions, if any, upon the client;
- (3) Signs and symptoms of infection; and
- (4) Instructions to contact a physician if signs of infection occur;

3.7 Age Requirements for Certain Body Art Activities

- (1) No Minor Client shall receive a Tattoo.
- (2) No Minor Client shall be Branded.
- (3) No Minor Client shall be Scarred.
- (4) No Minor Client shall have his or her genitalia pierced.
- (5) No Client under 14 years of age shall be pierced with the sole exception of Ear Piercing.

3.8 Rash, Lesion or Visible Sign of Infection

The skin area or mucosa of a Client to receive any form of Body Art activity shall be free of rash, any lesion, or from any visible sign of infection.

4. Body Art Establishments

- 4.1 Application - Registration - Body Art Establishment Permit
- 4.2 Zoning Restriction
- 4.3 Plans
- 4.4 Workstation

4.5	Separate Areas
4.6	Walls - Floors - Ceilings
4.7	Electrical Wiring
4.8	Lighting and Ventilation
4.9	Plumbing
4.10	Toilet Rooms
4.11	Hand Washing Sinks
4.12	Janitorial Sinks
4.13	Instrument Sinks
4.14	Exposure Control Plan - requirement
4.15	Exposure Control Plan - Submission
4.16	telephone Access - Emergency Communication
4.17	Body Art Establishment - Other Activities - Restrictions
4.18	Body Art Establishment - Permit - Board Authorized to Issue
4.19	Body Art Establishment - Permit - Posting requirement
4.20	Mobile or Temporary Body Art Establishment - Prohibited
4.21	Health of Body Art establishment Employees

4.1 Application - registration - Body Art Establishment Permit

A person seeking registration under this Body Art Regulation to obtain a Body Art Establishment Permit shall submit a completed application provided by the Board and shall pay the Town of Ashland a fee per the fee schedule. A Body Art Establishment Permit shall be valid for no more than one year. The Board may renew a Body Art Establishment Permit under this Body Art Regulation and each applicant for such renewal shall pay the Town of Ashland a renewal fee per the fee schedule. All Body Art Establishment Permits shall expire on December 31st of the year of issuance.

4.2 Zoning Restriction

No Body Art facility or Body Art Establishment shall be located in a Residential Zoning District unless approval for variance is granted by the Zoning Board of Appeals for commercial use.

4.3 Plans

Every operator or applicant for a Body Art Establishment Permit shall submit to the Board scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The Board may require an on-sight inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Regulation prior to the

issuance by the Board of a Body Art Establishment Permit pursuant to this Body Art Regulation.

4.4 Workstation

- (a) Every Workstation constructed prior to January 1, 2001 shall have a minimum of 60 square feet. Every Workstation constructed after January 1, 2001 shall have a minimum of 80 square feet.
- (b) Each Body Art Establishment shall have at least one Workstation.
- (c) The area within each Workstation shall be completely screened from view from any person outside such Workstation.
- (d) A Workstation shall be used for no other purpose.
- (e) Each Workstation shall be separated from any other area of the Body Art Facility, including other Workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of eight (8) feet.
- (f) A Workstation shall be maintained in a clean and sterile condition.

4.5 Separate Areas

- (a) Every Body Art Establishment shall have therein a Cleaning Area. Every Cleaning Area shall have an area for the placement and use of an Autoclave or other Sterilization Unit located or positioned so as to be a minimum of thirty-six (36) inches from a required Ultrasonic Cleaning Unit.
- (b) Every Body Art Establishment shall have therein an Instrument Storage Area exclusive of the Cleaning Area. The Instrument Storage Area shall be equipped with cabinets for the storage of Instruments and Equipment. The required cabinets shall be located a sufficient distance from the Cleaning Area so as to prevent Contamination of the Instruments and Equipment stored therein.
- (c) Every Body Art Establishment shall have therein a Customer Waiting Area exclusive of and separate from any Workstation, Instrument storage Area, or Cleaning Area.

4.6 Walls - Floors - Ceilings

- (a) Every Workstation, Instrument Storage Area, Toilet Room, and Cleaning Area shall be constructed and maintained as follows in order to provide a durable, smooth, nonabsorbent and washable surface;
 - (1) Floors - constructed of commercially rated continuous sheet vinyl, smooth sealed cement, ceramic tile with sealed grout, or other similar materials approved by the Board and shall be maintained in good repair free of any holes or cracks;
 - (2) Walls - covered with a semi-gloss or gloss enamel paint, or constructed of fiberglass reinforced panel, ceramic tile with sealed grout or other similar materials approved by the Board and shall be maintained in good repair free of any holes or cracks;
 - (3) Ceiling - covered with semi-gloss or gloss enamel paint, or approved commercially rated panels or tiles and maintained in good repair free of any holes, cracks, or falling matter.

- (b) All such floors, walls, and ceilings shall be light-colored. For purposes of this Body Art Regulation, "light-colored" shall mean a light reflectance value of seventy (70) percent or greater.

4.7 Electrical Wiring

- (a) All electrical wiring shall be installed and maintained in accordance with the state and local wiring codes.
- (b) All electrical outlets in all Workstations and Cleaning Areas shall be equipped with approved Ground Fault (GFCI) protected receptacles.

4.8 Lighting and Ventilation

- (a) Every Workstation shall be well ventilated and have a minimum light service maintained at all times during the conducting of Body Art Activities at an equivalent of not less than 20 foot candles as measured 36 inches above the floor, except that a minimum of 100 foot candles shall be provided on the area of the Client's body subject to the conduct of Body Art, in any area where instruments or Sharps are assembled, and all Cleaning Areas.
- (b) Every Workstation, Cleaning Area, and every area in a Body Art Establishment where linens, Instruments, Sharps, or other Equipment is exposed, Sanitized, or Sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses, or globes of shatterproof material.

4.9 Plumbing

- (a) All plumbing and plumbing fixtures shall be installed in compliance with local plumbing codes.
- (b) To the extent permitted by applicable federal, state, and local laws and Regulations, all liquid wastes shall be discharged through the plumbing system into the public sewerage system or into a Board-approved private sewage disposal system.
- (c) An adequate pressurized potable water supply shall be provided to every Body Art Establishment.
- (d) The public water supply entering a Body Art Establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 Code of Massachusetts Regulation 24B, as amended from time to time.

4.10 Toilet Rooms

- (a) Every Body Art Establishment shall provide toilet rooms with adequate lighting and ventilation to the outside for use by employees and Clients, which shall be available to Clients during business hours.
- (b) The number and construction of toilet rooms shall be in accordance with local building and plumbing codes.
- (c) Every water closet or toilet stall shall be enclosed and have a well-fitting, self-closing door.
- (d) An adequate supply of toilet tissue shall be provided in a permanently installed dispenser

in each water closet or toilet stall.

- (e) Toilet rooms shall not be used for storage of Instruments or other supplies used for Body Art activity.
- (f) A Body Art Establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such Body Art Establishment if Board-approved toilet facilities are located in the retail shopping center within 300 feet of the Body Art establishment so as to be readily accessible to any Client or Body Art Practitioner.

4.11 Handwashing Sinks

- (a) A Handwashing Sink shall be provided within or adjacent to any toilet room and in each Workstation.
- (b) Every Hand Washing Sink shall be equipped with an adequate supply of hot and cold water under pressure with fixtures to allow for washing of hands, liquid hand cleanser, single-use sanitary towels in devices for dispensing, and a waste container of washable construction.
- (c) A Hand Washing Sink shall not be used as a Janitorial Sink.

4.12 Janitorial Sink

At least one janitorial sink shall be provided in every Body Art Establishment for use in cleaning the Body Art Establishment and proper disposal of liquid wastes in accordance with all applicable Federal, state and local laws. For purposes of this Body Art Regulation, a janitorial sink means a sink of adequate size equipped with hot and cold water under pressure so as to permit the cleaning of the Body Art establishment and any equipment used for cleaning.

4.13 Instrument Sink

- (a) Every Cleaning Area shall have a sink used exclusively for the cleaning of Instruments.
- (b) Every instrument sink shall be of adequate size and equipped with hot and cold water under pressure so as to permit the cleaning of Instruments.

4.14 Exposure Control Plan - Requirement

Each Operator shall create, update as needed, and comply with an Exposure Control Plan.

4.15 Exposure Control Plan - Submission

- (a) The Exposure Control Plan for a Body Art Establishment shall be submitted by the Operator to the Board for review as to meet all of the requirements of OSHA Regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030 et seq., as amended from time to time.
- (b) A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

4.16 Telephone Access - Emergency Communication

A Body Art Establishment shall be required to have a telephone in good working order and easily accessible to all employees and Clients during all hours of operation for the purpose of contacting police, fire or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number for the Board.

4.17 Body Art Establishment - Other Activities - Restrictions No Operator shall permit the use of a Body Art Establishment:

- (a) For the sale of food and/or beverages, whether to be consumed at the Body Art Establishment or off-site;
- (b) As a barbershop or hair salon;
- (c) As a nail salon;
- (d) As a bar, with or without a license for the sale of alcoholic beverages;
- (e) As a bowling alley;
- (f) For human habitation;
- (g) As a tanning salon;
- (h) As a massage parlor, or
- (i) For any other use, which, in the opinion of the Board, may cause the contamination of instruments, Equipment, A Procedure Surface, or Workstation.

4.18 Body Art Establishment - Permit - Board Authorized to Issue

If an applicant for a Body Art Establishment permit demonstrates to the Board compliance with section 4 et seq. of this Body Art Regulation, the Board is hereby authorized to issue a Body Art Establishment Permit pursuant to the provisions of this Body Art Regulation.

4.19 Body Art Establishment - Permit - Posting Requirement

The Operator of a Body Art Establishment shall post in an area of the Body Art Establishment accessible to the Board and Clients the original of the Current Body Art Establishment Permit issued by the Board.

4.20 Mobile or Temporary Body Art Establishment

No person shall establish or operate a Mobile or Temporary Body Art Establishment within the town of Ashland.

4.21 Health of Body Art Establishment Employees

No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of, or in any capacity in, a Body Art Establishment which would create a likelihood that such a person could Contaminate Equipment, Instruments, supplies, Procedure Surfaces, Workstations, or otherwise compromise or could be reasonably be expected to compromise the Sterility of the Body Art Establishment with body substances or pathogenic organisms.

5. Instruments and Equipment

- | | |
|-----|--------------------------------------|
| 5.1 | Equipment and Furnishings |
| 5.2 | Sanitizing and Sterilization Units |
| 5.3 | Waste Receptacles |
| 5.4 | Linens |
| 5.5 | Rotary Pens |
| 5.6 | Ink - Dye - Pigment |
| 5.7 | Inserted Objects - Jewelry |
| 5.8 | Single Use Equipment and Instruments |
| 5.9 | Prohibited Instruments and Materials |

5.1 Equipment and Furnishings

The Procedure Surface and the surface of all furniture and counter tops located in a Workstation, Instrument Storage Area, and Cleaning Areas shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily cleanable, and able to withstand repeated cleaning and Disinfecting. Such surfaces shall be maintained in a good condition free from holes and cracks.

5.2 Sanitizing and Sterilization Units

(a) Every Body Art Establishment shall have, at a minimum, the following:

- (1) One or more Ultrasonic Cleaning Units sold for cleaning purposes under approval of the U.S. Food and Drug Administration. Every Ultrasonic Cleaning Unit shall be clearly labeled "Biohazardous" and shall be installed or placed in the Cleaning Area at a minimum distance of 36 inches from the required Autoclave or other Sterilization Unit.
- (2) One or more Autoclaves or other Sterilization Unit sold for medical Sterilization purposes under approval of the U.S. Food and Drug Administration; and

(b) Every Operator and Body Art Practitioner shall be knowledgeable in the required washing, cleaning, and Sterilization procedures including the proper operation of the Ultrasonic Cleaning Unit and Autoclave or other Sterilization Unit.

5.3 Waste Receptacles

- (a) Every Workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.
- (b) Every Workstation shall have an approved Sharps Container exclusively used for the disposal of Contaminated Waste in accordance with applicable state and local Regulations.

5.4 Linens

Every Body Art Establishment or Body Art Practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be

used in conducting Body Art activities.

5.5 Rotary Pens

If used in Body Art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings, or casings designed and manufactured to be easily cleaned and sterilized.

5.6 Ink - Dye - Pigment

- (a) All Inks, Dyes, and Pigments used to alter the color of skin in the conduct of Body Art shall be specifically manufactured for such purpose, approved, properly labeled as to its ingredients, manufacturer and lot number in accordance with applicable United States Food and Drug Administration ("FDA") requirements, and shall not be contaminated or adulterated. The mixing of such Inks, Dyes, or Pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the manufacturer.
- (b) Inks, Dye, and Pigments prepared by or at the direction of a Body Art Practitioner for use in Body Art activity shall be made exclusively of non-toxic and non-contaminated ingredients approved by the Board or the FDA.

5.7 Inserted Objects - Jewelry

- (a) Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs, or irregular surface conditions.
- (b) Jewelry of 16-Gage girth or thicker shall not have raised external threads or threading.
- (c) Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.
- (d) The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client is prohibited.
- (e) Only Jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material Standards F-136-98, platinum or other materials are considered by the Board to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

5.8 Single Use Equipment and Instruments

Equipment, Instruments, and supplies intended for single-use shall not be used more than one time.

5.9 Prohibited Instruments and Materials

No Operator, Body Art Practitioner, or other person shall utilize or have available in a Body Art Establishment any:

- (1) Instruments or materials, such as styptic pencils or devices, alum, or any similar material, used to check the flow of blood;

- (2) Liquid sterilants for the attempted sterilization of any re-usable Instrument or component;
- (3) Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine;
- (4) Multiple-use Instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning, or Sterilization;
- (5) Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application, or dispensation;
- (6) Suturing kits or other suturing devices, scalpels, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any Prohibited Body Art Activity, and not otherwise properly used for any allowed Body Art activity;
- (7) Piercing needles or piercing tapers for the sale or use by one not a Body Art practitioner; or
- (8) Needles used in the practice of "play piercing," so-called.

6. General Requirements

- 6.1 Animals
- 6.2 Smoking, Eating and Drinking - Prohibited
- 6.3 Disease Transmission
- 6.4 Exposure Incident Report
- 6.5 Record Maintenance
- 6.6 Establishment Maintenance
- 6.7 Toilet Room and Plumbing Maintenance
- 6.8 Equipment and Instrument Maintenance
- 6.9 Contaminated Instruments
- 6.10 Instrument Storage
- 6.11 Use of Chemicals and Cleaners
- 6.12 Labeling
- 6.13 Linen Storage and Cleaning
- 6.14 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units
- 6.15 Waste Hauling

6.1 Animals

- (a) No Body Art Practitioner shall conduct any form of Body Art upon an animal.
- (b) No animal, except one actually serving as any guide animal, signal animal, or service animal accompanied by a totally or partially blind person or deaf person or a person whose

hearing is impaired or handicapped person, shall be allowed in a Body Art Establishment,

6.2 Smoking, Eating and Drinking - Prohibited

No person shall smoke, or otherwise use any form of tobacco, eat or drink at or in a Workstation, Instrument Storage Area or Cleaning Area. Only in the case of medical need may be fluids consumed by a Client.

6.3 Disease Transmission

Except as set forth in these Regulations, no Operator, Body Art Practitioner, or other person shall commit or permit any act that may expose any Client or person to disease or illness or otherwise contaminate any instrument or area in a Body Art Establishment.

6.4 Exposure Incident Report

- (a) An Exposure Incident Report shall be completed by the close of the business day during which an Exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity.
- (b) Each Exposure Incident report shall contain:
 - (1) A copy of the Application and Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure Incident;
 - (2) A full description of the Exposure Incident, including the portion of the body involved therein;
 - (3) Instruments or other Equipment implicated;
 - (4) A copy of the Body Art Practitioner License of the involved Body Art Practitioner;
 - (5) Date and time of Exposure;
 - (6) A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
 - (7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by person(s) involved.

6.5 Record Maintenance

- (a) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board the following information for the time period specified below; to be updated as needed to remain current:
 - (1) Exposure Control Plan - one copy of the Exposure Control Plan for the Body Art Establishment submitted to the Board;
 - (2) Exposure Incident Reports - reports to be kept permanently;
 - (3) Employee records [three years] - indicating name, home address, home phone number, identification photograph, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of Body Art

procedures conducted, dates of employment at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;

- (4) Body Art Practitioner independent operator (non-employee of the Body Art Establishment) records [three years] - indicating: name, home address, phone number, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of Body Art procedures conducted, dates operating at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;
 - (5) Client records [two years] - copies of all Application and Consent forms for Body Art activity;
 - (6) Waste hauler manifests for Contaminated Waste transport and disposal [three years];
 - (7) Training records [three years]- documentation to verify training of Exposure Control Plan to all employees and Body Art Practitioner independent operator(s) conducting Body Art activity at such establishment;
 - (8) Commercial biological monitoring [spore] system test results [three years]; and
 - (9) Body Art Regulation - one copy of the most current version of the Body Art Regulation and any State Regulations concerning the practice of Body Art.
- (b) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board all Exposure Incident reports permanently. The disposal or destruction of these reports is prohibited.

6.6 Establishment Maintenance

Every area of a Body Art Establishment shall be kept in good repair, clean and free of all vermin and maintained to prevent Contamination of Clients and other persons.

6.7 Toilet Room and Plumbing Maintenance

Every toilet room, all plumbing, and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

6.8 Equipment and Instrument Maintenance

- (a) All Instruments, Equipment, and Procedure Surfaces used for Body Art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, and in good repair and free from Contamination.
- (b) All Instruments manufactured for performing any specific Body Art activity shall be so designated, used and approved, and shall not be modified, adulterated, Contaminated, or improperly used. Instruments used for Body Piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.

6.9 Contaminated Instruments

- (a) Every Contaminated reusable Instrument or component thereof, including, but not limited

to, needles, needle bars, needle tubes, needle caps, Body Piercing tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the cleaning Area until cleaned and Sterilized.

- (b) Prior to Sterilization, every such Instrument shall be thoroughly washed by scrubbing with an appropriate Disinfectant and hot water in accordance with manufacturer's instructions so as to remove Contamination and foreign matter.
- (c) Upon completion of the washing process as set forth in subsection (b) above, every such Instrument shall be cleaned using an Ultrasonic Cleaning Unit in accordance with manufacturer's instructions.
- (d) Upon completion of the cleaning process as set forth in subsection (c) above, every such Instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete Sterilization thereof, initials of the person responsible for Sterilizing the Instruments and date of such sterilization. Instruments may be packaged individually or with other Instruments to the extent permitted under the package manufacturer's instructions.
- (e) Upon completion of the packaging process as set forth in subsection (d) above, every such Instrument shall be properly Sterilized in an approved Autoclave or other Sterilization Unit according to manufacturer's instructions.
- (f) If a package becomes wet, is opened or is otherwise compromised so as to allow the possible Contamination of the contents of the package, any Instrument therein shall be deemed Contaminated and shall again be washed, cleaned, packaged, and Sterilized as indicated above prior to use.
- (g) Sterilized Instruments shall be stored in a dry, clean cabinet, or tightly covered container. Cabinets and containers designated for the storage of Sterilized Instruments shall be used for that purpose exclusively.
- (h) Every Sterilized package shall be deemed expired six (6) months after the date of Sterilization. Every Instrument therein shall be washed, cleaned, packaged and Sterilized consistent with the provisions of this section prior to use.
- (i) Liquid sterilants shall not be used for the Sterilization of any reusable instrument.

6.10 Instrument Storage

All Instruments must be stored in the Instrument Storage Area in a manner so as to prevent Contamination. Identical Instruments shall be exclusively stored together, unless intermingled storage with different Instruments does not represent a hazard as determined by the Board.

6.11 Use of Chemicals and Cleaners

All Germicides, Disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent Contamination or hazard.

6.12 Labeling All storage containers, cabinets, shelves, and other storage areas in the Instrument Storage Area shall be properly labeled as to their contents, including, but not limited to, identification of contaminated or soiled contents as appropriate.

6.13 Linen Storage and Cleaning

- (a) clean linen shall be stored in a manner so as to prevent Contamination. Containers used for storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered. Contaminated linen shall be labeled, stored, transported, and laundered or disposed of so as to prevent hazard in a manner approved of by the Board.
- (b) Any other protective clothing, garment, or cloth items worn during or used during Body Art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from Contamination until used. Should such items become Contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160 degrees F or a temperature of 120 degrees F with the use of chlorine Disinfectant.

6.14 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units

- (a) Every ultrasonic Cleaning Unit and Autoclave or Sterilization Unit shall be used and maintained according to manufacturer's specifications. Each Ultrasonic Cleaning Unit, Autoclave, or other Sterilization Unit shall be emptied and thoroughly cleaned and Disinfected at least once each day that the unit is used.
- (b) Every Autoclave or Sterilization Unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every week, to monitor the efficacy of the eradication of all living organisms, including spores, by the Autoclave or other Sterilization Unit.
- (c) Biological monitoring [spore] system testing of the Autoclave or other Sterilization Unit shall be performed by an independent commercial testing laboratory contracted by the Operator and/or Body Art Practitioner. A provision shall be included in the contract between the Operator and/or body Art Practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Board of any failure of the Autoclave or other Sterilization Unit to eradicate all living organisms, including spores.

6.15 Waste Hauling

- (a) All regular waste shall be removed from the Body Art Establishment on a daily basis and placed in an Approved secured receptacle for pickup and removal.
- (b) All Contaminated Waste in solid form and Sharps shall be disposed of through the use of an approved waste hauler in accordance with all state and federal laws and Regulation. The frequency of disposal of contaminated waste shall be no less than every 30 days.

7. Conduct of Body Art

- 7.1 Workstation Sanitizing
- 7.2 Hand Washing and Use of Gloves
- 7.3 Instrument and Equipment Preparation
- 7.4 Use of Workstation

- 7.5 Use of Instruments, Supplies, and Sharps
- 7.6 Waste Disposal
- 7.7 Multiple Body Art Activities

7.1 Workstation Sanitizing

- (a) All surfaces in a Workstation which come in contact with a Client or which become Contaminated or which may reasonably have become Contaminated shall be cleaned with water and soap or other appropriate cleaning compound immediately following the conduct of Body Art upon a Client.
- (b) The Workstation, including, but not limited to, the Client's chair, table, tray, procedure Surface, and similar surfaces shall be thoroughly Sanitized with an approved Disinfectant immediately before and immediately after the conduct of Body Art upon a Client therein/thereon.

7.2 Hand Washing and Use of Gloves

- (a) A Body Art Practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper towels or like material prior to conducting any Body Art activity.
- (b) A Body Art Practitioner shall wear new, clean, single-use examination gloves while assembling all Instruments and other supplies intended for use in the conduct of Body Art and during the conduct of body Art upon a Client. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of and Body Art activity upon a Client with a known or suspected latex allergy.
- (c) If an examination glove is pierced, torn, or contaminated through contact with any part of a Client not subject to the conduct of Body Art or such other surface so as to present the possibility of contamination, any person other than the Client, or otherwise exposed to unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The Body Art Practitioner shall don new gloves before proceeding with the Body Art activity.
- (d) If the gloves of a Body Art Practitioner are removed at any time during assembly of instruments or supplies, or the conduct of Body Art, the Body Art Practitioner must clean his/her hands and don new gloves in accordance with this section.
- (e) The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

7.3 Instrument and Equipment Preparation

- (a) Every Body Art Practitioner shall use linens, properly cleaned in accordance with these Regulations, or new single-use drapes, ap cloths, and aprons for each element of Body Art conducted upon a Client.
- (b) Every substance used in the conduct of Body Art shall be dispensed from containers so as to prevent Contamination or the possibility of contaminations of the unused portion. Immediately before tattooing a Client, a sufficient quantity of the ink, dye, or pigment to be used therefor shall be transferred from its original bottle or container into sterile, single-

use disposable cups, caps, or containers.

- (c) Upon Sanitization of the Workstation, the Instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover, or similar material.
- (d) Every Instrument required for the conduct of Body Art upon a Client shall be placed and arranged on the Instrument Tray in a manner so as to prevent Contamination of Sterilized Instruments. All Sterilized Instruments shall remain in Sterile packages until opened in front of the Client.
- (e) Sharps containers shall be easily accessible to the Body Art Practitioner and located as close as is feasible to the immediate area where the Sharps will be used.

7.4 Use of Workstation

- (a) The conduct of Body Art shall occur only upon a Client or Minor Client in a Workstation under Sterile conditions.
- (b) Only the Client, the parent or legal guardian of a Minor Client, guide or service animal of a Client, the Body Art Practitioner conducting the Body Art activity, and an assistant or apprentice to the Body Art Practitioner - with the express permission of the Client, shall be permitted in the Workstation during the conduct of Body Art.

7.5 Use of Instruments, Supplies, and Sharps

- (a) All Instruments used in the conduct of Body Art shall be without Contamination, and shall be properly cleaned, sanitized, and sterilized in accordance with this Body Art Regulation.
- (b) All Instruments and other Equipment or supplies used in the conduct of Body Art that are designed or intended for single-use shall be only used once.
- (c) All Sharps shall be properly disposed of immediately following use.
- (d) All product applied to the skin, including Body Art stencils, shall be single-use and shall be used only once.
- (e) Products used in the application of Body Art stencils shall be dispensed and applied to the area of the Client upon which the Body Art activity is to be performed with sterile gauze or other Sterile applicator so as to prevent contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.
- (f) Only single-use disposable razors shall be used in the conduct of Body Art activities and such single-use disposable razors shall not be used more than one time.

7.6 Waste Disposal

Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons, and other single-use items that have come in contact with any person, Client, Workstation, Instrument trays, counters, towels, or linens used for the conduct of Body Art, or have otherwise become Contaminated shall be promptly discarded during or upon completion of the conduct of Body Art into an appropriate waste receptacle in accordance with this Body Art Regulation.

7.7 Multiple Body Art Activities

The following shall be deemed to be multiple Body Art activities upon a Client, each requiring proper washing, cleaning, Sanitization, and Sterilization of instruments, Workstations and other Equipment and areas set forth under these Regulations:

- (1) Creating two or more Tattoos on different areas of the body of a single Client
- (2) The use of more than one needle or scalpel during the conduct of Body Art upon a single Client; or
- (3) Creating one Tattoo and the use of one needle or scalpel on a single Client.

8. Prohibited Activities

8.1	Piercing Gun - Use
8.2	Particular Body Piercings - Prohibition/ Restriction
8.3	Tongue Splitting
8.4	Braiding
8.5	Three Dimensional/Implantation/Beading
8.6	Tooth Filing
8.7	Cartilage Notching
8.8	Amputation
8.19	Genital Modification
8.10	Introduction of Saline or Other Liquids

8.1 Piercing Gun - Use

The use of a Piercing Gun is prohibited at all times.

8.2 Particular Body Piercings - Prohibition/Restriction

The following Body Piercings are hereby prohibited:

- (1) Piercing of the Uvula
- (2) Piercing of the tracheal area
- (3) Piercing of the neck
- (4) Piercing of the ankle
- (5) Piercing between the ribs or vertebrae
- (6) Piercing of the web area of the hand or foot
- (7) Piercing of the lingual frenum (tongue web)
- (8) Piercing of the clitoris
- (9) Any form of chest or deep muscle piercings - excluding piercing of the nipple

- (10) Piercing of the anus
- (11) Piercing of the eyelid, whether top or bottom
- (12) The form of piercing known as "pocketing"
- (13) Piercing of the gums
- (14) Piercing or skewering of a testicle
- (15) So-called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone.
- (16) So-called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "trans-scrotal" piercing
- (17) So-called "deep" piercing of the vagina - to include, but not limited to - so-called "triangles"

8.3 Tongue Splitting

The cutting, splitting, or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

8.4 Braiding

The Braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

8.5 Three Dimensional/Implantation/Beading

Three-Dimensional Body Art, including "beading", and implantation is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

8.6 Tooth Filing

The filing or shaping or the intentional fracturing or extrication of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.

8.7 Cartilage Notching

The cutting, notching, sculpting, or other modification of cartilage is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

8.8 Amputation

The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed in the Commonwealth of Massachusetts.

8.9 Genital Modification

Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means is hereby prohibited unless performed by a medical doctor licensed in the Commonwealth of Massachusetts.

8.10 Introduction of Saline or Other Liquids

The introduction of saline solution or other liquid or semi-liquid into the body of another for the purpose of causing a modification of the body is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

9. Enforcement of Body Art Regulation

9.1	Variance Provision
9.2	Variance Request - Procedure
9.3	Variance - Qualification, Expiration, Revocation, Modification, Suspension
9.4	Violation by a Body art Practitioner
9.5	Violation by an Operator or a Body Art Establishment
9.6	Failure to Comply with Orders of Board
9.7	Fine for Violation - Separate Offense
9.8	Non-Criminal Disposition

9.1 Variance Provision

Variance may be granted from a particular section or provision of this Body Art Regulation by the Board with respect to a particular case only when, in the sole opinion of the Board:

- (a) The enforcement of the subject section or provision would do manifest injustice, and
- (b) The applicant for a Body Art Practitioner License or Body Art Establishment Permit, as the case may be, has proved to the satisfaction of the Board that the same degree of protection required under this Body Art Regulation can be achieved without the strict application or enforcement of the subject section or provision therein.

9.2 Variance Request - Procedure

- (a) Every request for a variance pursuant to section 9.1 of this Body Art Regulation shall be made in writing to the Board and shall state the specific section or provision therein from which a variance is sought.
- (b) Every variance granted by the Board shall be in writing.
- (c) The original of the variance document shall be posted, in the case of a variance relating to a Body Art Practitioner License, with the posting of the Body Art Practitioner License as required by section 1.10 of this Body Art Regulation, and in the case of a variance relating to a Body Art Establishment Permit, with the posting of the Body Art Establishment Permit as required by section 4.19 of this Body Art Regulation.
- (d) A copy or duplicate original of all variance documents issued by the Board shall be held on file in the Ashland Health Department (Offices of the Board).
- (e) A variance document issued by the Board shall contain information so as to reasonably inform the public of the nature of the variance, the need therefore, the specific section or provision therein of this Body Art Regulation from which variance was granted and the name of the subject Body Art Practitioner or Body Art Establishment.

- (f) Information advising as to whether the subject variance is unlimited in time or duration or has a fixed expiration date shall be detailed in all variance documents issued by the Board.

9.3 Variance - Qualification, Expiration, Revocation, Modification, Suspension

Any variance granted by the Board pursuant to section 9.1 of this Body Art Regulation may be subject to such qualification, expiration, revocation, modification, or suspension as the Board shall deem appropriate.

9.4 Violation by a Body Art Practitioner

- (a) A Body Art Practitioner License shall be suspended by the Board immediately upon written notice of such suspension to the subject Body Art Practitioner when, in the sole discretion of the board, the Board has reason to believe that, due to a condition or practice of the subject Body Art Practitioner, an imminent threat to the public health and/or welfare exists.
- (b) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board, the Board may terminate the suspension of the Body Art Practitioner License of the subject Body Art Practitioner and the Body Art Practitioner License of such Body Art Practitioner shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation, or modification by the Board.
- (c) In all other instances of a violation of this Body Art Regulation by a Body Art Practitioner, the Board shall serve upon the subject Body Art Practitioner written order of notice detailing the condition, event or practice determined by the Board to be in violation of this Body Art Regulation and such written order of notice shall instruct the Body Art Practitioner that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board or its designated agent(s).
- (d) Should a Body Art Practitioner, subject to an order of notice pursuant to section 9.4(c) fail to so abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board may suspend, terminate, revoke, or modify the License held by such Body Art Practitioner.

9.5 Violation by an Operator or a Body Art Establishment

- (a) A Body Art Establishment Permit shall be suspended by the Board immediately upon written notice of such suspension to the Operator when, in the sole discretion of the board, the Board has reason to believe that, due to a condition or practice of the subject Body Art Establishment, an imminent threat to the public health and/or welfare exists.
- (b) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board, the Board may terminate the suspension of the Body Art Establishment Permit of the subject Operator and the Body Art Establishment Permit of such Operator shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation, or modification by the Board.
- (c) In all other instances of a violation of this Body Art Regulation by an Operator, or in a Body Art Establishment, the Board shall serve upon the subject Operator written order of notice detailing the condition, event or practice determined by the Board to be in violation

of this Body Art Regulation and such written order of notice shall instruct the Operator that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board or its designated agent(s).

- (d) Should an Operator, subject to an order of notice pursuant to section 9.5(c) fail to so abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board may suspend, terminate, revoke, or modify the Body Art Establishment Permit held by such Operator.

9.6 Failure to Comply with Orders of Board

Whenever a Body Art Practitioner or Operator has failed, to the satisfaction of the Board, to comply with an order of notice issued by the Board pursuant to the provisions of this Body Art Regulation, the Board may suspend the Body Art Practitioner License of the subject Body Art Practitioner or the Body Art Establishment Permit of the subject Operator until such time as the subject Body Art Practitioner or Operator has complied with the order of notice to the satisfaction of the Board.

9.7 Fine for Violation - Separate Offense

The fine for a violation of any provision of this Body Art Regulation shall be no less than \$100 per offense. Each day that a violation continues shall be deemed to be a separate offense.

9.8 Non-Criminal Disposition

In accordance with Massachusetts General Law chapter 40, section 21D, and Section 29-4 (F) of the Town of Ashland General By-Laws, as amended from time to time, at the discretion of the Board, whoever violates any provision of this Body Art Regulation, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws Chapter 40 section 21D.

9.9 Effective Date

This Regulation shall become effective on: May 10, 2023.

Chapter 296**FOOD MANAGERS CERTIFICATION**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 2-13-1997. Amendments noted where applicable.]

§ 296-1. Authority.

The Ashland Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter 111, Sections 31 and 127A, hereby adopts the following regulations to protect the public health of the community.

§ 296-2. Purpose.

- A. The Ashland Board of Health recognizes that an ideal food protection program is supported by a partnership effort between industry and food regulatory officials. Together, educated food handlers and effective inspection programs can reduce the incidence of high-risk practices which can lead to foodborne disease outbreaks.
- B. Other benefits of food manager training include providing industry with a more professional approach to food safety, improving communication between industry and regulators, increasing consumer confidence in their food supply and avoiding negative economic impacts often associated with foodborne disease outbreaks. Food establishments which have trained food handlers are also more likely to be in compliance resulting in less inspection and enforcement time spent by the Board of Health.
- C. Accordingly, the Board of Health declares that the purpose of this regulation is to improve the general sanitation conditions in Ashland's food establishments, thus protecting the public health and welfare of the dining public.
- D. Food manager certification will ensure that these managers have knowledge of the principles and practices of food sanitation with the primary purpose of preventing foodborne illness and protecting the public health in accordance with Chapter X of the State Sanitary Code, 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments.

§ 296-3. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section. Any terms not specifically defined herein are to be construed in accordance with the definitions of Chapter X of the State Sanitary Code, 105 CMR 590.000.

APPROVED FOOD MANAGER CERTIFICATION PROGRAM — A food safety training course approved by the Board which meets the requirements of the Massachusetts Guideline for Food Protection Management Training and Testing.

BOARD — Refers to the Town of Ashland Board of Health.

CERTIFIED FOOD MANAGER — An individual employed by the establishment who has passed an exam as described in § 296-5 and has supervisory, training and management responsibilities.

FOOD ESTABLISHMENT — Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place, regardless of whether consumption is on or off the premises, and regardless of whether there is a charge

for the food. The term includes, but not limited to restaurants, caterers, nursing and retirement homes, hospitals, private clubs, industrial cafeterias, public and private educational institutions and delicatessens in retail food stores that cook and/or offer prepared food in individual service portions.

FULL-TIME EQUIVALENT — Means minimum thirty-five (35) hours work per week.

OUTBREAK OF FOODBORNE ILLNESS — An incident in which two or more persons experience a similar symptom usually gastrointestinal in nature, after ingestion of common food and an epidemiological analysis implicates the food as the source of the illness or one case of botulism or chemical food poisoning.

PERSON — Includes an individual, partnership, corporation, and association or other legal entity.

POTENTIALLY HAZARDOUS FOOD — Any food that consists in or in part of milk or milk products, eggs, meat, poultry, fish, shellfish edible crustacea, or other ingredients including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *C. botulinum*. The term does not include foods which have a pH level of 4.5 or below or a water activity (*A_w*) value of 0.85 or less.

§ 296-4. Food Manager Certification Required

- A. Each food establishment where potentially hazardous food are prepared and/or served shall employ at least one full-time, on-site person and as a certified food manager who is at least eighteen (18) years of age.
- B. Once a certified food manager terminates employment, establishments shall have ninety (90) days to employ a new certified food manager or have an individual enrolled in a Board-approved food manager certification program in food safety.
- C. Certificates for managers certified in food safety shall be prominently posted in the establishment next to the license(s) to operate. The certificate shall be removed when the individual is no longer employed by the establishment.
- D. No person shall use the title "certified food manager", or in any way represent themselves as a manager certified in food safety unless they shall hold a current certificate pursuant to these regulations.

§ 296-5. Certification.

Certification shall be achieved by attending a food safety and sanitation course and attaining a passing grade on an exam provided by the Educational Testing Services (Food Protection Certification Program) or the Educational Foundation of the National Restaurant Association (ServSafe) or an equivalent exam recognized by the Massachusetts Department of Public Health and approved by the Board.

§ 296-6. Responsibilities of licensed food managers.

- A. The certified food manager shall have supervisory, training and management responsibilities and shall be responsible for food preparation and service or have the authority and responsibility to direct and control such activities.
- B. The certified food manager is responsible for operating the establishment in compliance with all relevant federal, state and local rules and regulations pertaining to food service.
- C. The certified food manager shall assure that all employees engaged in food preparation do so in a manner consistent with proper food sanitation practices.

§ 296-6

ASHLAND CODE

- D. The certified food manager shall develop a plan for assessing, monitoring, and controlling foodborne disease hazards in the food establishment.
- E. The certified food manager shall report any alleged foodborne illness to the Board within twenty-four (24) hours of the incident.

§ 296-7. Certificate not transferable.

A certified food manager's certificate is not transferable from one person to another.

§ 296-8. Reciprocity.

The Ashland Board of Health shall, at its discretion, recognize prior certification from any course which meets the requirements of § 296-5.

§ 296-9. Violations and penalties.

Any person who violates any provision of this regulation or any person who is a certified food manager who does not comply with these requirements may be subject to administrative fines and/or the suspension or revocation of the establishment's food service permit or the persons certification.

§ 296-10. Administrative fines.

This regulation shall be enforced by those procedures identified by § 29-2 of the Code of the Town of Ashland The Board, after due notice and opportunity for a hearing, shall have the right to levy administrative fines up to three hundred dollars (\$300) against any certified food manager or food establishment owner who violates any provision of this regulation.

§ 296-11. Waivers.

The Board may waive the applicability of any provision of this regulation, if, in its opinion, the enforcement thereof would be unjust or be contrary to the public interest. Provided, however that the decision of the Board shall not conflict with the spirit of any minimum standards established by this regulation. Any such waiver shall only be adopted by the Board after due notice and public hearing.

§ 296-12. Severability.

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the remaining provisions of this regulation and to this end the provisions are declared to be severable.

§ 296-13. Effective date.

This regulation shall take effect on August 1, 1997.

Chapter 297**MASSAGE**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 5-29-1984; amended in its entirety 8-24-2000. Amendments noted where applicable.]

§ 297-1. Authority.

Under the authority of Section 31 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, the Board of Health of the Town of Ashland, has adopted the following as an addition to the regulations of said Board: RULES AND REGULATIONS GOVERNING THE PRACTICE OF MASSAGE, VAPORS, POOL, SHOWERS OR OTHER BATHS.

§ 297-2. Definitions.

MASSAGE — The manipulation or conditioning of part or parts of the body by manual, mechanical or other means as a beauty treatment, for purported health or medical treatment, or for the purpose of invigoration.

ESTABLISHMENT FOR GIVING MASSAGE, OR VAPORS, POOL, SHOWER OR OTHER BATHS — The office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water, vapor, or other substance are given.

APPROVED — Approved by the Board of Health of Town of Ashland.

APPROVED COURSE OF MASSAGE — A course on the art and science of massage, which includes both theory and practice and is approved by the Board of Health of the Town of Ashland.

PERSON — Corporation, company, association, society, firm, partnership, and joint stock company, as well as an individual, male or female, as the case may be.

§ 297-3. Personal licensure.

- A. License. No person shall practice massage or conduct for the giving of massage, vapors, pool, shower or other baths for hire or reward, or advertise or hold himself or herself out as being engaged in the business of massage or the giving of said baths in the Town of Ashland, without being licensed therefor from the Board of Health.
- B. Requirements. No person shall be licensed to practice massage or conduct an establishment for giving massage, vapors, pool, shower or other baths unless he or she meets the following requirements:
 - (1) Be twenty-one (21) years of age or older.
 - (2) A satisfactory criminal record.
 - (3) Submit to the Board of Health a completed application containing all the information requested by said form.
 - (4) Have completed an approved course of massage.
 - (5) No license to practice massage shall be granted for the exclusive purpose of practicing massage in the home of patrons.
- C. Fee. See Board of Health fee schedule.³⁶

D. License expiration. Licenses automatically expire on December 31st of each year.

§ 297-4. Establishment licensure.

A. License. Every establishment for giving massage or vapors, pool, shower, or other baths shall meet the following standards:

- (1) It shall be well lighted and well ventilated.
- (2) No room used by the licensee in the conduct of his/her business shall be used as a bedroom.
- (3) There shall be an adequate supply of hot and cold running water at all times.
- (4) There shall be approved toilet and washing facilities within the premises, readily available to the persons and affording sufficient privacy. Each shower shall have a foot tub with a 0.3 to 0.6 percent solution of available chlorine or its equal as a disinfectant. Each establishment shall be equipped with the following minimum facilities: one women's facilities toilet and lavatory and one men's toilet, urinal and lavatory for each 40 patrons or fraction thereof.
- (5) Where patrons of both sexes are accommodated at the same time, adequate arrangements shall be made for separation of rooms and facilities used by each sex.
- (6) All rooms of the establishment and furniture and equipment therein shall be kept clean at all times.
- (7) All rooms used for reception and treatment of patrons shall be arranged so as to afford adequate fire protection and shall have satisfactory means of egress in case of fire, as approved by the Building Inspector.
- (8) All robes, sheets, blankets, pillowcases, wearing apparel, or other materials, which may come in direct contact with the body, shall be adequately cleaned and washed after each use according to latest modern methods.
- (9) All equipment, instruments and devices which may come in contact with the body shall be subjected to an approved bactericidal treatment after each use by (a) immersion for at least two (2) minutes in a lukewarm chlorine bath containing at least 50 p.p.m. of available chlorine or its equal or (b) immersion in hot water of over a temperature of 170° Fahrenheit for at least two (2) minutes. If the equipment, instruments and devices, which may come in contact with the body, cannot be subjected to treatment as found in items (a) and (b) of this subsection, an impervious sheeting shall be supplied by the owner and put on the surface of contact and shall be discarded after each use.
- (10) Every individual employed by an establishment for the giving of massage, vapors, pool, shower or other baths shall be licensed under § 297-3 thereof.
- (11) Operating hours shall be between the hours of 9:00 a.m. to 10:00 p.m. All patrons are to be out at 10:00 p.m.; all personnel out at 11:00 p.m. Cleaning and sanitation requirements are to be performed during operating hours.

B. (Reserved)

C. Fee. See Board of Health fee schedule.³⁷

36. Editor's Note: See Ch. A352, Fees.

D. License expiration. Licenses shall automatically expire on December 31st of each year.

§ 297-5. Exceptions and exclusions.

- A. Persons excepted. Physicians, physical therapists or chiropodists (podiatrists) registered in the commonwealth are excluded. A person registered as a barber or an apprentice under the provisions of Section 87 or Section 87 I of Chapter 112 of the General Laws or as a hairdresser, operator, or a student under the provisions of Sections 87 I to 87 JJ, inclusive, of said Chapter 112 of the General Laws, may practice facial and scalp massage without being licensed under the chapter.
- B. Exceptions in cases of persons licensed by other communities. A person licensed to practice massage or conduct an establishment for giving massage in any other town in the commonwealth may, at the request of a physician, attend patients, specified by the physician, in Ashland. He shall, if requested, submit to the Board of Health office a copy of his license from another community and written confirmation of the physician's request.
- C. Establishment exceptions. Hospitals, nursing and convalescent homes, and other similar licensed institutions, where massage and baths may be given, are excluded from the definition of an establishment.
- D. Penalties. Whoever violates any provision of these rules and regulations shall be punished by a fine of not more than \$100, or imprisonment for not more than six (6) months or both, in accordance with Section 53, Chapter 140 of the General Laws.
- E. Invalidation. If any clause, section, paragraph, sentence, or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared severable.

Chapter 300**SEPTIC SYSTEMS AND WELLS**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 1988. Amendments noted where applicable.]

GENERAL REFERENCES

Sewage disposal systems — See Ch. 303.

Sewers — See Ch. 326.

Wastewater treatment plants — See Ch. 307.

Water — See Ch. 334.

Private and semipublic water supplies — See Ch. 312.

§ 300-1. Purpose.

The following guidelines are provided to aid in the process of installing a well or a septic system in new construction or repair.

§ 300-2. Draft of plans.

The first step involved with installing a septic system or a well is to contact a professional civil engineer or a registered sanitarian to draft a septic system and/or well.

§ 300-3. Soil tests.

If the land to be used has not been tested for groundwater or soil conditions, then soil tests are to be arranged with the engineer and the Board of Health Department. Soil testing is only allowed from March 15 through April 30 of each year for groundwater testing, and these observations have to be applied for by March 13 of each year or as otherwise approved by the Board of Health.

§ 300-4. Permits; fees; plans.

- A. Permits. All the necessary permits are to be obtained from the Ashland Board of Health. The applications for the septic system (standard state form) are to be provided by the engineer. The well application is obtained at the Ashland Board of Health office.
- B. Fees. All proper fees are to be paid at the time of application. The fee schedule can be obtained at the Board of Health office.
- C. Plans.
 - (1) Four (4) plans of the septic system/well are to be submitted at the time the applications are submitted.
 - (2) Once the application, fees and plans are received, the plans will be reviewed by the Ashland Board of Health environmental consultant. The time required to have the plans reviewed is from two (2) to four (4) weeks in most cases and up to six (6) weeks during busy periods, which generally occur in the spring and summer.

§ 300-5. Guidelines for installation.

The following list is for the installation of a septic system and well together. Once the plans are approved by the Ashland Board of Health, then the plans are submitted to the Building Department, and the owner's copy can be obtained at the Ashland Board of Health office. The following is a step-by-step procedure list. Note: Copies of the Ashland regulations for septic systems and wells should be obtained for reference and any supplement to these guidelines.³⁸

A. Well.

- (1) The well is to be staked out by the engineer as it is indicated on the plans.
- (2) The well is to be drilled by a state-certified well driller. The well driller is responsible for submitting his or her certification to the Ashland Board of Health office.
- (3) Once the well is drilled, a well pump test is to be scheduled with the Ashland Board of Health environmental consultant. The amount of time required to be placed on the schedule for a pump test is five (5) to seven (7) days in most cases. A qualified well driller is to conduct the well pump tests.
- (4) A water sample is to be taken from the well and submitted to a state-certified lab for the quality water tests. (See Ashland well regulations.³⁹) The collection for this test is usually taken by the well pump company at the end of the pump test. Note: This is the first of the two (2) water quality tests required (at the well and at the tap once the plumbing is installed).
- (5) The water quality report is to be submitted to the Ashland Board of Health office by the applicant for the well so that the submitted documents can be signed by the applicant once they are stamped at the office.
- (6) The well results will be reviewed by the Ashland Board of Health environmental consultant and, if the well water meets all the criteria for issuing a building permit, then the Building Inspector and the applicant will be notified, in writing, of this approval. A building permit cannot be issued until the well water has been approved.
- (7) A well curtain is to be placed around the well: two-foot radius curtain of cement sloping to the ground and sealed at the pipe.

B. Septic system.

- (1) A licensed installer with the Ashland Board of Health is the only person allowed to install a septic system. All inspections for septic systems are to be arranged by the installer.
- (2) A guideline of the as-builts required can be obtained at the Ashland Board of Health office.
- (3) Any changes to the house or septic system plans are not to be done until reviewed by the design engineer and the Ashland Board of Health environmental consultant.
- (4) It is recommended that the septic system be installed after the construction and plumbing in the house has been completed to avoid any damages to the septic system.
- (5) Once the septic system has been completely installed and final graded with all the necessary

38. Editor's Note: See Ch. 303, Sewage Disposal Systems, and Ch. 312, Water Supplies, Private and Semipublic.

39. Editor's Note: See Ch. 312, Water Supplies, Private and Semipublic.

as-builts and inspections completed, then the final procedures for occupancy permit can commence.

§ 300-6. Final tests and approval.

- A. The well is to be retested for all the tests that were tested at the well during the first well quality tests. The procedures are the same as the first tests conducted. [See § 300-5A(4), (5) and (6) of this chapter.]
- B. A final inspection will consist of inspecting the final grading (loam and grass seed is to be placed), well curtain, bedroom count, observation of any garbage disposals if not allowed, well siphon/pump and any other parts to the septic system and well.

SEWAGE DISPOSAL SYSTEMS

Chapter 303

SEWAGE DISPOSAL SYSTEMS

[HISTORY: Adopted by the Board of Health of the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Septic systems and wells — See Ch. 300.

Private and semipublic water supplies — See Ch. 312.

Wastewater treatment plants — See Ch. 307.

Fats, oils and grease — See Ch. 315.

ARTICLE I

Procedure for As-Built

[Adopted 7-9-1987; amended in its entirety 9-28-2010]

§ 303-1. Submission for subsurface disposal unit.

Two (2) as-builts are to be submitted to the Ashland Board of Health Office.

- A. As-built No. 1. This as-built consists of the location and elevations of the installed subsurface disposal unit. The registered engineer/sanitarian shall certify that the subsurface sewage disposal unit has been installed according to the original plan. Any deviations in the installed system are to be noted on the plan. The registered engineer or registered sanitarian shall stamp the plan. Note: This as-built is to be submitted before the final inspection of the construction of the system.
- B. As-built No. 2. This as-built consists of the final grades (to include grading over the leaching facility and all altered grades from the original grades), driveway location, well location and house location. This plan is to be signed and stamped and certified as required for as-built No. 1.

ARTICLE II

Responsibilities of Installer**[Adopted 11-23-1987; amended in its entirety 9-28-2010]****§ 303-2. Items for which installer is responsible.**

A licensed installer is responsible for the following items when installing a subsurface sewage disposal unit in the Town of Ashland:

- A. Any changes (alterations) that are made to the original approved subsurface sewage disposal plot plan are to be approved by the Ashland Board of Health. The engineer is to be contacted before presenting any changes to the Department.
- B. The installer is responsible for understanding all regulations (state and local) for subsurface sewage disposal unit installations. Regulations can be obtained at the Ashland Board of Health office for a small fee.
- C. The as-builts are to be submitted for final construction and finish grading. The inspections for the final construction and finish grading are to be submitted before the Board of Health conducts the inspections. (See Article I, Procedure for As-Builts.)
- D. There are plans that require twenty-four-inch manholes, built to within one (1) foot of the finish grading, over the inlet and outlet ties of the septic tank. Please be aware of these requirements before installation and purchase of the septic tank.
- E. Inspection of the subsurface sewage disposal tank is to be in accordance with the local regulations (Rules and Regulations Governing the Subsurface Disposal of Sewage; see Article III) adopted by the Ashland Board of Health.

ARTICLE III

Rules and Regulations Governing the Subsurface Disposal of Sewage
[Adopted 5-29-1997; amended in its entirety 9-28-2010]**§ 303-3. Authority.**

The following regulations are promulgated by the Ashland Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.

§ 303-4. Severability.

If any section, paragraph, sentence, phrase or word of these regulations shall be judged to be invalid for any reason, that decision shall not affect any other portion of these regulations which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

§ 303-5. Permits.

No sewage or waste disposal works shall be installed, constructed, altered, repaired within the Town of Ashland until a permit has been obtained from the Board of Health. Said permits shall expire 2 years after date of issue, with one two-year renewal upon expiration of the original two-year permit.

Where such a permit is required for a Priority Development Site (PDS), as defined by Section 10.0 of the Zoning Bylaws, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including the Zoning Bylaws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal. All soil testing required by § 303-7 shall be completed prior to submittal of such application.

§ 303-6. Site plans.

No permit may be issued and no construction may begin until a plan for the subsurface disposal facility, or alteration thereof, has been submitted to and approved by the Board of Health or its agent. The design and preparation of all new disposal facilities and all major repairs shall be done under the direction of a registered professional engineer or registered sanitarian and all plans shall bear his/her stamp. The design shall be in strict accordance with the requirements of these regulations. Four plans must be submitted in duplicate, contain a locus, and be drawn to a scale not less than 30 feet to the inch. The following must be on each plan:

- A. All lot lines indicating dimensions and location of street. Additionally, distances to any off-site septic system, well, watercourse, wetlands or structures which are within 120 feet of the system or which may affect or be affected by the proposed system must be indicated.
- B. The location of structures proposed on the lot.
- C. All parts of the subsurface sewage disposal system including but not limited to the septic tank, manholes, distribution box, and connecting pipes, must be shown along with the location of the primary and reserve leaching facility.
- D. Location of any on-site well.
- E. Location of each test pit and percolation test.

- F. Soil logs of deep test pits and water table elevation measured at the time of the yearly high water.
- G. Profile of the subsurface sewage disposal system, showing the elevations of the proposed basement floor, garage floor, septic tank, inverts at both ends of all pipes, and existing and final grades in the area of the system.
- H. A typical cross-section of the leaching area to a width of 10 feet to each side of the actual area. This cross-section must show the elevation of the distribution pipes, ground surface, bottom of leaching trenches, field or pit, any ledge, impervious material and the seasonal high water table.
- I. Any perimeter drains, previously existing groundwater interceptor drains, swale, etc., significant to the successful functioning of the proposed system.
- J. The bench mark. Said bench mark shall be on the lot, and within 50 feet of the leaching facility.

§ 303-7. Site suitability.

- A. To ensure site suitability, the Ashland Board of Health requires no less than three deep observation holes. Additional deep hole observation holes may be required at the discretion of the Board or its agent. Two stabilized percolation rates are required. The nine-to-six-inch drop is to be uniform and observed by the agent. The percolation test is to be resoaked until a stable percolation rate is obtained. The percolation test will be conducted for other specifications as required by 310 CMR 15.00 Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, hereinafter to be referred to as Title 5.
- B. Each test hole utilized for groundwater observation shall have a perforated monitor pipe placed in the test hole for groundwater observation. The pipe shall be kept in place until appropriate groundwater determinations have been made by the Board of Health or its agent. Mottling, as allowed by Title 5 shall also be utilized in conjunction with seasonal groundwater determination.

§ 303-8. Inspections.

It shall be the responsibility of the installer of any subsurface sewage system within the Town of Ashland to arrange for the inspections by the Board of Health or its agent of:

- A. The excavation of the leaching area.
- B. The system after construction is complete, but before backfilling.
- C. Completed final grade.

§ 303-9. As-built plans.

An as-built plan shall be required showing the exact location of an on-site sewage disposal system after each system has been installed. The as-built plan shall be submitted on a new plot plan signed by a registered sanitarian, civil, or sanitary engineer. There shall be included a certification by said sanitarian or engineer that the system, including final grading, has been constructed in accordance with the approved plan and with the terms of the permit. This plan shall be submitted to the Board of Health before the final inspection. No certificate of occupancy shall be issued prior to receipt of the as-built plans. Said as-built plans shall remain on file at the Board of Health office.

§ 303-10. Minimum septic tank size, single-family houses.

For houses with five or less bedrooms, a septic tank with a capacity of 1,500 gallons is required. For houses with greater than five bedrooms, a determination of septic tank capacity shall be made by the Board of Health. Septic tanks shall be designed as required Title 5 for the provisions of a garbage disposal.

§ 303-11. Leaching area.

Leaching area dimensions shall comply with the standards set forth in Title 5 with the exception that provisions for a garbage disposal unit shall be included in all calculations, whether or not such a garbage disposal unit is actually installed. The Board of Health strongly recommends that garbage disposal units not be installed for subsurface sewage disposal systems. Additionally, the following requirements shall be enforced:

- A. The minimum length for the leaching area is to be 100 linear feet.
- B. The maximum depth for a leaching trench shall not exceed two feet.
- C. The maximum width of a leaching trench shall not exceed three feet.
- D. Leaching beds are not permitted.
- E. There will be a minimum of two trenches.

§ 303-12. Clean granular fill.

- A. Fill material for systems constructed in fill shall consist of select on-site or imported soil material. The fill material shall be comprised of clean granular sand, free from organic matter and deleterious substances. Mixtures and layers of different classes of soil shall not be used. The fill shall not contain any material larger than two inches. A sieve analysis, using a #4 sieve, shall be performed on a representative sample of the fill. Up to 45% by weight of the fill sample may be retained on the #4 sieve. Sieve analyses also shall be performed on the fraction of the fill sample passing the #4 sieve, such analyses must demonstrate that the material meets each of the following specifications:

	SIEVE SIZE	EFFECTIVE PARTICLE SIZE	PERCENT THAT MUST PASS SIEVE
B.	#4	4.75 mm	100%
	#50	0.30 mm	10% to 100%
	#100	0.15 mm	0% to 20%
	#200	0.075 mm	0% to 5%

- C. The Title 5 requirement for a plot of the sieve analyses shown on the graph noted in Title 5 is to be provided with the sieve test results.
- D. The in place clean granular fill material is to be tested to determine if it meets these requirements.

§ 303-13. Stone.

There shall be a minimum of 12 inches of 3/4 inch to 1 and 1/2 inch double washed stone under all leached lines. Leach pits/galleries must be encased (sidewalls) in a minimum of 2 feet and a maximum of 4 feet of 3/4 inch to 1 and 1/2 inch double washed stone. All pits and galleries must have a minimum of 6 inches of

3/4 inch to 1 and 1/2 inch double washed stone under the precast unit.

§ 303-14. Distance between trenches and pits.

There shall be a minimum distance of 10 feet (wall to wall) between trenches. The expansion area is to be designed between trenches. Title 5 specifications shall be utilized for leaching pits.

§ 303-15. Wetlands and waterbodies.

The term "wetlands and waterbodies" shall be the same as that in Title 5. The minimum distance between wetlands and waterbodies and all components of the subsurface disposal system shall be 75 feet.

§ 303-16. Subsurface drains.

Subsurface (interceptor) drains are not permitted except for repair of existing systems.

§ 303-17. Swimming pools.

The minimum distance between swimming pools and leaching facilities shall be:

- A. Twenty feet for in-ground pools.
- B. Ten feet for fixed aboveground pools.

§ 303-18. Deep hole observation season.

The deep hole observation season shall be from the 15th of December through the 30th of April of each year with extensions to be granted by the Board of Health when the levels of groundwater permit. Monitor pipes (PVC perforated pipe or equivalent) shall be placed into each deep hole and monitored the 22nd through 29th during the months of December through April to determine groundwater levels — not adjusted.

§ 303-19. Full-service restaurants.

The design requirements for full-service restaurants will be twice what is required under Title 5. This includes the size of the septic tanks, grease traps, and the leaching facility. Furthermore, alternating pumps must be provided and the effluent must be discharged to two separate disposal areas of equal size. Alarms must be provided in accordance with Title 5.

§ 303-20. Expansion or change of use.

Any business or residence that proposes an expansion or a change of use that would increase the effluent discharge from the building will be required to install a subsurface disposal system that complies with the existing state and local regulations. Any change in the foundations for a structure serviced by a subsurface disposal system shall be reviewed by the Board or its agent prior to the issuance of a building permit. A Title 5 location plan as required by 310 CMR 15.301(5) shall be required if as-built plans of the septic system do not exist.

§ 303-21. Variances.

No provision of these regulations may be varied except by a vote of the Board of Health. Such variances will be granted only when the Board believes it to be in the interest of protecting the public health. Neither

financial hardship nor past practices are adequate reasons for the granting of variances.

§ 303-22. Certificate of Compliance.

- A. New Construction. No person shall utilize a system for the subsurface sewage disposal of sewage permitted under these regulations until a Certificate of Compliance has been issued by the Ashland Board of Health or its agent.
- B. Repair of system. Any use or occupancy, which was not discontinued during the process of the repair of an existing system, shall be disconnected within seven days after the completion of the repair unless a Certificate of Compliance is issued by the Ashland Board of Health or its agent.
- C. Additions and alterations. Any use or occupancy of an existing structure which was not discontinued during the process of building an addition or making an alteration to the structure, either of which required changes to the subsurface disposal system, shall be discontinued within seven days after the completion of the repair unless a Certificate of Compliance is issued by the Ashland Board of Health or its agent.

§ 303-23. Violations and penalties.

- A. General. Unless otherwise provided herein, whoever violates any of these rules and regulations shall be punished as provided in the General Laws of the Commonwealth of Massachusetts.
- B. Specific violations.
 - (1) Violation of § 303-5 shall be punished by a fine of \$1,000.
 - (2) Violation of § 303-22 shall be punished by a fine of \$1,000. Each day that a violation of § 303-22 occurs shall be considered a separate violation and shall be punishable as a separate offense.

§ 303-24. Repealer.

All former rules and regulations are hereby repealed.

ASHLAND CODE

Chapter 304

SMOKING

[HISTORY: Adopted by the Board of Health of the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Smoking in Public Places
[Adopted 1-6-1999]

§ 304-1. Statement of purpose and authority:

Where conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac disease, negative birth outcomes, irritations to the eyes, nose and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter "E.T.S."], which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of fifty-three thousand (53,000) Americans each year; and whereas the Environmental Protection Agency (1993) had designated environmental tobacco smoke as a Class A carcinogen similar to radon and asbestos with no known safe levels of exposure; now, therefore, the Board of Health of the Town of Ashland recognizes the right to those who wish to breathe smoke-free air and establishes this regulation to protect and improve the public health and welfare by prohibiting smoke from public places. This regulation is promulgated under the authority granted to the Ashland Board of Health under Massachusetts General Laws 111, Section 31.

§ 304-2. Definitions.

For the purpose of this regulation, the following words shall have the meanings respectively ascribed to them by this paragraph:

ADEQUATE VENTILATION — An enclosed area that is separately vented and under a negative pressure environment sufficient to prevent tobacco smoke from entering all non-smoking areas in the building. The ventilation rate in a designated smoking area shall conform to the current American Society of Heating, Refrigeration and Air-Conditioning Engineers (A.S.H.R.A.E.) recommendation for a smoking lounge, a ventilation rate of a minimum of thirty (30) cubic feet per minute (cfm), per person based on occupancy of no more than seven (7) people per one hundred (100) square feet of net occupied space.

BAR — An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is twenty percent (20%) or less of the establishment's gross income only incidental to the consumption of such beverages.

BOARD — The Board of Health of the Town of Ashland.

EMPLOYEE — Any individual person who performs services for an employer.

EMPLOYER — An individual person, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Ashland or any agency thereof, which utilizes the services of two (2) or more individual employees.

HEALTH CARE FACILITY — Any office or entity providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon chiropractor, physical therapist, physician, dentist and all specialist within these professions.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of any of the foregoing.

PUBLIC PLACE — Any building or facility owned or operated by the town, including school buildings or grounds; any area open to the general public including, but not limited to, libraries, museums, theaters,

auditoriums, indoor sports arenas and/or recreational facilities, lobbies of inns, hotels, and motels, educational facilities, shopping malls, public rest rooms, lobbies, staircases, halls, exits, entrances, elevators accessible to the public, and licensed child-care locations.

PUBLIC TRANSPORTATION — Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the town including platforms by which such means of transportation may be accessed.

RESTAURANT — Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any eating establishment including but not limited to an establishment which gives or offers food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises to be consumed elsewhere, including catering facilities.

RETAIL STORE — Any establishment whose primary purpose is to sell or offer for sale to consumers, any goods, wares, merchandise, article or other things, including supermarkets and grocery stores. "Retail store" shall not include restaurants as defined herein.

SMOKING — Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco products in any form.

TOWN — Town of Ashland.

WORKPLACE — Any enclosed area of a structure or portion thereof at which two (2) or more employees perform services for their employer but not including the personal residence of the employer.

§ 304-3. Posting notice of prohibition.

Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs or international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). The sign shall measure eight (8) inches by ten (10) inches.

§ 304-4. Smoking prohibited.

No person shall smoke nor shall any person having control of the premises upon which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any of the following places as defined herein: health care facilities, public places, public transportation vehicles, restaurants, retail stores, and workplaces except as otherwise provided in § 304-5 of this regulation. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of § 304-3 of this regulation is posted. No person shall remove a sign posted under the authority of § 304-3 of this regulation.

§ 304-5. Bars.

Smoking in a bar shall at the owner's option be prohibited or limited to a room which is enclosed and equipped with adequate ventilation, as defined in § 304-2.

§ 304-6. Prohibition of smoking in restaurants.

- A. Smoking in bar areas of restaurants shall at the owner's option be prohibited or limited to a single designated smoking room which is enclosed and equipped with adequate ventilation, as defined in § 304-2. Upon request from the Board of Health, the employer or owner of a restaurant containing a designated smoking area shall provide proof of adequate ventilation, as defined in § 304-2, from a certified heating, ventilation and air-conditioning engineer.

- B. The number of seats in the designated smoking area shall not exceed twenty-five percent (25%) of the total seating capacity of the restaurant.
- C. The configuration of the establishment shall not require non-smoking dining patrons to pass through any portion of a designated smoking area.

§ 304-7. Exceptions.

Notwithstanding the provisions of § 304-5 of this regulation, smoking shall be permitted in the following places and/or circumstances:

- A. Private residence, except when used as a licensed child care facility or health care facility;
- B. Hotel and motel rooms that are rented to guests that are designated smoking rooms;
- C. Hotel and motel conference/meeting rooms and private and public assembly rooms while these rooms are being used for private functions; and
- D. Private or semi-private rooms of nursing homes and long-term facilities, occupied by one (1) or more patients, all of whom are smokers who have requested in writing to be placed in rooms where smoking is permitted.
- E. Outdoors.

§ 304-8. Bingo parlors.

Smoking is permitted in bingo parlors, however a non-smoking room shall be provided to accommodate at least twenty-five percent (25%) of the maximum seating capacity.

§ 304-9. Conflict with other laws or regulations.

Nothing in this regulation shall be deemed to amend or repeal applicable fire, health, or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

§ 304-10. Violations and penalties.

Any person who violates this regulation shall be subject to a fine in the amount of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) dollars for the third offense or subsequent offense.

§ 304-11. Enforcement.

- A. As an alternative to initiating criminal proceedings, violations of this regulation may be enforced in the manner provided in M.G.L. c. 40, Sec. 21d, by the Board or its agents. Any fines imposed under the provisions of this regulation shall be payable to the Town of Ashland for such use as the Town may direct.
- B. Any citizen who desires to register a complaint under this regulation may request that the Board of Health initiate enforcement.

§ 304-12. Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be

affected thereby but shall continue in full force and effect.

ARTICLE II
Smoking in Membership Associations
[Adopted 12-13-2006]

§ 304-13. Statement of purpose.

- A. Whereas, "conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, 'Actual Causes of Death in the United States', JAMA 1993 270:2207-2212); and whereas the U.S. Environmental Protection Agency classified secondhand smoke as a known human carcinogen and the International Agency for Research on Cancer (IARC) of the World Health Organization also classified secondhand smoke as a known human carcinogen (IARC-WHO, 2002)";
- B. Whereas, it has been proven that the most widespread preventable disease is caused by the use of various tobacco products, including, but not limited to: cigarettes, cigars, pipe smoking;
- C. Whereas, the Ashland Board of Health recognizes the fundamental nature of the equal protection of public health for all under the law, including the right of those who wish to breathe smoke free air;
- D. Now, therefore, the Board of Health of the Town of Ashland, Massachusetts recognizes the fundamental nature of the equal protection of public health for all under the law, including the right of those who wish to breathe smoke-free air, this regulation is established to protect and improve public health and welfare by prohibiting smoking in membership associations.

§ 304-14. Authority.

This regulation is promulgated under the authority granted to the Ashland Board of Health under Massachusetts General Laws Chapter 111, Section 31 that "boards of health may make reasonable health regulations." It is also promulgated pursuant to Massachusetts General Laws Chapter 270, Section 22(2) (j), which states in part that, "Nothing in this section shall permit smoking in an area in which smoking is or may hereafter be prohibited by law including, without limitation: any other law or ordinance or by-law or any fire, health or safety regulation. Nothing in this section shall preempt further limitation of smoking by the commonwealth or any department, agency or political subdivision of the commonwealth." This regulation is also promulgated under and Chapter 40, Section 21D.

§ 304-15. Definitions.

For the purposes of this regulation, the following words shall have the meanings respectively ascribed to them by this paragraph:

BOARD OF HEALTH OR BOARD — The Board of Health for the Town of Ashland, Massachusetts, its agents and designees.

BUSINESS AGENT — An individual who has been designated by the owner or operator of any membership association to be the manager or otherwise in charge of said membership association.

ENCLOSED — A space bounded by walls, with or without windows or fenestrations, continuous from floor to ceiling and enclosed by one or more doors, including, but not limited to, an office, function room

or hallway.

MEMBERSHIP ASSOCIATION (ALSO KNOWN AS A "PRIVATE CLUB") — A not-for-profit entity that has been established and operates, for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreation or similar purpose, and is comprised of members who collectively belong to: (i) a society, organization or association of a fraternal nature that operates under the lodge system, and having one or more affiliated chapters or branches incorporated in any state; or (ii) a corporation organized under Chapter 180; or (iii) an established religious place of worship or instruction in the commonwealth whose real or personal property is exempt from taxation; or (iv) a veterans' organization incorporated or chartered by the Congress of the United States, or otherwise, having one or more affiliated chapters by the Congress of the United States, or otherwise, having one or more affiliated chapters or branches incorporated in any state. Except for a religious place of worship or instruction, an entity shall not be a membership association for the purpose of this definition, unless individual membership containing not less than full membership costs and benefits is required for all members of the association for a period of not less than 90 days.

OUTDOOR SPACE — An outdoor area, open to the air at all times and cannot be enclosed by a wall or side covering. If the outdoor space has a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers, the space will be considered enclosed, when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If doors, windows, sliding or folding windows or doors or other fenestrations form any part of the border to the outdoor space, the openings shall be closed to prevent the migration of smoke into the enclosed work space. If the windows, sliding or folding windows or doors or other fenestrations are opened or otherwise do not prevent the migration of smoke into the work space, the outdoor space shall be considered an extension of the enclosed work space and subject to this regulation.

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to, an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

SMOKING OR SMOKE — The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

WORKPLACE — An indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer, other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space.

WORK SPACE OR WORK SPACES — An enclosed area occupied by an employee during the course of his employment.

§ 304-16. Smoking prohibited.

- A. Smoking is prohibited in the enclosed areas of membership associations, also known as "private clubs."
- B. It shall be unlawful for any person having control of the premises upon which smoking is prohibited by this regulation, or the business agent or designee of such membership association, to permit a violation of this regulation.

§ 304-17. Posting notice of prohibition.

- A. Every membership association in which smoking is prohibited by and under the authority of this regulation shall conspicuously display so that the signs are clearly visible to all employees, customers, and visitors while on the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Ashland Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Ashland Board of Health.
- B. It shall be the responsibility of the establishment to ensure that the appropriate signage is displayed.

§ 304-18. Violations and penalties.

It shall be the responsibility of the membership association, person having control of the premises, or its business agent to ensure compliance with all sections of this regulation. Any membership association, person having control of the premises, or its business agent who violates any provision of this regulation may be penalized by filing a criminal complaint at the appropriate venue, or at the Board's discretion, penalized by non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D, in which the violator may receive:

- A. First violation: a fine of one hundred dollars (\$100.00).
- B. Second violation within 24 months of the date of the first violation: a fine of two hundred dollars (\$200.00).
- C. Three or more violations within 24 months of the current violation, including the current violation: a fine of three hundred dollars (\$300.00).

§ 304-19. Enforcement.

- A. This regulation shall be enforced by the Board of Health and its designees.
- B. Any citizen who desires to register a complaint under this regulation may request that the Board of Health initiate an investigation.
- C. An individual, person, entity or organization subject to the smoking prohibitions of this regulation shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this regulation or furnishing information concerning a violation, to a person, entity or organization or to an enforcement authority. Notwithstanding the foregoing, a person making a complaint or furnishing information during any period of work or time of employment, shall do so only at a time that will not pose an increased threat of harm to the safety of other persons in or about such place of work or to the public.
- D. All workplaces and other establishments subject to this regulation are subject to periodic, unannounced inspections.

§ 304-20. Severability.

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

§ 304-21. Conflict with other laws or regulations.

Notwithstanding the provisions of the foregoing § 304-16 of this regulation, nothing in this regulation shall

be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

§ 304-22. Effective date.

This regulation shall be effective on January 2, 2007.

Chapter 305**TOBACCO AND NICOTINE DELIVERY PRODUCT SALES**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 5-4-2021.⁴⁰ Amendments noted where applicable.]

§ 305-1. Statement of Purpose.

Whereas tobacco use remains the single largest preventable cause of death and disease in the United States. First-hand and second-hand smoke are major public health concerns. Cigarette smoking harms nearly every organ of the body, causes many diseases, and reduces the health of smokers in general with smokers more likely than nonsmokers to develop heart disease, stroke, and lung cancer.⁴¹;

Whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin⁴² and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,⁴³ and that it is addiction to nicotine that keeps youth smoking past adolescence.⁴⁴;

Whereas E-cigarette use among U.S. youth and young adults is now a major public health concern. E-cigarette use has increased considerably in recent years, growing an astounding 900% among high school students from 2011 to 2015. These products are now the most commonly used form of tobacco among youth in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. Most e-cigarettes contain nicotine, which can cause addiction and can harm the developing adolescent brain.⁴⁵;

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,⁴⁶ largely because these flavored products were marketed to youth and young adults,⁴⁷ and younger smokers were more likely to have tried these products than older smokers,⁴⁸ neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products,

40. Editor's Note: This regulation superseded former Ch. 305, Tobacco and Nicotine Delivery Product Sales, adopted 9-10-2013.

41. Note: Center for Disease Control and Prevention, (CDC) (2012), Health Effects of Cigarette Smoking. Retrieved from: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

42. Note: CDC (2010), How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

43. Note: U.S. Department of Health and Human Services. 2014. The Health Consequences of Smoking - 50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 122. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

44. Note: Health and Human Services. 2014. The Health Consequences of Smoking - 50 Years of Progress: A Report of the Surgeon General, 2014 U.S. Surgeon General's Report Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, Executive Summary p. 13. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/execsummary.pdf>

45. Note: U.S. Department of Health and Human Services, E-Cigarette Use among Youth and Young Adults. A Report of the Surgeon General. 2016, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health: Atlanta, GA.

46. Note: 21 U.S.C. § 387g.

47. Note: Carpenter CM, Wayne GF, Pauly JL, et al. 2005. "New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies." *Health Affairs*. 24(6): 1601-1610; Lewis M and Wackowski O. 2006. "Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands." *American Journal of Public Health*. 96(2): 244-251; Connolly GN. 2004. "Sweet and Spicy Flavours: New Brands for Minorities and Youth." *Tobacco Control*. 13(3): 211-212; U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

48. Note: U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and

such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic devices and the nicotine solutions used in these devices;

Whereas any use of e-cigarettes, hookah, noncigarette combustible tobacco, or smokeless tobacco was independently associated with cigarette smoking 1 year later. Use of more than 1 product increased the odds of progressing to cigarette use.⁴⁹;

Whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major public health problem⁵⁰⁵¹⁵²;

Now, therefore it is the intention of the Ashland Board of Health to regulate the sale of tobacco products.

§ 305-2. Authority.

This regulation is promulgated pursuant to the authority granted to the Ashland Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states "Boards of health may make reasonable health regulations".

§ 305-3. Definitions.

For the purpose of this regulation, the following words shall have the following meanings:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

Characterizing flavor: A distinguishable taste or aroma other than the taste of tobacco or menthol, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing

Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

49. Note: Watkins, S.L., S.A. Glantz, and B.W. Chaffee, Association of Noncigarette Tobacco Product Use with Future Cigarette Smoking Among Youth in the Population Assessment of Tobacco and Health (PATH) Study, 2013-2015. JAMA Pediatrics, 2018.

50. Note: Department of Health and Human Services. Office of Inspector general, "Youth Access to Tobacco", December 1992, <https://oig.hhs.gov/oci/reports/oci-02-91-00880.pdf>

51. Note: Rigotti, N., 1999, "Youth Access to Tobacco", Tobacco Research and Treatment Center, Massachusetts General Hospital.

52. Note: This statement can be found in the tobacco regulations of many additional towns in the Commonwealth, including, but not limited to: Belmont, Milton, Mendon, Reading, Weston, Northborough, Hull, Braintree, Billerica, Gardener, and Natick.

or packaging of the tobacco product. Such term shall include a smoke constituent.

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored tobacco product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

Liquid Nicotine Container: A bottle or other vessel which contains nicotine in liquid or gel form, whether or not combined with another substance or substances, for use in a tobacco product, as defined herein. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco product, as defined herein, if the cartridge is prefilled and sealed by the manufacturer and not intended to be open by the consumer or retailer.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a tobacco product in the municipality.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Permit Holder: Any person engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or his or her business agent.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retail Tobacco Store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Ashland Board of Health.

Self-Service Display: Any display from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoke Accessories: Equipment, products, devices, or materials of any kind that are intended or designed for use in ingesting, inhaling, or otherwise introducing Tobacco Product, marijuana, tetrahydrocannabinol (THC), or cannabidiol (CBD) into the human body, including, but not limited to, Marijuana Accessories, bongs, pipes, glass pipes, vaporizers, vape pens, hookah apparatus, dab rigs, pods, tanks, and cartridges.

Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Smoking Bar: An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, § 22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

§ 305-4. Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited.

1. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the individual's parent or legal guardian, give tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Ashland is 21.
2. Required Signage.

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Ashland Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.
 - b. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Ashland Board of Health that discloses current referral information about smoking cessation.
 - c. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post a sign stating that "The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
3. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years of age or older. Verification is required for any person under the age of 40.
 4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

§ 305-5. Tobacco Product Sales Permit.

1. No person shall sell or otherwise distribute tobacco products or smoke accessories, as defined herein, within the Town of Ashland without first obtaining a Tobacco Product Sales Permit issued annually by the Ashland Board of Health. Only owners of establishments with a permanent, non-mobile location in Ashland are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Ashland.
2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Town of Ashland regulations. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.
3. Each applicant who sells tobacco products or smoke accessories is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued.

4. The fee for a Tobacco Product Sales Permit shall be determined by the Ashland Board of Health annually.
5. A separate permit is required for each retail establishment selling tobacco products, as defined herein.
6. Each Tobacco Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.
7. A Tobacco Product Sales Permit (NOTE: Electronic cigarettes were added to the definition of tobacco products) is non-transferable. A new owner of an establishment that sells tobacco products, as defined herein, must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
8. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
9. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.
10. A Tobacco Product Sales Permit cannot be renewed if the permit holder has sold a tobacco product to a person under the MLSA (§ 305-4.1) three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with § 305-17.1.
11. Maximum Number of Tobacco Product Sales Permits.
 - a. At any given time, there shall be no more than 17 Tobacco Product Sales Permits issued in the Town of Ashland. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew their permit within thirty (30) days of expiration will be treated as a first-time permit applicant.
 - b. As of the effective date of this document, any permit not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Town of Ashland Board of Health and shall be permanently retired by the Board of Health and the total number of Tobacco Product Sales Permits under paragraph a shall be reduced by the number of retired permits.
 - c. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
 - d. Applicants who purchase an existing business that holds a current Tobacco Product Sales Permit at the time of the sale of said business must apply within sixty (60) days of such sale for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein.

§ 305-6. Cigar Sales Regulated.

1. No person shall sell or distribute or cause to be sold or distributed a single cigar.
2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more.

3. This Section shall not apply to:
 - a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more.
 - b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Ashland.
4. The Ashland Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

§ 305-7. Sale of Flavored Tobacco Products Prohibited.

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and retail tobacco stores.

§ 305-8. Sale of Smoke Accessories.

The sale of smoke accessories shall be limited to individuals who are 21 years of age or older.

§ 305-9. Prohibition of the Sale of Blunt Wraps.

No person or entity shall sell or distribute blunt wraps in Ashland.

§ 305-10. Free Distribution and Coupon Redemption.

No person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein;
2. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; or
3. Sell a tobacco product, as defined herein, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product.
4. This section shall not apply to products for which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by state law.

§ 305-11. Out-of-Package Sales.

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. A retailer of Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, and must provide the Ashland Board of Health with a written plan for disposal of said product, including

disposal plans for any breakage, spillage or expiration of the product.

§ 305-12. Self-Service Displays.

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only self-service displays that are permissible pursuant to U.S. FDA and Massachusetts Attorney General Regulations are displays that are located in Retail Tobacco Stores that ensure that no person younger than the MLSA is present, or permitted to enter, at any time.

§ 305-13. Vending Machines.

All vending machines containing tobacco products, as defined herein, are prohibited.

§ 305-14. Non-Residential Roll-Your-Own Machines.

All Non-Residential Roll-Your-Own machines are prohibited.

§ 305-15. Prohibition of the Sale of Tobacco Products by Health Care Institutions.

No health care institution located in Ashland shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

§ 305-16. Prohibition of the Sale of Tobacco Products by Educational Institutions.

No educational institution located in Ashland shall sell or cause to be sold tobacco products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

§ 305-17. Violations.

1. The Ashland Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Ashland Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and smoke accessories, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products and smoke accessories, as defined herein, shall constitute a separate violation of this regulation.
2. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of these regulations. The violators shall receive the following fines for all Sections within these Regulations:
 - a. In the case of a first violation, a fine equal to \$1,000.

§ 305-17

ASHLAND CODE

- b. In the case of a second violation within 36 months of the date of the current violation, a fine equal to \$2,000 and the Tobacco Product Sales Permit shall be suspended for up to fourteen (14) consecutive business days.
 - c. In the case of three or more violations within a 36 month period, a fine equal to \$5,000 and the Tobacco Product Sales Permit shall be suspended for up to sixty (60) consecutive business days, unless sufficient cause is provided to the Board of Health during a hearing.
 - d. In the case of four violations or repeated, egregious violations of this regulation within a 36 month period, the Board of Health shall hold a hearing in accordance with § 305-17Q.1 and may permanently revoke a Tobacco Product Sales Permit.
3. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance as it relates to § 305-4.2 of these Regulations (Required Signage). The violator shall receive a fine equal to the maximum amount allowed by law for each violation related to § 305-4.2 Required Signage.
4. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.
5. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

§ 305-18. Non-Criminal Disposition.

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

§ 305-19. Separate Violations.

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

§ 305-20. Enforcement.

Enforcement of this regulation shall be by the Ashland Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Ashland Board of Health or its designated agent(s) and the Board shall investigate.

§ 305-21. Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 305-22. Effective Date.

This regulation shall take effect on January 1, 2020 except for § 305-3 "Characterizing Flavors" definition that will eliminate the word "menthol" and this noted change shall take effect June 1, 2020.

The revisions to this Regulation, which include the State mandated fines, shall take effect May 4, 2021.

Chapter 306**TOBACCO SALES REGULATIONS**

[HISTORY: Adopted by the Board of Health of the Town of Ashland October 7, 1993.

Amendments noted where applicable.]

§ 306-1. Authority.

The Ashland Board of Health under the authority of Chapter 111, Section 31, and Chapter 40, Section 21D, of the Massachusetts General Laws, in the interest of protecting public health, hereby adopts these regulations.

§ 306-2. Definitions.

As used within these regulations, the following shall be defined as below:

ACTIVE CASH REGISTER — Cash register that is physically staffed by an employee of the establishment and is available to the patrons of the establishment for the purpose of paying for items being purchased from the establishment.

LOCK-OUT DEVICE — Device which enables an establishment's agent or employee to directly control the sale of items through tobacco vending machines.

RETAILER OF TOBACCO PRODUCTS — Any person, business, or organization, which sells any tobacco product to the public for use other than medicinal purposes, whether or not the sale of the tobacco product is primary or secondary to any other business or activity of that person, business, or organization.

TOBACCO PRODUCTS — Any product derived from tobacco with the intended use of intake within the body through the means of smoking, chewing or sniffing. Such products include, but are not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, and snuff.

§ 306-3. Retail tobacco sales permit.

- A. No person, business, or organization shall, within the Town of Ashland, sell cigarettes, cigars, or other tobacco products to the general public until a Retail Tobacco Sales Permit is obtained from the Ashland Board of Health.
- B. An application for a Retail Tobacco Sales Permit shall be made to the Ashland Board of Health by current retailers of tobacco products within forty-five (45) days of the effective date of these regulations.
- C. An application for a Retail Tobacco Sales Permit by other than current retailers of tobacco products shall be made to the Ashland Board of Health, and such permit shall be issued prior to the retail sale of any tobacco product within the Town of Ashland.
- D. All Retail Tobacco Sales Permits shall expire on December 31 of each year. Application for, and issuance of, such permits shall be on an annual basis.
- E. The Ashland Board of Health shall establish and charge an annual fee for the issuance of Retail Tobacco Sales Permits.

§ 306-4. Prohibition on sales of tobacco products to minors.

- A. In accordance with Massachusetts General Law, Chapter 270, Section 6, whoever sells a cigarette, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of eighteen (18) or, not being his parent or guardian, gives a cigarette, chewing tobacco, or tobacco in any of its forms to any person under the age of eighteen (18) shall be punished by a fine of not less than one hundred dollars (\$100) for the first offense, not less than two hundred dollars (\$200) for the second offense, and not less than three hundred dollars (\$300) for any third or subsequent offenses.
- B. Notwithstanding the above, the Ashland Board of Health, upon ten-day notice to the holder of any Retail Tobacco Sales Permit, may, for cause, hold a hearing to determine whether it should suspend or revoke that Retail Tobacco Sales Permit.

§ 306-5. Posting of law and regulation.

- A. In accordance with Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell cigarettes at retail.
- B. The notice to be posted shall be that notice provided by the Massachusetts Department of Public Health.
 - (1) Such notice shall be at least forty-eight (48) square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register.
 - (2) Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
- C. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than nine (9) square inches, which is the size of the sign provided by the Massachusetts Department of Public Health.
 - (1) Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register.
 - (2) Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of no less than four (4) feet or more than nine (9) feet from the floor.
- D. The Ashland Board of Health and/or its enforcement officer(s) shall enforce these provisions. Whoever violates § 306-5A through C shall be punished by a fine of fifty dollars (\$50) for each said violation.
- E. Any person unlawfully removing a copy so posted under § 306-5A through C shall be punished by a fine of ten dollars (\$10).
- F. A copy of the Ashland Board of Health's Tobacco Sales Regulation shall be posted by each permittee at a place and in a position where it can be readily viewed by any employee engaged in the retail sales of tobacco product.
- G. Whoever violates § 306-5F shall be punished by a fine of fifty dollars (\$50) for each said violation.
- H. Any person unlawfully removing a copy so posted under § 306-5F shall be punished by a fine of ten dollars (\$10).

§ 306-6. Employee education.

- A. Each permittee shall maintain a log book of employees who engage in the sale of tobacco products.
- B. Persons operating vending machine lock-out devices shall, for the purposes of these regulations, be considered engaged in the sale of the product contained within the vending machine.
- C. No individual employee of any permittee shall be allowed to sell any tobacco product until such employee reads these regulations and applicable Massachusetts laws and signs a log book kept by the permittee.
- D. The employee's signature in said log book shall indicate that said employee has been provided with a copy of both these regulations and all applicable state laws and that that employee understands the requirements of these regulations and the applicable state laws.
- E. Such log book must be retained by the permittee and shall be made available for inspection during the permittee's normal business hours, upon request of an agent of the Ashland Board of Health.
- F. Whoever violates this section shall be punished by a fine of fifty dollars (\$50) for each said violation.

§ 306-7. Restrictions on freestanding displays.

- A. Freestanding displays of tobacco products, from which individual packages or cartons may be selected by the customer, must be located within twenty (20) feet of an active cash register.
- B. The freestanding display must be located in full, unobstructed, view of the clerk manning such cash register.
- C. Whoever violates this section shall be punished by a fine of fifty dollars (\$50) for each said violation.

§ 306-8. Vending machine sales of tobacco products.

- A. Effective forty-five (45) days from the effective date of these regulations, no person or entity shall install or maintain a vending machine to distribute or sell tobacco products within the Town of Ashland except as provided hereafter:
- B. Vending machines used to distribute or sell tobacco products shall only be allowed in:
 - (1) Alcoholic beverage establishments licensed by the Town of Ashland to sell or serve alcoholic beverages.
 - (2) Food service establishments licensed by the Town of Ashland.
 - (3) Business office, factory or other premises not open to the general public.
- C. Each person, business or organization which has on its premises a vending machine to distribute or sell tobacco products shall obtain a Retail Tobacco Sales Permit from the Ashland Board of Health.
- D. Each such vending machine shall be equipped with a lock-out device which has been approved by the Ashland Board of Health and/or its agent(s). The release mechanism of such a device must not allow continuous operation of the vending machine and must not be accessible to customers.
- E. Each such vending machine must be in clear view of the person operating such lock-out device at the time of operation.

- F. Each such vending machine shall have posted on or directly abutting such machine a sign, made from durable material, of not less than four and five-tenths (4.5) inches by eight and five-tenths (8.5) inches in size, and which is securely fastened, which states:

"ATTENTION! THIS MACHINE IS
EQUIPPED WITH A LOCK-OUT DEVICE TO
PREVENT THE SALES OF TOBACCO
PRODUCTS TO PERSONS UNDER THE
AGE OF EIGHTEEN (18). TO PURCHASE A
TOBACCO PRODUCT FIRST SEE THE
PERSON-IN-CHARGE."

- G. Whoever violates this section shall be punished by a fine of fifty dollars (\$50) for each said violation.

§ 306-9. Other distribution of tobacco products.

- A. Sales or distribution of tobacco products in any form other than in original factory-wrapped packaging is prohibited.
- B. Distribution to the public of tobacco products other than by a permittee is prohibited.
- C. Whoever violates this section shall be punished by a fine of one hundred dollars (\$100) for each said violation.

§ 306-10. Enforcement.

- A. These regulations shall be strictly enforced by the Ashland Board of Health and/or its agent(s).
- B. It shall not be considered "entrapment" or any other violation of the law for the Ashland Board of Health to engage an individual under the age of eighteen (18) years to attempt to purchase cigarettes or other tobacco products for the purpose of monitoring compliance with this chapter.
- C. All fines listed herein shall be enforced under the authority granted under Chapter 40, Section 21D, of the Massachusetts General Laws.

§ 306-11. Variances.

- A. The Ashland Board of Health may, upon the convening of a hearing, vary the application of any provision(s) of these regulations with respect to an individual permittee when, in its opinion, the enforcement thereof would do manifest injustice or cause undue hardships, provided that the decision of the Board shall not conflict in any way with the spirit of these regulations.
- B. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant for such variance.

§ 306-12. Severability.

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

§ 306-13. Effective date.

These regulations shall be effective as of October 1, 1993.

Chapter 307**WASTEWATER TREATMENT PLANTS**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 11-17-1992; amended in its entirety 9-28-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Septic systems — See Ch. 300.

Sewers — See Ch. 326.

Sewage disposal systems — See Ch. 303.

§ 307-1. Authority.

The following regulations are promulgated by the Ashland Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.

§ 307-2. Severability.

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be judged to be invalid for any reason, that decision shall not affect any other portion of these regulations which shall remain in full force and effect; and to this end, the provisions of these regulations are hereby declared severable.

§ 307-3. Letter of intent.

- A. The applicant shall submit a letter of intent, in person or by certified mail, to the Board of Health not less than thirty (30) days prior to the date upon which said applicant files or intends to file an application with the Massachusetts Department of Environmental Protection (hereinafter "DEP") for issuance of any permits, licenses, approvals, or permissions necessary for the design, review, installation, and/or operation of a Small Wastewater Treatment Plant (hereinafter "SWWTP").
- B. The said Letter of Intent shall include the location of the site of the proposed plant and development to be served, including assessor's map reference, the maximum number of dwelling units or maximum square footage of building space designed to be served by such plant and the buildings to be served thereby, along with any other description of the overall project which will aid the Board of Health in determining the general suitability of the site, the adequacy of the SWWTP, and the probable impact the project may have on the area of the town proximate to the proposed plant and the Town of Ashland as a whole.

§ 307-4. Preliminary application.

- A. Following the receipt of the Letter of Intent and at the time of submission of an application to the DEP for the SWWTP, the applicant shall file with the Board of Health a copy of the complete application as filed with the DEP, including any data on the site, the proposed plant, and the development to be served thereby.
- B. No formal action shall be taken by the Board of Health on a preliminary application, until such time

as the application has been reviewed and finally acted upon by the DEP. For the purpose of this section, review and final action by the DEP shall be deemed to be the issuance by DEP of any and all permits, licenses, and approvals necessary to construct and operate said plant. However, the Board of Health may meet with the DEP and/or Applicant in an advisory capacity to assure the design review and decisions by the DEP are compatible with the needs and concerns of the Town and the Board of Health.

- C. If, during the review and permitting process by the DEP, the Applicant is required to produce and submit any further data, studies, information, detail, or documentation to DEP, a copy thereof shall also be submitted, at the same time, to the Board of Health. Such further information shall be included in the file for use by the Board of Health in its review and consideration of the application.

§ 307-5. Final application.

A preliminary application shall be deemed to be complete and become a final application on the date that the Board of Health receives a certified copy of the permits, licenses, and approvals as issued by the DEP for the construction and operation of said plant.

§ 307-6. Review process.

- A. Within forty-five (45) days of its receipt of a final application for the construction of a SWWTP, the Board of Health shall hold a public hearing thereon. Notice of said hearing shall be given not less than fourteen (14) days prior to the date of such hearing, by posting a notice thereof at Town Hall and by publishing said notice in a newspaper of general circulation in the Town. Said notice shall include a description sufficient to identify the proposed project and the location of the development and the plant.
- B. The public hearing may be adjourned to a time or times certain, but such adjournment shall not exceed a total of an additional forty-five (45) days from the date of the commencement of the public hearing.
- C. At said hearing, the Board of Health shall describe the proposal publicly and shall allow the Applicant to make a presentation of the proposal. Following such presentation, the Board of Health shall take testimony from the public; which testimony shall be considered by the Board during its deliberation on the application.

§ 307-7. Action on an application.

Within forty-five (45) days following the close of the public hearing, the Board of Health shall act on a final application. The Board of Health may approve, approve with conditions, or disapprove such application based on the applicants satisfying the Board of the following items:

- A. That the system as proposed and designed will adequately serve the development to be connected thereto.
- B. That adequate safeguards are provided to assure the safe, reliable, and effective operation, repair, replacement, and ongoing maintenance of the SWWTP, at no cost to the Town of Ashland, and that no liability shall be created for the Town of Ashland.
- C. That any persons, firms, or entities which will own, operate, or directly or indirectly benefit, financially or otherwise, from the operation of the proposed SWWTP, are, in the opinion of the Board of Health, adequately committed, trained, financed, and legally bound to assure the safe, reliable, and effective operation, repair, replacement, and ongoing maintenance of the SWWTP; and

§ 307-7

ASHLAND CODE

- D. That adequate provisions are made to afford the Board of Health a right of entry to periodically inspect the plant and that any documentation concerning testing of the treatment process and quality of discharge will be also provided to the Board.
- E. That in the discretion of the Board of Health, the applicant has satisfied the Board that the public health, environment, and financial security of the Town of Ashland and its individual taxpayers and inhabitants will be protected and served by the operation of said SWWTP.

§ 307-8. Fees.

- A. At the time of submission of the Preliminary Application as called for in § 304-4, the Applicant shall submit, to the Board of Health, a payment of four thousand dollars (\$4,000).
- B. At the time of submission of the Final Application as called for in § 307-5, the Applicant shall submit, to the Board of Health, a payment of two hundred fifty dollars (\$250) per lot for the maximum number of lots serviced by the SWWTP.

§ 307-9. Priority Development Site(s).

If construction of a SWWTP is proposed at a Priority Development Site (PDS), as defined by Section 10.0 of the Zoning By-laws, a final application therefor, as per § 307-5, shall be submitted no later than thirty (30) days following the date of submittal of any other permit application(s) required by the Code of the Town of Ashland, including the Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D. Waiver of said deadline for submittal of a final application shall be authorized where, despite an applicant's diligent efforts to obtain from the DEP any and all permits, licenses and approvals necessary to construct and operate the SWWTP, the DEP has not finally acted upon the applicant's timely request(s) for the same. Nothing herein shall relieve an applicant of its obligations to submit a letter of intent and a preliminary application to the Board pursuant to §§ 307-3 and 307-4, respectively.

Chapter 312**WATER SUPPLIES, PRIVATE AND SEMIPUBLIC**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 7-28-1989; amended in its entirety 9-28-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Septic systems and wells — See Ch. 300.

§ 312-1. Definitions.

PRIVATE WATER SUPPLY — Any water system serving or intended to service water for human consumption or for domestic uses or purpose on one lot. The system shall be contained on the lot and shall include all of the sources, treatment works, and distribution lines to the point where distribution takes place within the building on the lot.

SEMIPUBLIC WATER SUPPLY — Any water system serving or intended to service water for human consumption or for domestic purposes and not included under the definition of "private water supply" above or under the Department of Environmental Protection "Drinking Water Supply Regulations of Massachusetts."

WATER SYSTEMS — Includes pipes, valves, fittings, tanks, motors, switches, controls, and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment, or purification of water for any use whether or not inside a building.

WELL — Includes any pit, pipe excavation, spring, casing, drill hole or other source of water to be used for any purpose of supplying potable water in the Town of Ashland and shall include dug wells, driven or tubular wells, drilled wells (artesian or otherwise) and springs, gravel walled wells, gravel developed and wash borings and as further described in U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.

§ 312-2. Permits for private and semiprivate water supply.

- A. Permit requirements. No private or semipublic water supply shall be installed, altered or repaired until a permit has been obtained from the Board of Health or its agent. The fee for this permit shall be set by the Board of Health from time to time. A permit so granted shall expire 18 months from the date of issue unless construction has begun. Where such a permit is required for a Priority Development Site (PDS), as defined by Section 10.0 of the Zoning By-laws, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including the Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal.
- B. Permit application. A plot plan shall be submitted with application for well permit to the Board of Health indicating the proposed location of the well, all building, boundary lines, septic systems (within 200 feet).

§ 312-3. General requirements.

- A. Permit release. No foundation or building permit shall be issued until the well is installed, completed, and has been demonstrated to supply water of the quality and quantity specified herein. No occupancy of the building the well is to serve shall be permitted until an acceptable tested water sample has been obtained from a tap in the building.
- B. Sanitary performance. The well contractor shall observe sanitary measures and precautions in the performance of his work in order to prevent pollution or contamination of the well. Use of water from streams, swamps, or abandoned wells, for drilling, shall be prohibited.
- C. Well drillers. Well drillers must be registered with Massachusetts Water Resources Authority. A copy of said registration must be filed with the Board of Health prior to any drilling in the Town of Ashland.
- D. Well protection. No well shall be drilled in standing water or in such a location that may allow standing water from rainfall, run-off, or groundwater. The casing shall be set sufficiently into bedrock and properly sealed to keep out surface water or entry of any other surface or subsurface contamination. The well cap shall be twelve (12) inches above surface grade and a concrete apron extending from the casing at least two (2) feet in all directions and sloping away from the casing shall be constructed.
- E. Well location.
 - (1) No well shall be less than one hundred (100) feet from a leaching area located downhill from such well.
 - (2) No well shall be less than one hundred twenty-five (125) feet from a leaching area located uphill from such a well.
 - (3) Wells shall be located no less than fifteen (15) feet from any public or private way or street.
 - (4) Wells shall be located no less than ten (10) feet from any lot line, five (5) feet from any building or projections thereof, fifty (50) feet from any part of a subsurface sewage disposal system.
 - (5) These distances may be increased when, in the opinion of the Ashland Board of Health, adverse conditions exist.
- F. Number of wells. There shall be a separate well for each dwelling. The well serving that dwelling shall be located within the lot boundaries of the building site. No well shall be used to supply more than one dwelling (Chapter 40, Section 34 MGL). For nonresidential wells, the Board of Health shall determine the number of wells required for the specific building site.
- G. Pump houses. Pump houses, pump rooms, and pitiless adapters shall be installed in accordance with the U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.
- H. Pump house protection. Pump houses, pump or pipe pits and wells shall be designed and constructed so as to prevent flooding, freezing, and the entrance of sources of pollution or contamination.
- I. Approvals. No person shall install or enter into a contract for installing or make additions, modifications, or alterations to any private or semiprivate water supply before submitting complete plans, specifications, and descriptions to the Board of Health and receiving from them written approval. Private and semiprivate water supply systems shall be approved by the Board of Health before occupancy is permitted.

§ 312-4. Well specifications.

- A. Well yield. There shall be a minimum yield of two hundred (200) gallons per bedroom per day at twenty (20) P.S.I. at the highest fixture serviced. A bedroom shall include any undeveloped area that could be made into a bedroom. System capacity for semipublic water supplies must be adequate to meet projected needs.
- B. Storage. All demands for water shall be provided from storage in a pressure tank. Pressure tanks for individual home installation shall be of a diaphragm type and have a minimum capacity of thirty-six (36) gallons.
- C. Tests. A log of the well, showing depth and type of overburden, depth of casing installed below surface grade, diameter of casing and diameter of the hole in the rock, static water level and pump rate which can be sustained for a least four (4) hours at constant drawdown depth.
 - (1) A pump test shall be made with the faucet open to waste for a four-hour constant pumping period using a pump capable of producing ten (10) gallons per minute or more.
 - (2) In the event the well is exhausted during the initial four-hour pump testing period, the faucet shall be so regulated after suitable well recovery [of not more than thirty (30) minutes] in order to allow pumping at a constant rate for an additional four (4) hours at a constant drawdown depth to determine the yield.
 - (3) A sustained pumping rate of two (2) gallons per minute for a four-hour period shall be the minimum rate.
 - (4) The well (after pumping test) shall recover to within eighty-five percent (85%) of the original static water level within a twenty-four-hour period.
 - (5) Testing and evidence to show satisfactory well yield and recovery shall be demonstrated in the presence of the agent for the Board of Health.
 - (6) Quantity test shall be performed by competent pump or well drilling contractors and a well shall produce a supply for each dwelling unit served by an on-site well as follows:

Well Drawing Depth	Minimum Well Yield (gmp-4hrs)
To 100 feet	5
100 to 200 feet	4
200 to 300 feet	3
300 feet and over	2

- (7) The results of all testing shall be submitted to the Board of Health for approval. Said submissions shall be on an approved form and the well contractor shall be responsible for all data submitted.
- D. Auxiliary power. Auxiliary power must be available to maintain a water supply for multiple dwellings.
- E. Grade determination. A pitiless adapter shall be provided such that one permanent watertight casing of the well shall terminate a minimum of twelve (12) inches above finished grade and/or the 100 year

flood.

- F. Contamination precautions. Each well installed to provide water for human consumption must be curbed and covered to prevent entrance of contamination and to divert surface water away from the well.
- G. Pipes and equipment.
 - (1) All service pipes and connections shall be on nontoxic materials and meet specifications approved by the New England Water Works Association.
 - (2) The installation of pipes shall be such that they are protected from crushing, freezing, and attack by animals or rodents.
 - (3) Dissimilar metals should be discouraged in the water system. The use of nonconductive plastic inserts between pipes and fittings or the installation of sacrificial anodes is helpful in minimizing electrical corrosion problems.
 - (4) Electrical service ground shall not be attached to water piping. All electrical service and controls of well must be permitted, inspected and approved according to Town and state regulations.

§ 312-5. Water quality specifications.

- A. Sanitary protection. Sanitary protection shall be incorporated into the construction of the well. All newly completed wells shall be disinfected in accordance with instructions from the U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.
- B. Sampling. A minimum of two (2) water samples shall be submitted to a State-approved laboratory for analysis. One sample shall be taken when the well installation is complete and one sample shall be taken from a tap in the dwelling before occupancy. All results shall be submitted to the Board of Health for approval. Acceptance of water quality shall be based on its conformance to the normal of the groundwater in the area as well as established state and federal drinking water standards.
- C. Laboratory tests.
 - (1) A chemical, physical, and bacteriological analysis of the water samples by a Massachusetts certified laboratory shall be required. Water which does not meet the accepted standards of agencies of the state and federal government for potable water supplies shall be grounds for the rejection of the well.
 - (2) A bacteriological test to indicate 100 ml coliform density shall be required. A total bacteria count at 35 degrees C shall be determined.
 - (3) Chemical and physical analysis, including testing for volatile organic compounds (per EPA 524 or 502.1 and 503.1 with a double confirmation test when volatile organic compounds are present) shall be required. Analysis shall be performed for but not limited to pH, color, odor, iron, turbidity, manganese, ammonia nitrogen, nitrate nitrogen, alkalinity, total hardness, sodium, chloride, lead, arsenic, and nitrate nitrogen.
 - (4) Concentrations shall not exceed the following:

Color	15 units
Turbidity	5 SU
Manganese	0.05 mg/L
Nitrate Nitrogen	10 mg/L
Chloride	250 mg/L
Iron	0.30 mg/L
Sodium	*

*

Sodium content shall not exceed 20 mg/L in a semipublic water supply and shall be reported to the homeowner if greater than 20 mg/L in a private water supply.

- (5) Other parameters will be evaluated on a case-by-case basis by the Board of Health to establish the water's suitability as a private or semipublic water supply.
 - (6) Where applicable water quality of semipublic water supplies shall comply with effective regulations of the U.S. Environmental Protection Agency and the Commonwealth of Massachusetts.
 - (7) If any concentrations of volatile organics is detected and/or if the sodium concentration shall exceed 20 mg/L a document shall be attached to the deed and recorded in the South Middlesex Registry of Deeds which identifies the chemicals and their concentration.
- D. Water conditioning. Permanent disinfection of a polluted water supply is prohibited. If the natural water quality does not meet the physical and chemical criteria listed in Subsection C water conditioning shall be required. Water softening or other treatment shall not be discharged into the septic system. Treatment units shall be installed with the capability of bypassing such units if necessary or desired.

§ 312-6. Prohibitions.

- A. Surface water supplies for private or semiprivate water supplies shall be prohibited.
- B. Cisterns shall be prohibited.
- C. Cross connections for whatever purpose shall not be allowed without a written permit from the Massachusetts Department of Public Health and approval by the Ashland Board of Health.
- D. Wells used for drinking water and domestic water supply shall not be used to provide water for groundwater heat pump systems, for water cooling or air conditioning systems or irrigation. Any well used for such systems shall be approved by the Ashland Board of Health only after the applicant has submitted with sufficient evidence to the satisfaction of the Board of Health that such use will not disrupt any quantity of water from any nearby well and that the well will satisfy the manufacturer's recommendations for proper equipment operation.

§ 312-7. Variances.

- A. The Board of Health may vary the application of any provisions of these regulations with respect to

any particular case, when in its opinion, the enforcement thereof would do manifest injustice provided that a variance granted by the Board of Health shall not conflict with spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing.

- B. Any variance or other modification authorized to be made by these regulations may be subject to such qualification, revocation, suspension, or expiration as the Board of Health deems necessary. A variance or modification authorized to be made by these regulations may otherwise be revoked, modified, or suspended, in whole or in part only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

§ 312-8. Enforcement.

- A. Authorization. The provisions of Title 1 of the State Environmental Code shall govern the enforcement of these regulations.
- B. Orders: service and content.
 - (1) If an examination as provided for § 312-4C and/or 312-5C reveals failure to comply with the provisions of these regulations, the Board of Health may order the person or company responsible to comply with the violated provisions.
 - (2) The inspection performed by, and these regulations of, the Ashland Board of Health cannot be construed as a guarantee by the Town of Ashland or its agents that the water system so inspected and regulated will function satisfactorily.
 - (3) The Board of Health may require a restriction to be recorded in the Registry of Deeds in cases which in the opinion of the Board of Health the water analysis shows marginal compliance with criteria of these regulations.
- C. Certificate of compliance.
 - (1) No person shall occupy any structure permitted under these regulations, without first obtaining a certificate of compliance from the Ashland Board of Health or its agent(s).
 - (2) With respect to residential structures, occupancy shall be defined as any act of sleeping, preparing food for consumption, showering, or bathing.
 - (3) With respect to commercial structures, of a product for sale; any sale, within the structure, of any product, whether or not the product was produced within the structure; or any sale of any service, within the structure.
 - (4) Violation of Subsection C(1) shall be punishable by a fine of \$1,000. Each day that a violation occurs shall be considered a separate violation and shall be punishable as a separate offense.

§ 312-9. Jurisdiction.

Nothing in the Ashland "Minimum Sanitation Standards of Private and Semi-Private Water Supply Regulations" is intended to, nor shall it supersede any of the Massachusetts Department of Environmental Protection "Drinking Water Regulations of Massachusetts" with respect to noncommunity and public water supply systems as defined therein.

Chapter 315**FATS, OILS AND GREASE**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 5-11-2007; amended in its entirety 3-9-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Sewage disposal systems — See Ch. 303.

Wastewater treatment plants — See Ch. 307.

§ 315-1. Purpose.

The Board of Health of the Town of Ashland, Massachusetts is charged with the protection and enhancement of public health for the Ashland community. The Board of Health, in conjunction with the Department of Public Works and the Department of Inspection Services, have determined and mutually agree that enactment of this regulation is necessary and will further safeguard the health and safety of the Ashland community. This regulation provides for the codification of requirements, specifications and procedures for the effective management of fats, oil and grease. In order to preserve and protect the public health of the inhabitants of the Town of Ashland the Board of Health has determined the following regulations are necessary.

§ 315-2. Authority.

This Regulation has been adopted in accordance with, pursuant to and under the authority of the provisions of MGL c. 111, § 31 including any amendments, any other powers and additions thereto, and by any other power thereto enabling.

§ 315-3. Definitions.

Abbreviations and their meanings as used in this regulation include —

ASME	American Society of Mechanical Engineers
BMP	Best Management Practices
CMR	Code of Massachusetts Regulations
DEP	Massachusetts Department of Environmental Protection
DPW	Department of Public Works of the Town of Ashland
FDA	United States Food and Drug Administration
GPM	Gallons per minute
LPM	Liters per minute

MGL

Massachusetts General Laws

MWRA

Massachusetts Water Resources
Authority

AGENT — Any person duly appointed by the Ashland Board of Health in accordance with the provisions of MGL c. 111 § 30.

BOARD OF HEALTH or BOARD — The Board of Health of the Town of Ashland, Massachusetts and its agents.

DISPOSAL SYSTEM INSTALLER or INSTALLER — A person, licensed in accordance with 310 CMR 15.09; or MGL c. 142, §§ 1-22; and MGL c. 112, §§ 61-65.

EFFECTIVE CAPACITY — The volume of a tank below the design discharge point, liquid level line.

EFFLUENT — Discharging or discharged Sewage.

ESTABLISHMENT — Any business or operation that discharges or may discharge FOG as a constituent of its wastewater, including but not limited to Food Establishments.

EXTERNAL GREASE INTERCEPTOR — A liquid tight device designed and installed to separate and retain for removal, by manual (passive) means, dissolved and/or suspended FOG and other deleterious, hazardous, or undesirable matter from other solid and liquid constituents of Sewage as it is being discharged into the drainage system by gravity in accordance with: 248 CMR 10.00, Massachusetts Plumbing Code, under the authority of the Board of State Examiners of Plumbers and Gas Fitters; 360 CMR 10.00 Sewer Use under the authority of the Massachusetts Water Resources Authority; and 310 CMR 15.230, the state environmental code, specifically Title 5, under the authority of the Massachusetts Department of Environmental Protection. The rated flow is not less than 50 gallons per minute (gpm) (189 LPM). Usually this device is installed below ground.

FOG — Fat, oil and grease, wax, deleterious, hazardous or undesirable matter.

FOG DIVERSION AND RECOVERY EQUIPMENT — All equipment or devices utilized for the purpose of removing, storing or disposing of FOG. This includes, but is not limited to, grease traps, external grease interceptor, pipes, and containers.

FOG TRANSPORTER — Any company, personnel or equipment engaged in any activity of removing FOG from the establishment where it was generated and delivering it to a facility that is licensed by the DEP, in accordance with 310 CMR 15.00; MGL c. 111, § 31A, for further processing. All FOG transporters operating within the geographical borders of the Town of Ashland shall be licensed by the Board of Health.

FOOD ESTABLISHMENT — An operation that prepares, stores, packages, serves, vends or otherwise provides food for human consumption as defined in the Food Code of the United States Food and Drug Administration (FDA).

GREASE TRAP — Also referred to as an Internal Grease Trap. A liquid tight device designed and installed to separate and retain for removal, by manual (passive) means, dissolved and/or suspended grease and oils and other deleterious, hazardous, or undesirable matter from other solid and liquid constituents of Sewage as it is being discharged into the drainage system by gravity in accordance with 248 CMR 10.00. The rated flow is not more than 50 gallons per minute. An external grease interceptor is defined as a grease trap in 310 CMR 15.000 (Title 5).

ONSITE SEWAGE DISPOSAL SYSTEM or ONSITE SUBSURFACE SEWAGE DISPOSAL SYSTEM — A system or series of systems for the treatment and disposal of sanitary Sewage below the ground surface on a facility.

- A. The standard components of a system are: a building sewer; a septic tank to retain solids and scum; a distribution system; a soil absorption system containing effluent distribution lines to distribute and treat septic tank effluent prior to discharge to appropriate subsurface soils; and a reserve area.
- B. These terms also include tight tanks, shared systems and alternative systems. Unless the text of 310 CMR 15.00 indicates otherwise, these terms also include nonconforming systems.

PERFORMANCE STANDARD — All grease traps shall comply with the following performance standard: Sewage discharge into the Ashland wastewater collection system shall contain not more than one hundred milligrams per liter (100 mg/L) of FOG or contain any substance that may modify or become viscous between the temperatures of thirty-two and one hundred eighty degrees Fahrenheit (32°-180°F); or between zero and eighty-two degrees Celsius (0° and 82°C).

SANITARY BUILDING DRAIN — A pipe with one end inside a building and the other end extending outward to not less than ten (10) feet beyond the exterior of the foundation wall for conveying the discharge of wastewater (sewage), in accordance with 248 CMR 10.09 and 310 CMR 15.00.

SANITARY BUILDING SEWER — A pipe with one end connected to the sanitary building drain at a point not less than ten (10) feet from the outside of the building foundation and the other end connected to the wastewater collection system.

SANITARY SEWER — Any arrangement of pipes, conduits, pumping stations, force mains, structures and devices utilized for collecting and conveying wastewater to a public or private treatment works, including Onsite Sewage Disposal Systems, but does not collect or convey stormwater, surface water, clear water or groundwater.

SEWAGE — Any waste containing animal matter, vegetable matter or chemicals in suspension or solution.

SEWER PIPE — Any Sanitary Sewer piping, including but not limited to: the interior and exterior building sanitary sewer piping, any main or lateral sewer piping, regardless of whether it is located on private or municipal property.

TOWN OFFICIALS — Representatives of the Department of Public Works, representatives of the Department of Inspection Services, representatives of the Board of Health. The Board of Health may appoint officials other than those listed in the previous sentence.

WASTEWATER COLLECTION SYSTEM — Any arrangement of pipes, conduits, pumping stations, force mains, structures and devices utilized for collecting and conveying wastewater to a public treatment works, but does not collect or convey stormwater.

§ 315-4. General Provisions.

- A. All Establishments in operation prior to the adoption of this Regulation shall install the required equipment and be in full compliance in not more than one (1) year from the effective date of this regulation — July 1, 2008. The required external grease interceptor shall be installed by July 1, 2009, with the requirement that the design plans for the Grease Interceptor be forwarded to the Department of Public Works by March 1, 2009.
- B. Every business generating FOG that is or may be introduced to wastewater, or is or may be discharged as a constituent of wastewater shall comply with all the provisions of this Regulation, applicable plumbing codes, building codes, environmental codes, and all other applicable local, state and federal laws, regulations and codes. Examples of businesses that shall be required to comply with this regulation include, but are not limited to: kitchens in a restaurant; cafeterias; nursing homes; schools; hospitals; hotels; institutional facilities; factories; clubs; bars where food is prepared; commercial kitchens; residential buildings equipped with commercial cooking equipment; food and meat

processing and packaging facilities; supermarkets; bakeries and other commercial or industrial Establishments where FOG of any kind is disposed of as a constituent of wastewater.

- (1) All Establishments that are required to install and operate a Grease Trap(s) and/or Exterior Grease Interceptor(s) as provided in this regulation shall demonstrate to: the DPW and the Department of Inspection Services; and when Effluent is discharge to an onsite disposal system the Board of Health, that the Grease Traps or External Grease Interceptors are properly sized and installed and are in full compliance with this Regulation and all local, state and federal laws and regulations when one or more of the following occur:
 - (a) Change of use occurs for the Establishment.
 - (b) The establishment is remodeled through the building permit process.
 - (c) Establishment is sold to new ownership.
 - (d) Establishment has acquired a new occupant.
 - (e) An application for a Sanitary Sewer service connection to the Ashland wastewater collection system.
 - (f) New construction.
 - (g) Repair or construction of an Onsite Sewage Disposal System.
- (2) All FOG transporters operating within the geographical borders of the Town of Ashland shall be licensed by the Board of Health. All FOG transporters shall provide proof of a contract or agreement that all FOG shall be delivered to and accepted by a facility that is licensed by the DEP for further processing.

§ 315-5. Specifications and requirements for external grease traps.

All external Grease Traps as defined in 310 CMR 15.000, shall be installed and shall be operated in accordance with 310 CMR. 15.000 (Title 5).

§ 315-6. Specifications and requirements for external grease interceptors.

All External Grease Interceptors shall be installed and operated in accordance with 248 CMR 10.09 and 360 CMR 10.

§ 315-7. Requirements and qualifications for installers and repairers of FOG diversion and recovery equipment.

Installation or repair of Grease Traps and External Grease Interceptors shall performed only by a qualified licensed Disposal System Installer in accordance with 310 CMR 15.000; or a qualified licensed drain layer certified in accordance with MGL c. 142, §§ 1-22 and MGL c. 112, §§ 61-65 and 248 CMR 10.000.

§ 315-8. Specifications and requirements for the installation of grease traps.

All grease traps shall be installed in accordance with the provisions of 248 CMR 10.000, and all other applicable local, state and federal laws and regulations.

§ 315-9. Specifications and requirements for the installation of external grease interceptors.

All Grease Traps shall be installed in accordance with the provisions of 248 CMR 10.000 and 310 CMR 15.000 and all other applicable local, state and federal laws and regulations.

§ 315-10. Specifications and requirements for the operation and maintenance of grease traps.

- A. In accordance with 360 CMR 10.000 and 248 CMR 10.000, internal Grease Traps shall be cleaned and maintained.
- B. Proof of cleaning shall be certified to the Department of Public Works in accordance with the requirements provided in the Documentation section of this Regulation.
- C. Failure to install or clean Grease Traps or to provide proper certification of such cleaning may result in suspension of sewer service until full compliance is achieved.
- D. All materials recovered from cleaning shall not be stored on the premises and shall be removed from the premises upon the completion of the cleaning process. Under no circumstances shall any recovered materials be deposited into the plumbing system, Sanitary Building Drain, Sanitary Building Sewer or wastewater collection system. Premises shall not include the allowed disposal into grease reclamation containers located externally onsite.
- E. All Grease Traps shall be maintained by the owner, at his/her own expense, in an efficient operating condition that meets or exceeds the performance standards of this Regulation.
- F. The following schedule specifies the minimum criteria and time schedule. This schedule is subject to change at anytime by the Board of Health. Each of these operations shall be recorded in accordance with the provisions in the Documentation section of this Regulation.
 - (1) All Grease Traps shall be inspected by the owner or operator in intervals of not more than seven (7) days between inspections.
 - (2) All FOG and other materials shall be removed and Grease Traps shall be cleaned in intervals of not more than thirty (30) days or as directed by the Board of Health or Town Officials.
- G. Accumulated waste FOG shall be stored in tallow drums or in poly bags sufficient in strength and integrity to prevent leakage or breakage. Poly bags shall be securely closed and placed inside a leak-proof container and tightly sealed. The sealed container shall be stored and disposed of in accordance with laws and regulations applicable to solid waste.
- H. A sign shall be posted on or in the immediate area of the Grease Trap. The lettering of the sign shall be not less than one inch high. The sign shall state the following in exact language:

IMPORTANT

This interior grease trap shall be inspected and thoroughly cleaned on a regular and frequent basis. Failure to do so could result in damage to the piping system, and the Ashland wastewater collection system (or private drainage system — onsite sewage disposal system).

§ 315-11. Specifications and requirements for the operation and maintenance of external grease interceptors/external grease trap as defined by 310 CMR 15.000-Title 5.

In accordance with 310 CMR 15.000, 360 CMR 10.000, and 248 CMR 10.000, all External Grease Interceptors shall be cleaned and maintained.

- A. The following documents shall be submitted to the Department of Public Works when requesting a connection to the Ashland wastewater collection system, subject to verification.

An original valid contract or agreement with a business (or businesses) that is normally engaged in the following activities for External Grease Interceptors or onsite Sewage disposal systems:

- Inspection
- Cleaning
- Maintenance
- Service
- Pumping
- Transportation

- B. Proof of cleaning shall be certified to the Department of Public Works in accordance with the requirements provided in the Documentation section of this Regulation.
- C. Failure to install or clean External Grease Interceptors or to provide proper certification of such cleaning may result in suspension of sewer service until full compliance is achieved.
- D. All materials recovered from cleaning shall be removed from the premises upon the completion of the cleaning process. Under no circumstances shall any recovered materials be deposited into the plumbing system, Sanitary Building Drain, Sanitary Building Sewer or wastewater collection system.
- E. All External Grease Interceptors shall be maintained by the owner, at his/her own expense, in an efficient operating condition that meets or exceeds the performance standards of this Regulation.
- F. The following schedule specifies the minimum criteria and time schedule. This schedule is subject to change at anytime by the Board of Health or Town Officials. Each of these operations shall be recorded as required in the Documentation section of this Regulation.
- (1) All External Grease Interceptors shall be inspected by the owner or operator in intervals of not more thirty (30) days between inspections.
 - (2) All FOG and other materials shall be pumped and all External Grease Interceptors shall be cleaned in intervals of not more than ninety (90) days or whenever the level of FOG is not less than twenty-five percent (25%) of the effective capacity or as directed by the Board of Health or Town Officials; whichever of these shall occur soonest.
- G. When emptied, the External Grease Interceptor shall be thoroughly washed and all interior plumbing connections inspected for completeness and integrity.
- H. All External Grease Interceptors shall be serviced in intervals of not more than ninety (90) days.

- I. A sign shall be posted on or in the immediate area of the External Grease Interceptor. The lettering of the sign shall be not less than one inch high. The sign shall state the following in exact language:

IMPORTANT

The exterior grease interceptor or exterior grease trap for the septic system shall be inspected and thoroughly cleaned on a regular and frequent basis. Failure to do so could result in damage to the piping system, and the Ashland wastewater collection system (or private drainage system — onsite sewage disposal system).

§ 315-12. Requirements and procedures for the management of used of frying oil.

- A. All waste frying oil shall be stored in a grease/oil reclamation container with a secure cover.
- B. The appropriate spill containment equipment and spill cleanup materials, specifically for frying oil, shall be onsite, in sufficient supply and readily available for use when needed.

§ 315-12.1. Prohibitions.

- A. In accordance with 360 CMR 10.000, chemical, biological or physical means shall not be used to release fats, wax, oil or grease into the sewer, bypass the Grease Trap or External Grease Interceptor or otherwise make the Grease Trap or External Grease Interceptor operate less effectively.
- B. FOG removal or recovery by devices or processes other than those included in this Regulation shall not be considered for compliance with this Regulation, 248 CMR 10.000 or 310 CMR 15.000. Any installation or use of such devices or processes is in violation of this Regulation.
- C. The addition of any chemical or biological agent to a Grease Trap or External Grease Interceptor to convert FOG or any other material to a substance regardless of whether it is regulated or not regulated by 360 CMR 10.000 is prohibited.
- D. In no case shall any contents of a Grease Trap or External Grease Interceptor be discharged into the Ashland wastewater collection system or an Onsite Sewage Disposal System.

§ 315-13. Requirements and procedures for unplanned or uncontrolled discharge or release.

- A. The appropriate spill containment equipment and spill cleanup materials, shall be onsite, in sufficient supply and readily available for use when needed.
- B. Immediate notification is required of any unplanned or uncontrolled discharge or release.
- C. Should an unplanned or uncontrolled discharge or release of FOG or substances prohibited or limited by this Regulation or 360 CMR 10.000 or any slug loads or spills enter into the building sewer, immediately call the Department of Public Works.
- D. Should an unplanned or uncontrolled discharge or release of FOG or substances prohibited or limited by this Regulation or 310 CMR 15.000(Title 5) or any slug loads or spills enter into an Onsite Sewage Disposal System, immediately call the Board of Health.

§ 315-14. Specifications and requirements for documentation and records.

- A. All documents and records included in this section and elsewhere in this Regulation shall be readily accessible and made available for inspection by the Board of Health or Town Officials upon their request.
- B. All logbooks shall be hard covered, permanently bound and all pages shall have been permanently pre-numbered.
- C. All entries recorded into logbooks shall be completed in real time.
- D. A separate equipment logbook shall be maintained for each Grease Trap or External Grease Interceptor. Each equipment logbook shall contain the following information and any additional information that may be requested by the Board of Health or Town Officials:
 - (1) Make model, type and manufacturer's serial number of the device.
 - (2) The date the device was first brought into service.
 - (3) A brief description of all cleaning, maintenance, service and repair followed by the name of the person or company who performed the procedure and the date the procedure occurred.
 - (4) At the end of entry into the logbook, the person who made the entry shall record his/her initials and the date of the entry. The date may or may not be the same date of the process being recorded.
 - (5) All corrections shall be done with one line through the entry (or part of entry) that is in error, and the correction recorded as close to the original entry as possible. The person making the correction shall enter his/her initials and the date of the correction as close as possible to the cross out.
- E. Requirements for Records Retention and Submittal.
 - (1) Records and logbooks for the previous calendar year shall be submitted to the Department of Public Works not later than January 31.
 - (2) All records pertaining to storage and transporting FOG and shall be kept on the premises of the Establishment for not less than two (2) years from the date of the record.

§ 315-15. Procedure for Variance Requests.

- A. All requests for variance from the provisions of this Regulation shall be presented in writing to the Board of Health.
- B. The granting of any variance shall be at the sole discretion of the Board of Health based upon the facts and circumstances of each request.

§ 315-16. Variance Renewal.

- A. All variances currently held shall remain in effect until their scheduled expiration date.
- B. Variances shall be valid for up to December 31 of the year that the variance was issued or renewed.
- C. Variances may be renewed by the Board upon verification through good standings and no violations

in the past. This may include verification from the Water and Sewer Department and/or performance testing that the system remains free of grease or is in acceptable condition to the Board and therefore remains eligible for a variance.

- D. In the event there is a change in ownership of the property for which a variance has been issued or if there is a change in activities performed on the property, including a change in the method or type of food preparation, the variance holder shall provide the requirements noted in § 315-16C.
- E. In the event the Board suspects there has been a change on the property requiring a review of the equipment and plumbing or a performance test, the Board shall contact the owner of the property and require that the test be performed. Said test shall be performed within 30 days' notice from the Board and the Applicant shall provide said results to the Board at or before the next regularly scheduled meeting of the Board following the test.

§ 315-17. Procedures for Verification of Compliance with this Regulation.

- A. The Board of Health, Town Officials or the MWRA may, enter upon any premises at any reasonable time to inspect for compliance with this and other regulations or laws. The inspection may include a review of records, an inspection of the Establishment and a sample of the discharge to determine compliance with this regulation and 248 CMR 10.000. The sample may be a grab sample. The sample taken shall be tested and must meet the required levels of FOG in the performance standards noted in § 315-3.
- B. Should the DPW, after an assessment of the wastewater collection system, advise the Board of Health, that an Establishment is discharging FOG that is or may be contributing to a "sewage backup," the Board of Health may conduct an inspection of the Establishment.
- C. Board of Health, in order to prevent a public health hazard or sewage back up, may authorize the DPW to inspect an Establishment solely for the purpose of investigation and enforcement of this and other applicable regulations or laws on a "case by case" basis.
- D. Upon request by the Board of Health or Town Officials, the owner or operator of an Establishment shall furnish all information, records and documents to verify compliance or required for the enforcement of this regulation, 248 CMR 10.000 and MWRA regulations. Records requested may include, but are not limited to, a complete inventory of food and maintenance products that are or were on the premises, logbooks and receipts from FOG transporters.

§ 315-18. Enforcement.

The Board of Health and Town Officials shall enforce the provisions of this Regulation.

§ 315-19. Violation.

Any owner or operator of an Establishment who is found to be in violation of any provision of this Regulation shall be notified by the Board of Health or Town Officials of the nature of the violation and shall immediately and permanently cease all violations. The owner or operator shall submit a written statement detailing his/her proposed plan to attain and continue compliance with this Regulation. The Board of Health shall review the proposed plan, request more information if needed, and deliver a decision of approval, revision required, or rejection. The Board of Health shall issue a reasonable time limit for the approved plan to be implemented.

§ 315-20. Hearing.

The person(s) to whom any order or notice issued pursuant to this Regulation has been directed may request a hearing before the Board of Health. Such request shall be in writing and shall be filed in the office of the Board of Health in not more than ten (10) days of receipt of the order or notice.

§ 315-21. Penalty.

Whoever violates any provision of these Rules and Regulations may, at the sole discretion of the Board of Health, be penalized by a noncriminal complaint in the District Court pursuant to the provisions of MGL c 40, § 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as adopted by Town Meeting.

§ 315-22. Severability.

Each provision of this Regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

Chapter 316**GROUNDWATER USE RESTRICTION**

[HISTORY: Adopted by the Board of Health of the Town of Ashland 5-9-2023. Amendments noted where applicable.]

§ 316-1. Purpose.

The purpose of this Regulation is to protect the health, safety, and general welfare of the residents of Ashland, Massachusetts from groundwater emanating from the Nyanza Chemical Waste Dump Superfund Site. There are potential risks associated with exposure to ground water contaminants through direct ingestion, dermal contact, inhalation, irrigation of lawns and food crops, or watering of animals that are later to be consumed. This Regulation identifies a "Groundwater Use Restriction Sector" where controls are required to prevent human exposure from the use and consumption of, and public exposure to, potentially contaminated groundwater; and to prevent the further migration of groundwater or a change in groundwater hydrology (flow patterns) due to the extraction or pumping of groundwater.

The primary intent of this Regulation is to:

- A. prevent the use and consumption of, and public exposure to, contaminated groundwater drawn from the Groundwater Use Restriction Sector;
- B. prevent the further migration and/or changes in flow patterns of contaminated groundwater;
- C. establish controls to help minimize public exposure to contamination; and,
- D. protect the integrity of current, past, and/or future remedial efforts for the Nyanza Chemical Waste Dump Superfund Site.

§ 316-2. Scope and Authority.

To protect the public from exposure to potentially contaminated groundwater, the Ashland Board of Health adopts the following regulation to establish a Groundwater Use Restriction Sector and restrict the use of groundwater in that Sector, under the authority of Massachusetts General Laws Chapter 111, Sections 31 and 122A.

These regulations and the testing requirements, herein, reflect prudent means of minimizing, but not eliminating the potential risk from exposure to groundwater contamination. Persons withdrawing water for drinking or irrigation are encouraged to stay informed about newly identified contaminants that may be contained in the groundwater they use, and to exercise prudence in all aspects of water withdrawal.

§ 316-3. Definitions.

- A. MassDEP: MassDEP shall mean the Massachusetts Department of Environmental Protection.
- B. Groundwater: All water found beneath the surface of the ground including all subsurface water stored in bedrock, and overburden aquifers and recharge areas within the Groundwater Use Restriction Sector. Groundwater does not include waters found in fire ponds or any other surface water bodies.
- C. Groundwater Use Restriction Sector: All of the parcels of land within the boundary depicted on Exhibit A in the Town of Ashland, attached to this Regulation and incorporated by reference.

- D. US EPA: US EPA shall mean the United States Environmental Protection Agency.
- E. Well: Any reference to a well includes a Drinking Water Well, Irrigation/Supply Well, or Monitoring Well as defined herein.
- F. Drinking Water Well: Any private source of groundwater for human use, including but not limited to, a source approved for such by the Ashland Board of Health or Massachusetts Department of Environmental Protection (MassDEP) in accordance with M.G.L. c. 111 section 122A or 310 CMR 22.00. Such drinking water wells may or may not be associated with community or non-community potable water systems.
- G. Irrigation/Supply Well: Any water supply well not approved as a drinking water supply used for the watering of plants and livestock or for commercial or industrial use.
- H. Monitoring Well: A well installed for the express purpose of monitoring water quality or water level in an area.
- I. Contaminant: any chemical, including but not limited to volatile organic compounds, pharmaceuticals, pesticides, radionuclides and metals, for which a regulatory limit for the maximum allowable contaminant level in drinking water has been established by the Environmental Protection Agency and/or the Massachusetts Department of Environmental Protection. Contaminant shall also include any compound for which a recommended health advisory has been promulgated by the Environmental Protection Agency and or the Massachusetts Department of Environmental Protection.
- J. Irrigation - a network of valves, pipes, tubing, and emitters that applies water directly into the root zones.

§ 316-4. Groundwater Use Restriction Sector.

There is hereby established within the Town of Ashland a Groundwater Use Restriction Sector, as depicted on Exhibit A ("Groundwater Use Restriction Sector") and all of which is serviced by the Town of Ashland public water supply. Due to the historical presence of DNAPL (Dense Non-Aqueous Phase Liquid) and a plume of contaminated groundwater emanating from the Nyanza Chemical Waste Dump Superfund Site, a Groundwater Use Restriction Sector has been identified where controls are required to prevent the use and consumption of, and public exposure to groundwater; and to prevent the further migration of groundwater or a change in groundwater hydrology (flow patterns) due to the extraction or pumping of groundwater.

The parcels of land contained within the Groundwater Use Restriction Sector are within the boundary depicted on Exhibit A and can be identified using maps on file with the Town of Ashland's Assessors Office or online at the Town of Ashland's website. The specific Map and Lot numbers for the parcels as of the date of adoption hereof are also identified on Exhibit A. The boundaries of this Sector are based on the facts and data available in consultation with the US EPA and MassDEP, and subject to future revision or amendment. This Regulation and the Groundwater Use Restriction Sector shall be reviewed every 5 (five) years under the jurisdiction of the Board of Health and track and incorporate any findings from EPA's Five-Year Reviews. Any revision or amendment to the Groundwater Use Restriction Sector shall be considered an amendment hereto and shall require a vote of the Board of Health.

§ 316-5. Groundwater Use Restrictions.

Within the Groundwater Use Restriction Sector, the following restrictions shall apply, except as specifically provided in § 316-6 (Exceptions):

- A. The extraction, consumption, or use of groundwater for any purpose by any person, corporation, or business, including without limitation, irrigation, industrial, commercial, geothermal, and residential use, is strictly prohibited. No new or existing well, shall be permitted, drilled, installed, reactivated, used, or created in any way.
- B. Any existing groundwater well must be abandoned in accordance with the provisions of 310 CMR 22.00 of the MA DEP Regulations, § 316-8, below, and any other applicable laws, Regulations or regulations of the Town of Ashland within 120 days of the effective date of this Regulation.
- C. Any parcel which includes a habitable dwelling, is otherwise occupied or where groundwater is in use, shall, within the time period noted in subparagraph B above, connect to the Town of Ashland public water supply.

§ 316-6. Exceptions.

- A. The following exceptions apply to the general restrictions:
 - a. Groundwater sampling or Monitoring Wells installed or required to be installed, by any federal, state, or local government authority, or activities pursuant to MGL 21E.
 - b. Existing Groundwater Monitoring Wells that have already been installed by a federal, state, local government authority, or by a private property/business owner, and are used solely for the purpose of monitoring actual or potential groundwater contamination.
 - c. A closed-loop system for geothermal heating purposes, provided that penetrations of any foundation or slab are properly sealed and no component of the system creates a potential pathway for vapor intrusion. This exception only applies to closed-loop systems that do not pump or extract groundwater.
 - d. Sumps or sump pumps installed within buildings for the purpose of preventing or mitigating flooding within those buildings. The installation and use of sumps and/or sump pumps shall be governed by existing Regulations, rules, and regulations.
 - e. The routine pumping of septic systems. Septic system maintenance shall be governed by existing Regulations, rules, and regulations, including wells less than twenty feet deep used for purposes of determining groundwater elevations associated with the installation of a septic system and which are removed at the time of septic system installation or when they are no longer needed.
- B. Anyone seeking an exception from the Regulations shall complete an Exception Form which shall be reviewed and approved by the Board of Health or its designated agent. Approved Forms shall be filed with the Building Department for the affected parcel.
- C. Notwithstanding the restriction against the extraction, consumption, or use of groundwater contained in Section 3(A), any person, corporation, or business that owns or controls a property within the Groundwater Use Restriction Sector may apply to the Board of Health for a permit to use and/or install a groundwater well.
- D. A permit may be granted only after the property owner obtains the written approval of the Massachusetts Department of Public Health in consultation with the MassDEP, and the US EPA (collectively the "Agencies").
- E. Any party seeking such a permit shall provide any information requested by the Board of Health or

any of the Agencies, including, without limitation, data showing that a proposed well will not result in:

- a. potential human risks from the consumption of or public exposure to contaminated groundwater;
 - b. migration of contaminated groundwater by adversely modifying groundwater hydrology (flow patterns) or creating preferential flow paths for residual contaminants; or
 - c. interference with the integrity of current, past, and/or future remedial efforts for the Nyanza Chemical Waste Dump Superfund Site.
- F. Any proposed management, treatment, and/or disposal of groundwater extracted during the open excavation of the ground surface shall be reviewed by the Board of Health and if deemed appropriate, the Board of Health shall issue a permit. The Board of Health may consult with the US EPA, MassDEP, and other town boards as needed. Any groundwater proposed to be extracted shall be managed, treated, and/or disposed of according to all applicable rules, regulations, or laws (including NPDES (National Pollutant Discharge Elimination System) permits), Groundwater Discharge permit regulations (314 CMR 5.00), and the MCP, as applicable.
- G. The Board of Health shall approve, deny, or approve with conditions a permit described herein, based on the evidence submitted to the Board of Health and presented at a public meeting, which meeting shall be held within four (4) weeks of submission of an application. Notice of said meeting that includes the date, time and location, shall be advertised once in a newspaper of general circulation and mailed via electronic or first-class mail to the applicant at least one week prior to said meeting.

§ 316-7. Requirements for Use.

Uses allowed by exception or permit are subject to the following requirements:

- A. Drinking Water Wells - All Drinking Water Wells shall be located 1) to maintain a minimum lateral distance from the well to the nearest septic system of 100 feet; 2) to provide minimum risk of exposure to contamination from any known or suspected source; and 3) so that they do not infringe upon the ability of adjacent property owners to locate septic systems. No Drinking Water Well shall be physically connected with a public water supply line. A Drinking Water Well must be tested for coliform, nitrate-nitrogen, and volatile organic compounds and found to be within potable water limits as defined in 310 CMR 22.00 Drinking Water Regulations and must not exceed the Commonwealth of Massachusetts' Maximum Contaminant Levels. The Board of Health by this regulation reserves the right to require more extensive testing in areas of known or suspected contamination. A Drinking Water Well shall not be used until an as-built plan and the results of all required testing have been submitted and approved by the Board of Health.
- B. Irrigation/Supply Wells - Irrigation/Supply Wells shall be located 1) to maintain a minimum lateral distance from the well to the nearest septic system of 50 feet; 2) a minimum of 50 feet from a lot line in un-sewered areas; 3) to provide minimum risk of exposure to contamination from any known or suspected sources and; 4) for a lot served by Town sewer, Irrigation/Supply wells may be located 10 feet or greater from a lot line, provided that only subsurface irrigation is used. No Irrigation/Supply well shall be physically cross-connected with the plumbing of either a Drinking Water Well or a public water supply line. All Irrigation/Supply well spigots shall be placarded with a notice that reads "Irrigation/Supply well - not for drinking water purposes." Spigots for Irrigation/Supply Wells shall not be attached to a residence. An Irrigation/Supply Well shall not be used until 1) an as-built plan and the results of all required testing have been submitted and approved by the Board of Health, and

2) a notice of the existence and location of the Irrigation/Supply well shall be recorded with the Registry of Deeds. Initial testing of Irrigation/Supply Wells for contaminants shall be required prior to use. Irrigation/Supply Wells must not exceed the Maximum Contaminant Levels as set forth in 310 CMR 22.00 for contaminants.

- C. Monitoring Wells - All Monitoring Wells shall have a locking cap or other device or structure to prevent unlawful use or entry. Caps shall be secure at all times when the well is not in use.
- D. Compliance with water use restrictions. Private Drinking Water Wells and Irrigation/Supply wells shall be subject to water use restrictions to the same degree and extent that any such water use restrictions are placed upon the users of the Town's public water supply by the Commonwealth of Massachusetts or the Town of Ashland.

§ 316-8. Abandonment of Wells.

- A. Any existing groundwater well must be abandoned in accordance with the provisions of 310 CMR 22.00 of the MA DEP Regulations, and any other applicable laws or regulations.
- B. Drinking Water Wells - a Drinking Water Well may be abandoned by permanently taking it out of service by disconnecting it from the residential drinking water system and sealing it with concrete followed by permitting and inspection by the Ashland Board of Health.
- C. Irrigation/Supply Well - An Irrigation/Supply Well may be abandoned by filling in the entire pipe volume with concrete, followed by a notice and inspection by the Ashland Board of Health and recording said abandonment with the Registry of Deeds.
- D. Monitoring Well - Abandonment of a Monitoring Well requires notice to and certification by the Board of Health. Monitoring wells should be decommissioned in accordance with MassDEP Standard References for Monitoring Wells, Section 4.6 Decommissioning of Monitoring Wells. <https://www.mass.gov/doc/wsc-310-91-standard-references-for-monitoring-wells-section-1/download>.

§ 316-9. Administrative Controls.

- A. For every property located within the Groundwater Use Restriction Sector, a notation shall be included on the Assessor's property card and Town's GIS map indicating that the property is located within the Groundwater Use Restriction Sector and that the property is subject to this Regulation.
- B. When fulfilling requests for municipal tax lien certifications for properties within the Groundwater Use Restriction Sector, the Tax Collector shall include a copy of this Regulation and Exhibit A with the municipal tax lien certification.
- C. When fulfilling requests for building permits for properties within the Groundwater Use Restriction Sector, the Planning and Development Offices shall provide a copy of this Regulation and Exhibit A to the applicant.

§ 316-10. Violations.

- A. This regulation will be enforced by the Board of Health or its designated agent(s) under the authority granted it under MGL Chapter 111, Section 31. The Board of Health may institute or cause to be instituted, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Regulation in a court of competent jurisdiction.

- B. Failure to comply with the conditions of any permit granted under this Regulation, or loss of qualifications for an exception hereunder, shall constitute a violation of this Regulation and the Board of Health may issue a cease and desist order. Further, the Board of Health may hold a hearing, with notice to the permittee, to determine if a permit should be modified, suspended or revoked.

§ 316-11. Effective Date.

This Regulation shall take effect on May 10, 2023. Approved at a Board of Health meeting held on May 9, 2023.

§ 316-12. Severability.

If any provision of this Regulation is declared invalid or unenforceable, the remaining provisions shall not be affected thereby but shall continue in full force and effect.

Division 5: Department of Public Works

CEMETERIES

Chapter 318

CEMETERIES

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 54.

Fees — See Ch. A352.

ARTICLE I

Wildwood Cemetery

[Adopted by the Cemetery, Park and Tree Commission(now Cemetery, Park and Tree Division of the Department of Public Works)]

§ 318-1. Speed limit.

The speed limit in the cemetery is ten (10) miles per hour.

§ 318-2. Animals on grounds.

No animals are allowed on the grounds.

§ 318-3. Flowers, shrubs and trees.

- A. All planted flowers must be within fifteen (15) inches of the stone.
- B. Shrubs must not be allowed to grow higher than the stone and must be neatly pruned. No shrubs will be planted on corner markers or in the middle of the lot.
- C. All baskets, pots, vases, etc., will be removed after the contents have died.
- D. No trees will be planted without permission from the Superintendent of the Division.

§ 318-4. Removal of items from cemetery.

Any unauthorized person that is found removing anything from a lot or the cemetery will be turned over to the police for prosecution.

§ 318-5. Questions and complaints.

All questions or complaints should be brought to the attention of the Cemetery Superintendent. If action is still not satisfactory, it should be brought to the attention of the Director of Public Works.

§ 318-6. Special requests require permission.

Permission of the Superintendent of the Division must be obtained for any special requests not covered above.

§ 318-7. Fees. [Added 11-1-1998; amended 11-20-2019STM, Art. 13]

Fees for cemetery services and purchase of lots are as determined by the Town Manager with approval of the Select Board (see Ch. A352).

ASHLAND CODE

Chapter 322

PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Stone Park

**[Adopted by the Cemetery, Park and Tree Department(now Department of Public Works,
Cemetery, Park and Tree Division)]**

§ 322-1. Persons to abide by posted rules.

All persons must abide by posted rules at the park.

§ 322-2. Alcoholic beverages.

No alcoholic beverages are permitted.

§ 322-3. Open fires or charcoal grills.

No open fires or charcoal grills are permitted.

§ 322-4. Cleanup.

Groups must provide cleanup crews.

§ 322-5. Rest room keys.

Rest room keys must be returned the next working day.

§ 322-6. Parking.

Parking must be confined to the parking lot on Summer Street and Park Road and in parking spaces on Summer Street next to the basketball court. (No parking is permitted inside Stone Park.)

§ 322-7. Motorized vehicles.

No motorized vehicles are permitted in the park.

§ 322-8. Animals.

No animals are permitted in the park.

§ 322-9. Softball playing.

No softball playing is allowed on the baseball diamond.

§ 322-10. Line markings.

Any line markings must meet with the approval of the Superintendent before application.

§ 322-11. Goal nets or posts.

All goal nets or posts must be approved by the Superintendent before installation.

§ 322-12. Damage to be reported.

Any damage occurring during or before the reservation time must be reported to this office immediately.

ARTICLE II

High Street Recreational Field

[Adopted by the Department of Public Works, Cemetery, Park and Tree Division]

§ 322-13. Alcoholic beverages.

No alcoholic beverages are permitted.

§ 322-14. Open fires or charcoal grills.

No open fires or charcoal grills are permitted.

§ 322-15. Cleanup.

Groups must provide cleanup crews.

§ 322-16. Parking.

Parking must be confined to the parking lot. (No parking is permitted inside the field.)

§ 322-17. Motorized vehicles.

No motorized vehicles are permitted in the field.

§ 322-18. Animals.

No animals are permitted in the recreational field.

§ 322-19. Softball playing.

No softball playing is allowed on the baseball diamond.

§ 322-20. Line markings.

Any line markings must meet with the Superintendent's approval before applying them.

§ 322-21. Damage to be reported.

Any damage occurring during or before the reservation time must be reported to this office.

SEWERS

Chapter 326

SEWERS

[HISTORY: Adopted by the Town of Ashland Department of Public Services (Water and Sewer Division) 1991 (now Department of Public Works). Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 218.

Street excavations — See Ch. 330.

Septic systems — See Ch. 300.

Water — See Ch. 334.

Sewage disposal — See Ch. 303.

Fees — See Ch. A352.

Wastewater treatment plants — See Ch. 307.

ARTICLE I
Definitions

§ 326-1. Terms defined.

Unless the context specifically indicates otherwise, the meanings of terms in this chapter shall be as follows:

APPROVAL TO CONNECT — Prior to actual connection between the sanitary building drain and the sanitary building sewer, an approval to connect shall be required from the DPW. This approval will only be considered just prior to final connection, upon completion of testing and inspection by the Superintendent.**[Amended 10-18-2000 ATM, Art. 14]**

BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

COD (DENOTING "CHEMICAL OXYGEN DEMAND") — The quantity of oxygen utilized in the chemical oxidation of organic matter with a strong chemical oxidant, expressed in milligrams per liter as determined under standard laboratory procedure.

COMPATIBLE POLLUTANT — A substance that is amenable to removal in substantial amounts by the wastewater treatment plant. "Compatible pollutants" include, but are not limited to, coliform bacteria, suspended solids and those that exert BOD.

CONSTRUCTION STANDARDS AND RULES AND REGULATIONS FOR PUBLIC SEWER MAINS AND SANITARY BUILDING SEWERS — Referred to hereinafter as "Construction Standards and Rules and Regulations."

CONTRACTOR — A person, partnership or corporation which has been actively engaged in work associated with construction, rehabilitation or repair of sewer facilities and which has sufficient equipment, labor and resources to construct the proposed work.

DEVELOPER — The owner of record of a subdivision or a parcel of property or owner of record of a single lot upon which a new dwelling or structure is to be constructed, hereinafter referred to as the "applicant."

DPW — The Department of Public Works of the Town of Ashland, Massachusetts, hereinafter referred to as "town" or "DPW."**[Amended 10-18-2000 ATM, Art. 14]**

ENGINEER — The consulting engineer or firm employed by the DPW for review of design and construction proceedings.**[Amended 10-18-2000 ATM, Art. 14]**

EXCESSIVE — More than the limits established in these regulations or of such magnitude that, in the judgment of the DPW, may cause damage to any facility, may be harmful to the wastewater treatment process or reduce its efficiency, cannot be removed in the wastewater treatment plant to the degree required to meet the Federal Water Pollution Control Act of 1972, Public Law 92-500, may create any hazard in the receiving waters, may exceed the capacity of the Massachusetts Water Resources Authority (MWRA) sewerage system or may otherwise endanger life, limb or public property or may constitute a public nuisance.**[Amended 10-18-2000 ATM, Art. 14]**

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARAGE — Any building wherein is kept or stored one (1) or more vehicles, including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car

wash or any building used for similar purposes.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT — A substance that is not amenable to removal in substantial amounts by a wastewater treatment plant. "Incompatible pollutants" include, but are not limited to, toxic metals and persistent organics and toxic biocumulative organics.

INDIVIDUAL HOMEOWNER — The owner of record of an existing dwelling for which a sanitary building sewer is to be installed, hereinafter referred to as "applicant."

INDUSTRIAL USER — Any user identified in the Standard Industrial Classification Manual of the United States Office of Management and Budget, as amended and supplemented, under the following divisions:

- A. Division A: Agriculture, Forestry and Fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, Communication, Electric, Gas and Sanitary Service.
- E. Division I: Services.

INDUSTRIAL WASTES — The wastes from industrial manufacturing processes, trade or business, and shall include solid, liquid or gaseous wastes or wastewater resulting from industrial or manufacturing processes or discharged from a commercial, governmental or institutional facility or from the development, recovery or processing of natural resources.

LICENSED PIPELAYER — The person, partnership or corporation authorized by the DPW to perform this type of work and responsible for the actual construction of the addition, repair or alteration to the municipal sewerage system. **[Amended 10-18-2000 ATM, Art. 14]**

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERMIT TO CONSTRUCT SEWER LINES — Required prior to installation of any exterior piping systems which will eventually connect to the Ashland municipal sewerage system and applied for in the name of the licensed pipelayer and the individual homeowner or developer. Application shall be accompanied by a nonrefundable fee as set by the Department of Public Works, a layout of the proposed construction, a copy of the certificate of insurance, a copy of the state and local highway opening permit and a performance bond of five thousand dollars (\$5,000), if applicable, and other pertinent data further detailed in the following sections of this chapter. **[Amended 10-18-2000 ATM, Art. 14]**

PERSON — Any individual, firm, company, association, society, corporation, partnership, group or any political subdivision of the commonwealth.

PH — The logarithm of the reciprocal of the weight of hydrogen ions in moles per liter of solution.

PLANNING BOARD AGENT — The authorized representative of the Ashland Planning Board (P.B. Agent).

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch

in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is controlled by the Ashland DPW. **[Amended 10-18-2000 ATM, Art. 14]**

PUBLIC SEWER MAIN — Any system of sewer pipe, eight (8) inches or larger in diameter, servicing more than one (1) building or dwelling, constructed within a public or private way or easement or under authority of a special permit or license, which will eventually become a part of the municipal sewer system, such as developments, etc.

SANITARY BUILDING DRAIN — The pipe within the building or structure extending to a point ten (10) feet beyond the exterior side of the foundation wall, conveying the discharge of wastewater (sewage).

SANITARY BUILDING SEWER — The pipe extending from a point ten (10) feet beyond the exterior face of the foundation wall to the public sewer main, conveying the discharge of wastewater (sewage).

SANITARY SEWAGE — Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground-, storm- and surface waters, roof and surface runoff, uncontaminated cooling water and noncontact industrial process waters and exclusive of industrial wastes.

SANITARY SEWER — A sewer which carries sanitary sewage and industrial waste.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating wastewater, industrial wastes or sludge.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operation and which may adversely affect the sewerage system.

STATE SEWER SYSTEM EXTENSION OR CONNECTION PERMIT — A state water pollution control sewer extension or connection permit is required for any main line extension or system change in use or flow on main line systems with a valid permit. In addition, any new service connection to an existing permitted main line requires a permit if the discharge is to exceed two thousand (2,000) gallons per day. Any existing permitted service connection planning a change in use or flow must reapply, and any service connection existing prior to May 10, 1979, which is planning an increase in discharge greater than two thousand (2,000) gallons per day over existing discharge must apply for a new permit.

STORM DRAIN — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than uncontaminated cooling water.

SUPERINTENDENT — The authorized representative of the DPW. **[Amended 10-18-2000 ATM, Art. 14]**

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOWN — The Town of Ashland, Massachusetts.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

§ 326-2. Word usage.

" Shall" is mandatory; "may" is permissive.

ARTICLE II
General Construction Requirements

§ 326-3. Permit required. [Amended 10-18-2000 ATM, Art. 14]

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer main or appurtenance thereof without first obtaining a written permit from the DPW. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the DPW at least forty-five (45) days prior to the proposed change or connection followed by a forty-eight-hour notice prior to start of work.

§ 326-4. Cost of installation and connection.

All costs and expenses incidental to the installation and connection of the sanitary building sewer shall be borne by the individual homeowner or developer. The owner or developer shall indemnify the Town of Ashland from any loss or damage that may, directly or indirectly, be occasioned by his installation of the sanitary building sewer.

§ 326-5. Each building to have own sewer. [Amended 10-18-2000 ATM, Art. 14]

A separate and independent sanitary building sewer shall be provided for every building, unless written permission has been obtained from the DPW to do otherwise.

§ 326-6. Use of existing pipes.

Existing sanitary building sewer pipes may be used to connect buildings only if they meet all requirements of Ashland's Construction Standards and Rules and Regulations for sewer use in the Town of Ashland, Massachusetts.

§ 326-7. Maintenance and repair.

The owner (applicant) shall be responsible for maintaining and repairing of the sanitary building drain and sewer from inside of the foundation wall to the public sewer main in the street.

§ 326-8. Licensed pipelayers.

- A. Licenses to perform work such as installation of sanitary building sewers and public sewer mains or work in relation thereto will be issued only to experienced and competent licensed pipelayers. A fee as set by the Department of Public Works must accompany all applications for licenses. Licenses must be renewed each calendar year, and request for renewal must be accompanied by a fee as set by the Department of Public Works. A complete set of Construction Standards and Rules and Regulations will be supplied with each license renewal. **[Amended 10-18-2000 ATM, Art. 14]**
- B. This license fee is separate and distinct from any other application fees outlined previously.
- C. Insurance.
 - (1) Pipelayers doing work hereunder shall maintain minimum insurance coverage as follows:
 - (a) Public liability: fifty thousand/one hundred thousand dollars (\$50,000/\$100,000).
 - (b) Property damage liability: fifty thousand/one hundred thousand dollars

(\$50,000/\$100,000).

- (2) Certificates of insurance acceptable to the DPW shall be filed with the Superintendent prior to the commencement of the work. These certificates shall contain a provision that coverages afforded under the policies will not be canceled unless at least fifteen (15) days' prior written notice has been given the DPW. **[Amended 10-18-2000 ATM, Art. 14]**
- D. The DPW reserves the authority to revoke the license of any pipelayer if, in the opinion of the DPW, his construction methods or materials are not in strict compliance with the Construction Standards and Rules and Regulations of the town. **[Amended 10-18-2000 ATM, Art. 14]**

§ 326-9. Performance guaranties.

- A. Licensed pipelayer proposing to construct an extension to an existing public sewer main, a sanitary building sewer or any other work in relation thereto which will be done within the limits of the Town of Ashland roadway takings, easements or other land under the control of the Town of Ashland, Massachusetts, shall be required to submit with the application for permit to construct sewer lines a performance bond, payable to the Town of Ashland, Massachusetts, in the amount of five thousand dollars (\$5,000) for each permit.
- B. The performance bond shall remain the property of the town for a period of three hundred sixty-five (365) calendar days from the date of final construction inspection and approval by the DPW. If, during this period, the Superintendent determines that an unsatisfactory condition exists at the construction site related to the licensed pipelayer's operation, the licensed pipelayer shall be immediately notified. Failure of the licensed pipelayer to respond and correct the unsatisfactory condition within a forty-eight-hour period shall be grounds for the DPW to revoke the pipelayer's license and to arrange for the work to be completed by others. All costs in relation to this repair work shall be deducted from the performance bond, and costs exceeding the amount deposited shall be billed directly to the licensed pipelayer. **[Amended 10-18-2000 ATM, Art. 14]**
- C. At the expiration of this retention period, the licensed pipelayer shall submit a written request to the DPW for release of the performance bond. **[Amended 10-18-2000 ATM, Art. 14]**

§ 326-10. Permits and approval to connect.

- A. For residential and commercial discharges, a permit to construct sewer lines shall be required for construction of the sanitary building sewer, extension of the public sewer main or any other work in relation thereto. The Department of Public Works, Water and Sewer Division, must be notified forty-eight (48) hours prior to actual connection to the system, and the approval to connect will only be considered upon completion of the construction, with the exception of the actual connection, testing, inspection by the Superintendent and when approval to connect is granted by the Massachusetts Division of Water Pollution Control (WPC), if applicable. **[Amended 10-18-2000 ATM, Art. 14]**
- B. A state WPC sewer system extension or connection permit is required for any main line extensions or changes in use or flow on main line systems with a valid permit. In addition, any new service connection to an existing permitted main line requires a permit if the discharge is to exceed two thousand (2,000) gallons per day. Any existing permitted service connection planning a change in use or flow must reapply, and any service connection existing prior to May 10, 1979, which is planning an increase in discharge greater than two thousand (2,000) gallons per day over existing discharge must apply for a new permit.
- C. For industrial discharges, a separate sewer use discharge permit application must be submitted by the

owner, approved by the DPW and also the Massachusetts Water Resources Authority (MWRA) and the Division of Water Pollution Control, prior to submittal of the application for permit to construct sewer lines. An approval to connect shall also be required as stated above. **[Amended 10-18-2000 ATM, Art. 14]**

- D. The licensed pipelayer shall be responsible for obtaining all required permits, state and local, as specified by the construction standards for the Town of Ashland. In the event that a state agency or the MWRA enacts additional permit requirements for sewer use, the licensed pipelayer shall be responsible for the additional permits.
- E. For residential developments and subdivisions whose sewer mains are to be constructed, Planning Board approved drawings must be submitted with the application. If Planning Board approval is not necessary, plans must be submitted to the DPW by a registered professional engineer, and no public sewer main construction may proceed prior to approval of the application. **[Amended 10-18-2000 ATM, Art. 14]**
- F. Within developments or subdivisions, a permit shall be required for the public sewer main construction, and also separate permits shall be required for each sanitary building sewer proposed.
- G. Applications for permit to construct sewer lines shall be accompanied by a general layout plan showing the building location and proposed route of the service for approval by the Superintendent.
- H. All applications shall be submitted in the name of the individual homeowner or developer and the licensed pipelayer.
- I. A nonrefundable fee as set by the Department of Public Works shall be submitted with each application for a permit to construct sewer lines, and permits shall be issued for a period of ninety (90) days, after which time they become null and void. **[Amended 10-18-2000 ATM, Art. 14]**
- J. Permits to construct sewer lines shall be subject to revocation at the discretion of the DPW, if, in its opinion, the Ashland Construction Standards and Rules and Regulations are not being strictly adhered to. **[Amended 10-18-2000 ATM, Art. 14]**
- K. Permits shall be required for all repair work to the public sewer main or sanitary building sewer, and no permit shall be issued, except in cases of emergency, to dig up or make an excavation in a public way until the applicant files with the Superintendent, contacts Dig-Safe and submits copies of the notices to public utility companies for accurate field locations as required by M.G.L.A. C. 82, § 40.
- L. In general, permits for work to be done between November 15 and April 15 will not be issued except under extreme hardship conditions. Permits shall not be transferable, and a change in ownership of a parcel of land to be serviced or a change in the licensed pipelayer shall require a new permit.
- M. Sewer use charges shall commence on the date of issue of the permit to construct sewer lines.

§ 326-11. Private developments or subdivisions.

- A. The developer shall provide plans and profiles of the proposed work, drawn by a registered professional engineer, using a scale of forty (40) feet to the inch for plan view and forty (40) feet to the inch horizontal and four (4) feet or six (6) feet to the inch vertical for profile. Three (3) copies of plans and profiles of each street or section thereof will be submitted to the DPW, two (2) of which shall be given to the engineer as submittals for approval of the proposed work. **[Amended 10-18-2000 ATM, Art. 14]**

- B. No changes in plans or profiles will be permitted without prior approval of the Superintendent. The developer and licensed pipelayer shall construct the sewer and appurtenances in conformity with the plans and profiles, as approved, and in agreement with these standards. The work shall be done under the observation of the Planning Board Agent (P.B. Agent). A preconstruction meeting with the Superintendent, P.B. Agent, developer and licensed pipelayer in attendance shall be held before material is ordered or work begins.
- C. All materials used for construction of the sewage system on the project shall be in strict compliance with these standards and are subject to initial approval by the P.B. Agent and final approval by the Superintendent.
- D. The developer shall submit five (5) copies of shop drawings and details of proposed equipment or method of installation for approval by the Superintendent. Defective materials shall be removed from the work and from the job site as soon as notification is received from the Superintendent or the P.B. Agent listing the unacceptable material. Such material shall be replaced by acceptable material from the same or other suppliers.
- E. Workmanship on the project shall be subject to approval by the P.B. Agent, and no work may start prior to notification of the Superintendent and the P.B. Agent.
- F. Testing and final inspection shall be conducted under the observation of the Superintendent, who shall issue final approval.
- G. The developer and his licensed pipelayer shall conform to state and local laws, rules and regulations and the instructions of the DPW and the Superintendent. **[Amended 10-18-2000 ATM, Art. 14]**
- H. The developer shall obtain all permits and licenses required by federal, state or local governmental authorities and shall notify Dig-Safe and any underground utility agencies not covered under Dig-Safe of the proposed construction to enable them to mark out their pipes, conduits and other structures and shall notify the Superintendent and the P.B. Agent at least forty-eight (48) hours prior to start of work, after all approvals and permits have been obtained.
- I. Upon completion of the construction, including service connections at least to the side line of the roadway layout and backfilling and compaction to road subgrade, the developer or the licensed pipelayer shall be required to conduct an air-pressure test, in the presence of the Superintendent or his agent, as detailed in the Construction Standards and Rules and Regulations of the town. The developer or the licensed pipelayer shall also provide manpower to assist the Superintendent in a visual inspection prior to final acceptance of the line. Methods for repair and replacement of unacceptable construction or damaged material shall be submitted to the Superintendent for approval prior to start of repair work. On PVC public sewer main installations a deflection test must also be conducted.
- J. The developer or the licensed pipelayer will supervise and direct the work and will be responsible for the means, methods, techniques, sequences and procedures of construction. The developer or the licensed pipelayer will employ and maintain on the work a qualified supervisor or superintendent who shall have been designated, in writing, by the developer as the developer's representative at the site. The supervisor shall have full authority to act on behalf of the developer, and all communications given to the supervisor shall be as binding as if given to the developer. The supervisor shall be present on the site at all times as required to perform adequate supervision and coordination of the work.
- K. No individual or group of individuals representing the town shall be responsible for the construction means, controls, techniques, sequences, procedures or construction safety.

- L. Record (as-built) drawings, obtained and paid for by the applicant, shall be required on all public sewer main construction and shall show both a 40 scale plan view and a profile section, as detailed above, on three-mil Mylar, twenty-two by thirty-four (22 x 34) inches in size. These record drawings shall be prepared by a registered professional engineer and shall, at a minimum, show a plan and profile view, with accurate location and grade of public sewer main, road profile, station of wyes and a minimum of three (3) ties to the sanitary building sewer at the edge of the roadway taking with the depth to the top of the pipe, including location of connection at the building. All roads and easement locations through which sewer is to be laid shall be at the proposed subgrade elevation before pipeline construction starts. The licensed pipelayer or developer is responsible for setting the sewer grades and shall supply all engineering design, field layout, grades, supervision and data for the record drawings, as detailed above. Record drawings must be submitted and approved prior to approval to connect.

ARTICLE III
Construction Methods and Materials

§ 326-12. Work in public ways.

A. Permits.

- (1) Highway permit. The licensed pipelayer shall be required to obtain a highway opening permit prior to any excavations within a public way.
- (2) State highway permit. When making a sewer connection in a state highway, the necessary permits from the Massachusetts Department of Public Works must be obtained prior to the issuance of a permit to construct sewer lines. All work shall then be done in accordance with the requirements set forth in the permit issued by the Massachusetts Department of Public Works. Any cost in connection therewith shall be borne by the licensed pipelayer.

B. Protection of excavation. All excavation and backfilling shall be done in accordance with these detailed standards herein and in compliance with the highway opening permit. All excavations and obstructions shall be adequately barricaded and protected at all times to provide public safety to the satisfaction of the DPW, an authorized representative of the Highway Division and the Police and Fire Chiefs. **[Amended 10-18-2000 ATM, Art. 14]**

C. Protection of property. Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, berms, curbs, etc., until protection, such as planking or other approved means, has been provided. All damage resulting from the licensed pipelayer's operations shall be repaired by the licensed pipelayer.

D. Resurfacing.

- (1) Resurfacing material. Asphaltic concrete and associated materials shall be in compliance with the Massachusetts Department of Public Works Standard Specifications for Highways and Bridges, Section 460, M3.11.00, Class I, Type I-1.
- (2) Temporary resurfacing. Asphaltic concrete temporary resurfacing, two-inch depth, shall be required on all excavations within roadway areas and shall be maintained by the licensed pipelayer for a period of three (3) months or until ordered replaced by an authorized representative of the Highway Division.
- (3) Permanent resurfacing. Bituminous concrete permanent resurfacing shall be required on all excavations within roadway areas. Depth and type of mix shall be determined by the DPW or an authorized representative of the Highway Division. Prior to placement of permanent resurfacing, edges of existing pavement shall be cut to neat parallel lines and all loose pavement and temporary resurfacing shall be removed to a depth to allow placement of permanent surfacing. Existing edges of pavement shall be coated with RS-1, and sand shall be applied on the surface of the joint. **[Amended 10-18-2000 ATM, Art. 14]**
- (4) Failure of the licensed pipelayer to respond to the request of an authorized representative of the Highway Division to complete the work of maintaining temporary resurfacing or to apply permanent resurfacing may result in the revoking of his license.
- (5) In the event that the public sewer main or sanitary building sewer crosses existing concrete pavement, sidewalks or driveways, the temporary bituminous patch shall be removed after three (3) months and the paved surface shall be restored with cement concrete pavement, three

thousand (3,000) pounds per square inch design mix.

§ 326-13. Excavations.

- A. Lines of excavation. The licensed pipelayer shall make all excavations in earth and rock necessary or incidental to construct and inspect the proposed work as shown on the approved construction drawings.
- B. Type of excavation. All excavations shall be by open cut, except as otherwise permitted by the Superintendent, and shall be of sufficient width to allow for thorough compaction of the refill material and for the inspection of the work.
- C. Field location. It shall be the licensed pipelayer's responsibility to contact Dig-Safe for accurate field locations prior to construction. The licensed pipelayer shall be familiar with and comply with all Massachusetts General Laws relating to excavations, such as M.G.L.A. C. 82, § 40.
- D. Underground facilities. It shall be the licensed pipelayer's responsibility to contact all utility companies, the Highway Division, the Water and Sewer Division and any other agency which may have underground facilities within the construction area for accurate field locations prior to construction, and the licensed pipelayer shall mark the location of such utilities so that they may be avoided in the operation of the excavating equipment. Excavation by hand tools shall be used where required to prevent damage to existing utility lines or other structures.
- E. Discharge. The licensed pipelayer shall provide suitable temporary channels for the flow of all watercourses and shall hold the town harmless against all claims for damages growing out of obstruction to the flow in sewers, drains or gutters or because of injury to gas, water or other pipes or conduits or fixtures relating to the same, and he shall give sufficient notice to the proprietors of such pipes or fixtures in time to permit them to cooperate in protecting their property.
- F. Ledge measurement. Where ledge rock is encountered, the licensed pipelayer shall take accurate measurements relating the top surface of the ledge to the proposed invert of the pipe or the bottom of other structures. This information shall be recorded and made available to his engineer for use in completing the record drawings.
- G. Explosives. The removal of ledge shall be accomplished by licensed individuals, and the licensed pipelayer shall obtain the necessary permits before the blasting occurs. The handling, storage and use of explosives shall be in accordance with the requirements of M.G.L.A. C. 148, §§ 10 to 27, inclusive, latest revisions or additions thereto. The licensed pipelayer shall furnish and place any blasting mats as may be required to perform the work safely.
- H. Trench support. The licensed pipelayer shall furnish and place such sheeting and bracing as may be required to perform the work safely and shall leave in place, if ordered by the Superintendent, that portion necessary to maintain the base fill material and the walls of the excavation during and after the backfilling process has been completed. The use of a steel support box may be used in place of sheeting and bracing.
- I. Excavation below grade. The licensed pipelayer shall remove unsuitable foundation material under the pipelines and refill it with bank gravel, screened gravel or concrete, as ordered by the Superintendent. Sheeting, if necessary, to contain the refill material shall be furnished, installed and left in place at the order of the Superintendent.
- J. Control of water. Dewatering of the area in which work will be done, including pump station sites,

will be the responsibility of the licensed pipelayer, using pumps of sufficient capacity to lower the water table in the immediate trench area to a level below excavation.

- K. Existing pavement. Trench excavation in existing public ways shall be subject to the requirements of the Construction Standards and Rules and Regulations of the town. Excavation in streets having an improved pavement shall be preceded by cutting the existing pavement to ensure that pavement beyond the trench limits will not be disturbed. Before resurfacing, the edges of the pavement shall be inspected and recut if found to be broken or ragged. The licensed pipelayer shall furnish all materials and do all the work necessary to restore the paved surface to its original condition, with depth and type of mix to be determined by the authorized representative of the Highway Division. The work shall be subject to inspection and approval of the authorized representative of the Highway Division.

§ 326-14. Backfilling.

- A. General. The trenches and other excavations shall be backfilled as soon as possible after laying the pipe or the completion of other structures. No backfilling shall be done until the Superintendent has inspected the work.
- B. Placement. The area below the pipe and extending to six (6) inches above the crown of PVC pipe and D.I. pipe shall be backfilled with compacted granular material, as specified under pipe laying, and thoroughly tamped by light tampers as placed. The remainder of the side fill to a minimum depth of twenty-four (24) inches above the top of pipe shall be a select, fine ordinary borrow material, approved for such use by the Superintendent, placed in twelve-inch layers and compacted by hand tamping. No stones larger than three (3) inches across the largest dimension will be allowed within this stratum of backfill.
- C. Compaction.
- (1) The remainder of backfill to the surface of the ground or to the bottom of the gravel subbase in roadway locations shall be ordinary borrow, approved by the Superintendent, placed in twelve-inch layers and thoroughly compacted by mechanical rammers or vibrators. No rock larger than twelve (12) inches in diameter will be allowed within this stratum of backfill, and all voids within rock backfill must be completely filled. Alternate methods for compaction within this stratum presented by the licensed pipelayer will be considered by the Superintendent, and the licensed pipelayer shall be required to demonstrate to the Superintendent's satisfaction that his proposed method of compaction will produce the intended results for the various conditions and materials encountered.
 - (2) Alternate compaction. Approval of this alternative method of compaction will not relieve the licensed pipelayer of his responsibilities in regard to maintenance of settled trenches. The responsibility for proper bedding of the pipe shall be the licensed pipelayer's, and pipe failures due to improper bedding or compaction shall be removed and replaced.
- D. Subbase. For trenches within roadways, the top eighteen (18) inches of backfill shall be bank gravel, placed and compacted during backfilling operation. The licensed pipelayer shall fine grade the gravel surface, apply dust control treatment and maintain the surface in a condition which will allow normal vehicular traffic until temporary resurfacing is installed.

§ 326-15. Pipe materials.

- A. PVC pipe. Pipe and fittings for main sewer pipe may be polyvinyl chloride (PVC) made by a manufacturer of established reputation, meeting the requirements of ASTM-D-3033 or D-3034-77 or

the latest revision thereto, with a pipe diameter to wall thickness ratio (SDR) of thirty-five (35). Maximum pipe length shall be thirteen (13) feet with elastomeric ring, bell and spigot style joint, meeting the requirements of ASTM-D3212-76 or the latest revision thereto.

- B. Laterals. Pipe and fittings for laterals shall be polyvinyl chloride (PVC), six (6) inches in size and meeting the same requirements as for the main pipe. Fittings shall be molded one-piece construction, and a PVC cap, designed for use on the bell end of the pipe, shall be used where necessary.
- C. Force mains. Pipe for sewer force mains shall be ductile iron (D.I.) push-on joint, meeting the requirements of ANSI A21.51-76 (AWWA C151-76) or the latest revision thereto, thickness Class 52, within the immediate area of the pump station. Force mains beyond the limits of the pump station shall be Class 50, cement-lined, tar-coated and sealed.
- D. Fittings. Fittings for ductile iron pipe shall be manufactured of ductile iron, mechanical joint, all bell, compact design, rated for three hundred fifty (350) pounds per square inch. Fittings shall meet or exceed the requirements of ANSI-A21.53-1984 and shall be cast with the following identifying designations: Class C153, pressure rating three hundred fifty (350), opening diameter, manufacturer's identification, country where cast, degree of bend and D.I. or ductile. Ductile iron fittings that are not presently manufactured to the compact design but are manufactured to meet or exceed the requirements of ANSI A21.10-1971 (AWWA C110-7) standard for cast-iron fittings, or the latest revision thereto may be utilized. Mechanical joints for fittings shall meet or exceed the requirements of ANSI A21.11 (AWWA C111), including bituminous-coated glands, rubber ring and T-head bolts.
- E. Retainer glands. Retainer glands for all ductile iron main bends shall be cast of high-strength ductile iron and fitted with cap joint, square head and double-heat-treated-steel set screws. The quantity of screws shall be as recommended by the manufacturer of the gland.
- F. D.I. gravity sewer pipe. In areas where ductile iron gravity sewer pipe is required, i.e., shallow trenches three and five-tenths (3.5) feet or less or depths greater than thirteen and zero-tenths (13.0) feet in the immediate area of water supplies or recreational areas, the licensed pipelayer shall furnish and install Class 50 ductile iron pipe and ductile iron tees or wyes for sanitary building sewer connections, with mechanical joints. A mechanical joint plug or cap shall be furnished and installed on the lateral at the roadway taking line to allow air testing of the system. Alternative materials will be considered for shallow or deep trench conditions, if appropriate design data and installation methodology is submitted to substantiate the choice of materials.
- G. Sanitary building sewer connections. Wyes shall be required for all sanitary building sewer connections to the public sewer main and shall be the same type of material and manufacture as the pipe. Connections to an existing public sewer main shall be accomplished by the use of a cast-iron saddle with stainless steel strap and bolts.

§ 326-16. Public sewer main installation.

- A. Alignment. The licensed pipelayer shall provide such engineering services as may be required to ensure that the pipelines are constructed in accordance with the approved drawings. Engineering services provided by the developer or licensed pipelayer shall include the establishment of lines and the setting of grades. Pipe installed which does not conform to the approved drawings shall be removed and reinstalled at the developer's or licensed pipelayer's expense. Laser beam aligning equipment will be permitted on sewer main construction if the licensed pipelayer demonstrates that the equipment and operators can produce the required line and grade of the public sewer main.
- B. Handling. All pipe shall be handled carefully to avoid injury to workmen, other structures or to the

pipe itself. Only equipment or methods approved by the Superintendent shall be employed in handling pipe. Pipe or fittings damaged for whatever reason shall be removed from the job site immediately.

- C. Protection of pipe. If PVC pipe is used, care shall be taken to stack the pipe properly and, if stored for a period exceeding sixty (60) days exposed to the ultraviolet rays of the sun, pipe shall be covered with canvas or other opaque material, and provision for the circulation of air beneath the covering shall be provided.
- D. Condition of pipe. PVC pipe must be straight barrel, and deflection prior to installation is not to exceed one-sixteenth (1/16) inch per two-foot length. Pipe not meeting this requirement shall not be installed and shall be removed from the construction site.
- E. Trench bottom. All pipe shall be laid on a stable foundation to prevent settlement. If soft or unsatisfactory material is found at grade, it shall be removed and replaced with other material to provide an adequate foundation.
- F. Bedding. In general, the bottom of the trench shall be excavated to a depth of four (4) inches below the bottom of the pipe barrel for PVC pipe and D.I. pipe placed for all gravity mains, force mains and laterals. The granular bedding shall be washed screened gravel or crushed stone, ranging in size from one-half (1/2) to one (1) inch. After the pipe has been set to line and grade, additional granular material of the same size and characteristics shall be lightly tamped in place to an elevation equal to a point six (6) inches above the crown of PVC pipe. The granular material around the pipe shall also be placed the full width of the trench, as excavated, or to the inside surfaces of the sheeting which is required to contain the foundation material in unstable trenches.
- G. Backfilling. Material for backfilling to a point twenty-four (24) inches above the crown of the pipe shall be select borrow, containing no large stones, loam, clay or other substances unsuitable for backfill material. Select borrow shall be placed in layers suitably tamped to the side limits of the trench as excavated. Material from a point twenty-four (24) inches above the crown of the pipe to a point eighteen (18) inches below subgrade, within roadway locations, shall be ordinary borrow, placed in layers and thoroughly tamped. No rock fragment larger than twelve (12) inches in diameter will be permitted within this section of backfill. The top eighteen (18) inches of the trench shall be backfilled with road grade bank gravel which, when compacted in place, will form a suitable foundation for the base course of road surfacing.
- H. Rock trenches. Similar bedding shall be provided in rock trenches, except that there shall be six (6) inches clear under the pipe to the rock surface and nine (9) inches clear on each side. Under no circumstances will the pipe be permitted to bear directly on the rock.
- I. Jointing. Polyvinyl chloride (PVC) pipe shall be bell-and-spigot-type joint, with elastomeric ring supplied by the pipe manufacturer. Immediately prior to jointing, the spigot, bell and gasket shall be thoroughly cleaned and a lubricant supplied by the pipe manufacturer applied. Extreme care shall be exercised during the jointing process to ensure that the pipe is in the correct position within the bell. Pullers or other types of mechanical equipment shall not be allowed, preventing the possibility of splitting or deforming the joint.
- J. Ductile iron pipe shall be push-on-type joint with rubber gasket. Prior to assembly, the bell and spigot shall be cleaned of foreign matter and a lubricant applied. Cut sections of pipe shall have the spigot end filed to a slight taper to prevent damage to the gasket. The pipe shall be aligned both horizontally and vertically and forced into position with deflection, if necessary, accomplished after the joint is assembled and within the manufacturer's allowable tolerances.

- K. Maintenance of pipe. Care shall be taken by the licensed pipelayer to exclude mud and/or water containing dirt from entering the pipelines. Temporary plugs shall be installed, and the licensed pipelayer shall weight the pipes or backfill if inspection has been made to prevent flotation from water in the trench.
- L. Ductile iron (D.I.) fittings shall be mechanical-joint type. Prior to assembly all foreign matter shall be removed from the bell and spigot and the gland and gasket placed and the spigot carefully inserted into the bell. The joint shall be assembled and bolts tightened in an altering sequence to a final torque of seventy-five (75) to ninety (90) foot-pounds. Deflection shall be accomplished after the joint is assembled.

§ 326-17. Sanitary building sewer installation.

- A. General. Sanitary building sewers will not be allowed to have more than two (2) angle points or a total angular deviation of one hundred eighty degrees (180°) unless granted variance by the Superintendent. Cleanouts shall be constructed as shown on the attached drawings⁵³ and shall consist of a wye, forty-five-degree, horizontal bend PVC piping and a cast-iron cap and a rubber insert with stainless steel clamps to provide an absolutely watertight installation. Under certain circumstances, manholes may be used in place of cleanouts, if approved by the Superintendent. **[Amended 10-18-2000 ATM, Art. 14]**
- B. Backwater valves are to be installed as shown on the attached drawings for each sanitary building sewer installation.⁵⁴ The backwater valve shall be six (6) inches in size and constructed of PVC with solvent-welded joints to six-inch SDR 35 PVC sewer pipe. **[Amended 10-18-2000 ATM, Art. 14]**
- C. Special conditions. Sanitary building sewers in excess of one hundred (100) feet in length are subject to review by the Superintendent and other requirements as may be found necessary to assure a functional connection.
- D. Excavation and backfill shall be typical as detailed for main sewer installation, and no backfilling shall be permitted until the Superintendent has inspected and approved the installation.
- E. Pipe elevation. All sanitary building sewer pipe shall be laid to a minimum slope of one-fourth (1/4) inch per foot unless otherwise approved by the Superintendent. The sanitary building sewer should be brought to the building on a uniform slope and at an elevation appropriate to the connection with the existing sanitary building drain. In any building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by an approved means and discharged to the sanitary building sewer.
- F. Existing septic system. Sanitary building sewers connected to existing septic system piping shall be made on the building side of the septic tank and the tank or cesspool pumped dry and removed or refilled with approved material. Connection to existing pipe shall be accomplished with rubber adaptor couplings and stainless steel clamps, designed specifically for the type of application intended.
- G. Additional connections. No direct or indirect connection will be allowed between the sanitary building sewer and roof drains, foundation drains, cellar drains, sump pump or other sources of

53. Editor's Note: Said drawings are on file in the Town Clerk's office, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular business hours.

54. Editor's Note: Said drawings are on file in the Town Clerk's office, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular office hours.

surface runoff groundwater.

- H. Approval to connect. Actual connection of the sanitary building drain (wastewater plumbing) to the sanitary building sewer may not be accomplished prior to an approval to connect from the DPW. An additional fee as set by the Department of Public Works for existing structures or for new structures must be submitted with the permit application for each tap to be made by the contractor. If a sanitary building sewer must be connected directly to the public sewer main, the licensed pipelayer shall carefully excavate, dewater and expose the main, supply the cast-iron saddle with a stainless steel retainer strap and conduct the actual tapping to the main under the Superintendent's supervision. **[Amended 10-18-2000 ATM, Art. 14]**

§ 326-18. Chimneys.

- A. General. Chimneys shall be constructed at locations required by the depth of the sewer main and as approved by the Superintendent. The chimney may consist of a PVC tee or ninety-degree saddle, forty-five-degree PVC bend, PVC riser pipe with field cut end, a PVC adapter and a ninety-degree PVC elbow. The entire assembly is to be encased in Class B concrete, reinforced as shown on the standard drawing. At the top of the chimney, a PVC tee may be substituted for the ninety-degree elbow if the chimney is to serve dual use.
- B. Sonotube. The use of a twenty-four-inch diameter sonotube for a vertical concrete form will be permitted. Form work for the concrete section at the main sewer will be constructed to the lines shown on the standard drawing. In constructing the concrete encasement, forms shall be placed so that the weight of the chimney shall bear directly on the foundation material and not on the sewer main. A flexible joint, approved by the Superintendent, shall be installed a minimum distance of twenty-four (24) inches from the vertical face of the concrete.
- C. Precast chimneys. The contractor may option to use a precast chimney, which shall be constructed similar to that as specified for a cast-in-place unit. The precast unit shall consist of six-inch PVC pipe encased in concrete, cast in vertical sections, with O-ring neoprene gaskets and a noncorrosive mechanical clamping mechanism. The unit shall straddle the sewer main, carrying the weight of the unit directly to the trench. The unit shall consist of a base section and a top section, with an intermediate section varying in height from one (1) foot to four (4) feet. The top and bottom sections shall contain a neoprene water stop around PVC fitting to prevent entry of groundwater.

§ 326-19. Force mains.

- A. Type of pipe. Force mains may be ductile iron push-on joint pipe, furnished and installed by the licensed pipelayer, from lift and pump stations to point of discharge. D.I. pipe shall be Class 52, cement-lined, tar-coated and sealed, with mechanical joint fittings installed with concrete thrust blocks and retainer glands.
- B. Combination trenches. In combination trenches, gravity sewer and force main, the force main shall be laid on a shelf excavated in the side of the trench with the main (gravity) sewer, with a minimum cover of four (4) feet six (6) inches. If, because of the depth of cut of the gravity sewer or material encountered, the excavation of a shelf proves to be impractical, the developer shall excavate separate adjacent trenches for the two (2) pipes.
- C. Joints. Mechanical joints shall be made up using a torque wrench set at seventy-five (75) foot-pounds, with the nuts and bolts tightened in an alternating sequence. Jointing of ductile iron pipe shall be typical as detailed in § 326-16, Public sewer main installation.

§ 326-20. Pumping stations. [Amended 10-18-2000 ATM, Art. 14]

All plans for sewage pumping or ejector stations proposed for use shall be submitted to the DPW for approval prior to ordering, purchase or installation. Three (3) sets of plans shall be submitted to the DPW, two (2) sets to be transferred to the engineer for review and the final set for the DPW file.

§ 326-21. Manholes.

- A. Construction. Manholes shall be constructed of reinforced precast concrete monolithic base sections, barrel sections and dome sections and shall meet the applicable requirements of ASTM Specification C478-7OT, latest revision, design based upon H-20 loadings. All manholes delivered to the site must be approved by the Superintendent. In general, reasons for rejection will include, but not be limited to, porous or cracked walls, misformed joints and pipe connectors which vary more than one (1) inch from those indicated on the plans. Rejected manholes shall be removed from the site by the licensed pipelayer.
- B. Preliminary inspection. All precast manhole sections shall be delivered to the construction site without exterior coatings. Upon on-site approval by the Superintendent, the licensed pipelayer shall apply, by roller or brush, a heavy application of emulsified asphalt waterproofing compound.
- C. Pipe-to-manhole connection shall be made with a flexible rubber boot and stainless steel clamp. The flexible rubber boot pipe-to-manhole connector shall be installed during manufacture of precast manhole sections and shall include a stainless steel screw clamp designed specifically for use on the size and type of pipe utilized on the project. If PVC pipe is used, a continuous bead of silicone shall be applied to the inside of the boot at the clamp location prior to installation of the pipe.
- D. Manhole installation. The licensed pipelayer shall excavate to a depth of six (6) inches below the bottom of the manhole base, compact and fine grade and install washed screened gravel subbase material. The base section shall be placed to grade and the pipes connected. Pipes shall extend approximately one (1) inch inside the interior wall, with clamps on the connector tightened and mortar troweled on the inside face of the manhole-to-pipe connection.
- E. Inverts and table shall be constructed of red clay brick with mortar joints. Care shall be taken in construction of brick inverts that the width of the invert shall be slightly larger than the inside diameter of the larger of the pipes entering the manhole wall. Bricks shall be laid in a full bed of mortar with push joints, and all brick shall be thoroughly wet immediately before laying.
- F. Mortar shall be made of one (1) part of portland cement and two (2) parts of clean fine sand, well mixed and tempered. Water shall be clean and free from impurities affecting its value. Sand and cement shall be first thoroughly mixed dry and only enough water added to make the mortar uniform and workable. No greater quantity of mortar is to be prepared than is required for immediate use and it shall be constantly worked until used. Any mortar that has once set shall not be tempered and used in the work.
- G. Red clay brick for table, invert and grade adjusting courses shall be hard burned of uniform Grade B. Red clay brick shall be laid with all joints completely filled with mortar and the inside and outside faces covered with mortar and troweled smooth. The maximum height allowable for grade adjustment of the manhole frame with the brick masonry shall be twelve (12) inches.
- H. Manhole joints. The joint between the base section and the barrel section shall be brushed clean and a strip of butyl rubber shall be placed completely around the joint prior to placement of the barrel section. Once the barrel section has been placed, a timber shall be placed across the top of the section

and a controlled downward pressure shall be applied with the hydraulic excavating machine to the complete joint. The same method shall be used in making the joints between the remaining barrel section and dome section. Precast concrete flat slab top sections shall be used if height limitations prohibit the use of a dome section.

- I. Manhole steps shall be aluminum alloy 6061 T6, extruded, safety-type, cast in place, twelve (12) inches on center, in the barrel and dome sections, and the portion of the step imbedded in concrete, plus two (2) inches, shall be coated with aluminum oxide. Steps may also be constructed of continuous grade 60 steel bar, three-eighths (3/8) inch outside diameter, molded within polypropylene plastic with a safety tread surface. All interior steps shall be installed during manhole manufacture.
- J. Manhole table. The table shall be constructed at an elevation even with the top of the pipe and shall slope up toward side walls. Inverts shall be constructed in a manner to provide smooth flow through manholes, with no sharp turns or projecting portions of brick. Bottom sections of straight line manhole inverts may be constructed using one-half (1/2) section of pipe cut longitudinally and carefully set to grade, upon approval of the Superintendent. The half-pipe section must be securely braced during installation of concrete fill around the invert to prevent flotation. Brick for inverts shall be placed on edge and laid flat for table.
- K. Sealing of joints. Once the manhole has been assembled and prior to backfill, hydraulic cement shall be applied to all lift holes and manhole joints, including exterior boot-to-manhole joint.
- L. Backfilling. Once the vacuum test has been completed, select ordinary borrow shall be backfilled around the manhole, with no stone larger than three (3) inches within eighteen (18) inches of the concrete wall. Material shall be placed leveled and compacted in twelve-inch lifts.
- M. Castings. Cast-iron frames and covers shall meet the requirements of ASTM Specification for Grey Iron Castings, Cast Iron Class 20. All castings shall be clean and without blow holes, sand holes or defects of any kind. Plugging of such holes will be cause for rejection, and the castings shall not vary more than five percent (5%) from the weight calculated for the cubic content indicated by the shop drawings, with iron at four hundred fifty (450) pounds per cubic foot. The acceptance of any casting varying more than five percent (5%) will be at the option of the Superintendent.
- N. Casting preparation. The cast-iron manhole frames and covers shall be carefully cleaned of all rust, dirt and scale, and while free and clean from rust shall be given a full coat of coal tar pitch varnish applied hot and satisfactory in quality to the Superintendent. The finish of the castings as delivered shall be satisfactory to the Superintendent, and any rusted or uncovered surfaces shall be the cause of rejection of the castings until the same have been refinished.
- O. Casting fit. Manhole covers must fit the frames with clearances as shown on the standard drawing. The underside of the cover and upper side of the lip of the frame must present parallel plane surfaces, and at these points of contact, the frames and covers must be machined to prevent the covers from rocking in the frames under traffic conditions. Covers shall bear evenly on the frames for the entire circumference and be interchangeable with other frames. Frames shall be set upon a full bed of mortar, and the mortar shall be brought up alongside of the frame to provide a watertight joint.
- P. Casting manufacturer. Standard frames and covers shall be as manufactured by LeBaron Foundry Company, Model LT-101, Mechanics Iron Foundry Company, Model K 6004, or C.M. White Iron Works, Model R-258, and, in general, be eight (8) inches in height with a twenty-two-inch clear opening.
- Q. Watertight castings. Watertight frames and covers shall be as manufactured by LeBaron Foundry

Company, Model LBW 268-2, Type BW, C.M. White Iron Works or Mechanics Iron Foundry Company, or equal. In general, the frame shall be eight (8) inches high with a twenty-two-inch clear opening, complete with interior cover, locking bar and sealed seating surfaces. Watertight frames and covers shall be used where required by the design approved by the DPW. Frames shall be set upon a full bed of mortar, and mortar shall be brought up alongside of the frame to provide a watertight joint. **[Amended 10-18-2000 ATM, Art. 14]**

- R. Drop inlet. Manhole drop inlets, if approved, shall be constructed utilizing standard SDR 35 PVC sewer pipe and fittings, as shown on the detail drawings located in the Appendix.⁵⁵ The piping shall be connected to the manhole utilizing the rubber boots, fully assembled and then encased in concrete, carrying concrete to stable base at trench bottom. A brick dam shall be placed in upper pipe to prevent overflow, which can be easily removed to service pipe. The size of the horizontal pipe shall match the incoming pipe. The use of a drop inlet at the manhole will not be approved without submittal of data justifying the necessity of a drop inlet rather than a direct inlet. **[Amended 10-18-2000 ATM, Art. 14]**
- S. General. The maximum allowable distance between manholes shall be no greater than three hundred (300) feet. All manholes constructed shall be tested as detailed in § 326-22.

§ 326-22. Testing.

- A. General. Gravity sewer mains, both polyvinyl chloride (PVC) and ductile iron (D.I.), including sanitary building sewers from the main to the side line of the roadway layout, shall be air-tested for leakage after backfilling and compaction to road subgrade has been completed. The equipment and method used to conduct the air test will be subject to prior approval by the Superintendent.
- B. Test guidelines. All testing shall be done by an individual or company experienced and equipped in this type of work. A certification of the test results shall be required for each section between manholes, with the stationing corresponding to the submitted plans. The Superintendent shall be notified forty-eight (48) hours in advance of testing. At no time shall construction proceed further than two thousand (2,000) feet from the last section tested.
- C. Gravity main test. In general, a section between two (2) manholes shall be isolated by inflatable plugs. Air shall be introduced into the pipeline to an internal pressure four (4) pounds per square inch gauge greater than the average back pressure of the groundwater or an increase of four hundred thirty-four thousandths (.434) pounds per square inch for each foot of water above the top of the pipe. After stabilizing the pressure at three and five-tenths (3.5) pounds per square inch gauge, plus the adjustment to compensate for the exterior head of water, the air line shall be disconnected and the pressure drop, if any, observed. The line shall be termed acceptable if the time required, in minutes, for the pressure to reduce to the allowable residual pressure is not less than one (1) minute per inch diameter. The licensed pipelayer shall supply all equipment and labor necessary to assist the Superintendent in this test.

55. Editor's Note: The Appendix is on file in the Town Clerk's office, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular office hours.

Air-Testing Chart

Groundwater Above Pipe (feet)	Pressure Adjustment (pounds per square inch)	Initial Pressure (pounds per square inch)	Stabilized Pressure (pounds per square inch)	Allowable Residual Pressure (pounds per square inch)
0.0	0.0	4.0	3.5	2.5
1.0	0.43	4.43	3.93	2.93
2.0	0.87	4.87	4.37	3.37
3.0	1.30	5.30	4.80	3.80
4.0	1.74	5.74	5.24	4.24
5.0	2.17	6.17	5.67	4.67
6.0	2.60	6.60	6.10	5.10

NOTE: Elapsed time for pressure to reduce to the allowable pressure should not be less than one and zero-tenths (1.0) minute per inch diameter of the particular pipe being tested.

- D. Unacceptable pipe. The licensed pipelayer shall submit to the Superintendent a record of the location and cause of each leak encountered, along with his method for replacement or repair prior to completion of the work after completion of repair. A second test shall be made to determine the acceptability of the work after the completion of repair. In general, pipe which fails the air test shall be replaced, but under certain circumstances, upon approval of the Superintendent, a stainless steel band-type clamp, designed for pressure service, may be used. The minimum width of the clamp shall be fifteen (15) inches, and band and bolts shall be stainless steel.
- E. Cleanup. A visual inspection by the Superintendent shall also be required on all main sewer pipe installed, and the interior of the sewer pipeline shall be thoroughly cleaned from construction debris or foreign matter. Bulkheads shall be installed at the outlet side of the manholes sufficient to prevent the wash of mud or dirt into the completed section of pipeline and, upon completion of the entire line, shall be left free and clear of such debris and the bulkheads removed.
- F. Deflection test. All PVC main line pipe shall be checked for deflection after backfilling and compaction is complete, but at no time shall construction proceed further than two thousand (2,000) linear feet from the last section tested. The pipeline to be checked shall be thoroughly cleaned and plugged. A mandrel shall be pulled through the pipe to check overall deflection, and the pipe through which a mandrel cannot be pulled without extreme force shall be considered failed. The mandrel shall have an outside diameter seven percent (7%) less than the pipe inside diameter and shall be supplied by the pipe manufacturer for this purpose. Pipe which has deflected more than seven percent (7%) shall be excavated and replaced or backfill around the pipe compacted to provide adequate support and the pipe retested. Deflection shall be computed by multiplying the amount of deflection (nominal diameter less minimum diameter when measured) by one hundred (100) and dividing by the nominal diameter of the pipe.
- G. Television inspection. All main line pipe shall be television-tested upon completion of backfilling and compaction. This testing shall be done by a company specializing in this type of work, with a

minimum of three (3) years' experience. The camera shall be drawn through the pipe, with a color image projected upon a color video screen, which includes a distance meter. Photographs of all defects, faults, imperfections, points of infiltration, etc., shall be taken and submitted to the Superintendent in duplicate. A written report shall also be submitted in duplicate, broken into sections between manholes, including stations of all manholes, wyes, imperfections, defects, faults, points of infiltration, horizontal or vertical misalignment of pipe, condition of manholes, etc.

H. Force main and siphon test.

- (1) Ductile iron force main and siphon pipe shall be tested hydraulically, by slowly filling the line with water and expelling the air at the discharge end of the force main and all points of high elevation along the force main. The discharge end shall then be plugged and blocked and the hydrostatic pressure increased to one and five-tenths (1.5) times the working pressure. Each section of pipeline shall be slowly filled with water with the specified test pressure measured at the point of lowest elevation. The amount of water added to the line to maintain this pressure within five (5) pounds per square inch shall be metered, and if the amount added exceeds the amount determined by the formula below, the test shall be considered a failure.

$$L = (S \times D \times P^{0.5}) / 133,200$$

Where:

L	=	Allowance leakage in gallons per hour.
S	=	The length of pipe tested in feet.
D	=	The nominal diameter of the pipe in inches.
P	=	The average test pressure during the leakage test in pounds per square inch.

- (2) The licensed pipelayer shall locate the leak or leaks and, after obtaining prior approval as to method and materials for making the repair from the Superintendent, shall repair the leak(s) until the line meets the testing approval criteria.

I. Manhole vacuum test.

- (1) The licensed pipelayer shall conduct a vacuum test on all manholes prior to backfilling. All openings shall be plugged with hydraulic cement, and suitable plugs shall be inserted in pipes. All equipment and manpower for the test shall be supplied by the licensed pipelayer and equipment shall be manufactured for that purpose. An initial vacuum of ten (10) inches Hg shall be drawn. The test time shall be determined by that time required for the pressure to drop from ten (10) inches mercury to nine (9) inches mercury. Allowable test times are given below:

Depth of Manhole (feet)	Minimum Test Time
0 to 10	1 minute
10.1 to 15	1 minute 15 seconds
15.1 to 25	1 minute 30 seconds

- (2) Vacuum test failure. Manholes which fail to meet the above minimum test times shall be repaired using methods approved by the Superintendent. Manholes shall then be retested using the vacuum test. Following a second vacuum test failure, it shall be uncovered, disassembled, reconstructed or replaced as directed by the Superintendent. The manhole shall be retested by the vacuum test.

§ 326-23. Miscellaneous structures and materials.

- A. General. Approval drawings shall be submitted by the developer or licensed pipelayer for all structures or appurtenances which shall eventually be connected to the municipal sewer system, such as pump or ejector station, auxiliary power units for station, etc. Drawings for special sewer construction, such as inverted siphons, culverts or stream crossings, drain crossings, railroad or state highway crossings, etc., shall also be submitted for approval.
 - B. Bank gravel furnished and placed by the licensed pipelayer shall consist of inert material that is hard durable stone and coarse sand, free from loam and clay, surface coatings and deleterious materials, and shall meet or exceed the specifications for gravel borrow listed under Section M1.03.0 of the 1973 Massachusetts Department of Public Works Standard Specifications for Highways and Bridges or the latest revision thereto.
 - C. Washed screen gravel furnished and placed by the licensed pipe layer shall be washed and graded bank-run gravel or crushed stone ranging in size from one-half (1/2) inch to one (1) inch and shall be hard, durable and reasonably free from flat or laminated particles so as to furnish a free-draining gravel base for sewer construction or other foundation as directed by the Superintendent.
 - D. Ordinary borrow furnished and placed by the licensed pipelayer shall be material suitable for trench refill, as approved by the Superintendent, conducive to compaction by the method of consolidation approved for use on the project, free of stones larger than twelve (12) inches in diameter, free from loam and clay, surface coatings and deleterious materials and meeting or exceeding state Department of Public Works Classification M1.01.0.
 - E. Concrete masonry shall be used for thrust blocking, foundation material, pipe cradles, half-section or full-section, manhole drop inlet or chimney encasement or as otherwise directed by the Superintendent. Concrete shall be mixed using portland cement, crushed stone and clean hard sand with enough clean water to ensure proper mixing. Concrete may be job mixed or ready mixed, a nominal one-to-two-and-five-tenths-to-five mix, and shall contain not less than four and five-tenths (4.5) bags of cement per cubic yard. Steel reinforcement indicated on standard sewer construction drawing⁵⁶ shall be deformed bars of approved type and structural quality free from dirt or rust and shall be bent as required and accurately placed with depth of cover not less than two (2) inches.
- [Amended 10-18-2000 ATM, Art. 14]**

56. Editor's Note: Said drawings are on file in the Town Clerk's office, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular office hours.

ARTICLE IV
Use of Public Sewers

§ 326-24. Use required.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any manner on public or private property within the town or in any area under the jurisdiction of said town any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Ashland or in any area under the jurisdiction of said town any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of Article IV.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (See § 326-25.)
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the town, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line, unless prevented by topographical or other reasons.

§ 326-25. Private sewage disposal.

- A. Where a public sanitary sewer is not available under the provisions of § 326-24D, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Board of Health of the Town of Ashland.
- B. No septage shall be discharged into the sanitary sewer system unless in conformance with the permit granted to the Town of Ashland by the MWRA. In no case shall septage containing industrial or incompatible wastes be discharged into the sanitary sewer system. As of July 1, 1984, no septage which originates outside of the MWRA shall be accepted for disposal into the sanitary sewer system.
- C. Fines. **[Added 5-26-1993 ATM by Art. 8]**
 - (1) Failure to maintain grease traps. Fine: one hundred dollars (\$100) per violation.
 - (2) Illegally connected sump pumps [360CRM 10.006(2)]. Fine: one hundred dollars (\$100) per day.

§ 326-26. Building sewers and connections.

- A. No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit to construct sewer lines from the DPW. All the work related to the installation of sanitary building sewers and the connection to the public sewers shall be performed by persons licensed by the Ashland DPW. **[Amended 10-18-2000 ATM, Art. 14]**
- B. Service connections; permits; fees.
 - (1) There are two (2) classes of service connections: for residential and commercial service and for

service to establishments producing industrial wastes. In either case, the owner or his agent shall make an application on a special form furnished by the town. The application for permit to construct sewer lines⁵⁷ shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the DPW. (See § 326-10 for applicable permits.) Connection and inspection fees shall be as set by the Department of Public Works. **[Amended 10-18-2000 ATM, Art. 14]**

- (2) One (1) copy of the permit shall be available for inspection at all times at the site of the work.
- C. All costs and expense incident to the installation and connection of the sanitary building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may, directly or indirectly, be occasioned by the installation of the sanitary building sewer.
- D. A separate and independent sanitary building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear sanitary building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building, if approved by the DPW. **[Amended 10-18-2000 ATM, Art. 14]**
- E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the DPW, to meet all requirements of this chapter. At the discretion of the DPW, the owner may be required to conduct, at his expense, an internal television inspection of the existing sewer to verify the condition and suitability of the same. **[Amended 10-18-2000 ATM, Art. 14]**
- F. Where possible, the sanitary building sewer shall be brought from the street (public sewer main) to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sanitary building sewer.
- G. The size, slope, alignment, materials of construction of a sanitary building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes⁵⁸ and the latest edition of the construction standards for the Town of Ashland.
- H. The size and slope of the sanitary building sewer shall be subject to the approval of the DPW, but in no event shall the diameter be less than six (6) inches. The slope of such six-inch pipe shall not be less than one-fourth (1/4) inch per foot, unless otherwise permitted. **[Amended 10-18-2000 ATM, Art. 14]**
- I. The applicant for the sanitary building sewer permit shall notify the DPW when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the applicant, using materials supplied by the applicant under the supervision of the Superintendent. **[Amended 10-18-2000 ATM, Art. 14]**
- J. All excavations for sanitary building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

57. Editor's Note: Said application for permit to construct sewer lines is on file in the Town Clerk's office, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular office hours.

58. Editor's Note: See Ch. 98, Building Construction, and Ch. 218, Plumbing.

K. In summary:

- (1) All work to construct both public sewer mains or sanitary building sewers shall be performed by a licensed pipelayer.
- (2) All construction work shall be performed in compliance with the Ashland construction standards.
- (3) All applications for sewer connections shall be accompanied by detailed design plans and computations which shall include definitive and profile plans (for industrial, commercial and multifamily residential uses).
- (4) Approval to connect sewers shall be obtained from the DPW prior to any physical connection to a public sewer main. (See construction standards.⁵⁹) [**Amended 10-18-2000 ATM, Art. 14**]
- (5) A performance bond shall be required for all sewer construction. (See construction standards.⁶⁰)
- (6) Detailed as-built plans may be required, in some cases, at the discretion of the DPW. All expenses thereto shall be borne by the user/applicant. [**Amended 10-18-2000 ATM, Art. 14**]

§ 326-27. Incorporation of other standards. [Updated 9-10-2001]

The MWRA rules and regulations covering discharge of sewage, drainage, substances or wastes of the MWRA are hereby made a part of this chapter.⁶¹ In the event that federal or state agencies enact or promulgate laws or regulations more stringent than these regulations or those of the MWRA, the federal or state requirements shall take precedence.

§ 326-28. Protection from damage.

- A. No authorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. **B. Each user shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users shall notify the DPW and the MWRA immediately upon discharging wastes in violation of these regulations in order for countermeasures to be taken by the town and MWRA to minimize damages to the sanitary sewerage system and receiving waters. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement to the DPW and MWRA describing the causes for the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sanitary sewerage system or for any fines imposed on the MWRA.[Amended 10-18-2000 ATM, Art. 14]**

§ 326-29. Power and authority of inspectors.

- A. The DPW and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The DPW or its

59. Editor's Note: See Articles II and III of this chapter.

60. Editor's Note: See Articles II and III of this chapter.

61. Editor's Note: The Floor Drain and Underground Injection Control (UIC) Regulations are included at the end of this chapter.

representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways. **[Amended 10-18-2000 ATM, Art. 14]**

- B. While performing the necessary work on private properties referred to in Subsection A above, the DPW or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 326-27. **[Amended 10-18-2000 ATM, Art. 14]**
- C. The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE V
Enforcement

§ 326-30. Violations and penalties.

- A. Any person found to be violating any provision of this chapter (except § 326-28) shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding one hundred dollars (\$100) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation.

ARTICLE VI
Severability; Fees; When Effective

§ 326-31. Severability.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

§ 326-32. Fees. [Amended 10-18-2000 ATM, Art. 14]

- A. Sewer fees as of July 1, 1989, shall be as set by the Department of Public Works.

§ 326-33. When effective.

This chapter shall be in full force and effect from and after its passage, approval, recording and publication, as provided by law.

Chapter 330**STREET EXCAVATIONS**

[HISTORY: Adopted by the Town of Ashland Highway Department (now Department of Public Works, Highway Division). Amendments noted where applicable.]

GENERAL REFERENCES

Soil removal — See Ch. 242.

Sewers — See Ch. 326.

Streets and sidewalks — See Ch. 249.

Water — See Ch. 334.

§ 330-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXCAVATION — Includes the removal of any portion of the existing street, including pavement, curbing, sidewalks or grass areas.

PERMIT — The written permission from the administering agency, the Ashland Highway Division.

STREET — Any accepted street (public way) under the jurisdiction of the Town of Ashland.

§ 330-2. Permit required.

No person or organization shall make any excavation, including driveway openings or curb cuts, in any street without first obtaining a permit, except as otherwise provided by this chapter. Permits may be obtained from the Ashland Highway Division, Ponderosa Road, Ashland, Massachusetts, Monday through Friday between the hours of 8:00 a.m. and 3:00 p.m. Permits must be obtained at least forty-eight (48) hours before the beginning of work.

§ 330-3. Term of permit; extensions.

Permits will be issued for a period of thirty (30) days. An extension of thirty (30) days may be obtained, in writing, from the Highway Division. All excavations and permanent repairs shall be completed in full and approved by the Highway Division within the permit time period.

§ 330-4. Display of permit.

Permits must be kept at the job site during the progress of the work and must be shown, upon request, to authorized Ashland Highway Division personnel.

§ 330-5. Performance bond.

- A. At the time of application for a street opening permit, the applicant shall submit to the town a performance bond to assure that permanent repairs are effected.
- B. The form of bond shall be:
 - (1) Certified check or cash, payable to the Town of Ashland, for a minimum of one thousand dollars

(\$1,000).

- (2) Certified check or bond of a surety company authorized to do business in the Commonwealth of Massachusetts, conditioned that the applicant shall guarantee the satisfactory performance of the work in all respects and shall replace or restore any portion of the street in which the applicant or his agent performs excavation.
- C. The bond shall allow the Town of Ashland to perform work deemed necessary by the Highway Division to correct any deficiencies, and all costs incurred by the town to complete the repair or correct deficiencies may be applied against the bond.
- D. Upon satisfactory completion of permanent repairs after one (1) year, approved in writing by the Highway Division, the bond will be returned in full to the applicant.

§ 330-6. Exemptions from permit and bond requirements.

- A. Town of Ashland departments will not be required to obtain a permit or post a bond. Written notification of street openings should be submitted to the Highway Division.
- B. No permit or bond will be required for incidental grading and landscaping work performed by property owners on unpaved frontage areas within the public right-of-way. This clause shall in no way diminish the town's authority over said areas.
- C. Bonds from public utility companies that are self-insured will be acceptable if the terms and conditions are similar to those outlined herein.

§ 330-7. Additional requirements.

- A. No permits will be issued for work prior to April 15 of any calendar year, and no permits will be issued for work that will not be completed in full before November 15.
- B. No public way shall be blocked overnight, and daytime blockage shall be kept to a minimum. If police traffic control is required, costs shall be paid by the applicant.
- C. The applicant or his agent shall be fully responsible for the work, including traffic control and public safety, at all times.
- D. All repairs shall be completed in full and approved within the specified permit duration or by November 15 of the calendar year work was begun, whichever comes first.
- E. No excavations shall remain open overnight.
- F. The contractor will provide all necessary signs and detours, subject to the approval of the Police Department.
- G. No sewer and water permits will be issued until a street opening permit has been issued.

§ 330-8. Emergency actions.

- A. Nothing in this chapter shall prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble or repairing conduit, cable or pipe.
- B. A permit shall be applied for on the first working day after emergency work has commenced.

§ 330-9

STREET EXCAVATIONS

§ 330-9. Backfill and restoration.

- A. Trench backfill material may be approved material from the excavation or granular borrow material. Frozen or saturated material shall not be used.
- B. Backfill shall be compacted by mechanical compactors or puddling in twelve-inch layers to ninety percent (90%) of optimum dry density.
- C. In paved areas, the pavement restoration, including gravel base courses, shall conform to the typical sections and requirements of the current Planning Board rules and regulations for new streets. Temporary pavement will consist of cold patch for a minimum of two (2) weeks to a maximum of thirty (30) days, at which time permanent repairs shall be made.
- D. Adjoining edges of existing pavement shall be trimmed to a vertical face and coated with rubberized asphalt crack sealer before placing the bituminous pavement patch.
- E. Any roadway appurtenances, such as signs, curbs, pavement markings, etc., that are disturbed by the work shall be restored to their original locations.
- F. The replacement material shall consist of a black base course three (3) inches in depth, one (1) course of binder, one and one-fourth (1 1/4) inches in depth and one (1) course of top material, one and one-fourth (1 1/4) inches in depth, all to be placed over one (1) foot of gravel.
- G. Construction details not specified herein shall conform to details furnished by the Highway Division at the time of application.
- H. Temporary patches shall be maintained by the permittee. Any holes or depressions which may occur shall be filled so as to keep the surface in a safe condition for traffic.
- I. Temporary patches shall be removed and replaced with permanent patches whenever directed by the Highway Division.

§ 330-10. Excavations in new or resurfaced streets.

- A. No permits will be issued for the excavation of paved surfaces on streets that have been reconstructed or resurfaced or are newly constructed and accepted by the town within five (5) years following the installation of new street surfaces, except in the case of extreme emergency or hardship.
- B. Special permits, on an individual case basis, may be issued for extreme emergency or hardship cases. Jacking or tunneling without disturbing the road pavement may be required. After-the-fact restoration resulting from extreme emergency work will be performed to standards established for each case by the Highway Division, to assure that the patch will have a life expectancy equal to the surrounding pavement.

ASHLAND CODE

Chapter 334

WATER

[HISTORY: Adopted by the Department of Public Services (Water and Sewer Division) (now Department of Public Works) of the Town of Ashland 1991. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 218.

Wells — See Ch. 300.

Water supplies — See Ch. 312.

Sewers — See Ch. 326.

Water use restrictions — See Ch. 270.

Private and semipublic water supplies — See Ch. 312.

Street excavations — See Ch. 330.

Subdivision of land — See Ch. 344.

Fees — See Ch. A352.

ARTICLE I
General Provisions

§ 334-1. Rules and regulations to be part of contract. [Amended 10-18-2000 ATM, Art. 14]

The following rules and regulations shall be considered a part of the contract with every consumer supplied with water from the Ashland Department of Public Works, Water and Sewer Division, herein called the "WSD," and every person or property owner taking water shall be considered as having expressed his consent to be thereby bound.

§ 334-2. Water permits.

- A. All applications for the use of water must be made at the office of the WSD and state fully the purpose for which it is intended to be used.
- B. The water permit shall be void after ninety (90) days if not used.
- C. For renewal of water permits, there shall be a charge as contained in the billing section of this chapter.⁶²

§ 334-3. Liability for violations.

Failure to enforce or to have knowledge of violations in whole or part of this chapter does not relieve property owners from liability or penalties for failing to abide by the same.

§ 334-4. Modification. [Amended 10-18-2000 ATM, Art. 14]

This chapter may be modified by the Department of Public Works, Water and Sewer Division.

62. Editor's Note: See Article VIII, Fees and Billing.

ARTICLE II
User Responsibilities

§ 334-5. Fire protection systems.

Parties using water for domestic or manufacturing purposes may erect hydrants, standpipes or sprinkler systems to be used only as protection against fire, subject to inspection and approval by the Superintendent.

§ 334-6. Cross-connections; independent sources.

- A. There shall be no connection between a public water supply and any nonpotable water source unless the public water system is protected by a method meeting the requirements of the Department of Environmental Protection (DEP), WSD rules and regulations and local building codes relative to cross-connections between public water supplies and fire and industrial water supplies.
- B. An independent source of supply shall be permitted subject to approval by the Superintendent.

§ 334-7. Liability for damage under certain conditions.

The WSD shall not be held responsible or liable to any person or persons for any loss or damage from water service interruptions or from any excess or deficiency in the pressure, volume or supply of water due to any causes whatsoever. Massachusetts General Laws state that a minimum pressure of twenty (20) pounds per square inch shall be maintained under all operating conditions.

§ 334-8. Waste of water.

When unnecessary waste of water occurs, the occupant of any premises shall be notified in writing. If said waste is not prevented within two (2) days of said notice, the water shall be shut off. The occupant shall be subject to all costs as determined under the billing section of this chapter.⁶³ Second offenders shall not have water turned on again until approved by the Superintendent.

§ 334-9. Operation of hydrants.

- A. No person shall operate any hydrant of the waterworks system without written permission from the Superintendent, except for the Chief of the Fire Department or persons acting under his stead in a case of fire or practice.
- B. Unauthorized hydrant use. Fine: one hundred dollars (\$100) per incident. [Added 5-26-1993 ATM, Art. 8]

§ 334-10. Moving of hydrants.

Persons requesting to have a hydrant moved shall do so in writing. The cost of moving the hydrant shall be the responsibility of the requesting party.

§ 334-11. Contaminated water.

The WSD shall not be held liable to any person or persons for any damage caused by contaminated water resulting from the opening or closing of valves or hydrants, the breaking of any pipe or fixture, heavy demand or from any other cause whatsoever. Backflow prevention shall be utilized that satisfies

63. Editor's Note: See Article VIII, Fees and Billing.

Massachusetts DEP and WSD requirements.

§ 334-12. Restriction, limitation or shutoff of water.

The WSD reserves the right to restrict, limit or shut off water in all cases when it becomes necessary to do so for repairs, nonpayment of water bills, violation of the regulations or whenever it deems expedient.

§ 334-13. Leaks.

The property owner is responsible to guard against leaks occurring whenever a house is closed for any length of time. The property owner is responsible for prevention and correction of any leakage from the curb stop onward within the property. Failure to correct leakage within ten (10) days of notification by the WSD will result in the water service being shut off. Service will not be restored until leakage has been repaired to the satisfaction of the Superintendent and a fee as contained in the billing section of this chapter⁶⁴ has been received.

§ 334-14. Requirements for turn-on of service.

No water service shall be turned on until a record has been entered at the WSD office stating that approval has been granted, an as-built plan has been provided, an inspection by the WSD's representative has been made and all moneys due have been paid in full.

§ 334-15. Charges for inspection.

Inspection of a water service shall be made free of charge. Additional inspection of the same service shall carry a charge as contained in the billing section of this chapter.⁶⁵

§ 334-16. Use of private fire connections; maintenance.

All persons or firms having private fire connections for sprinklers and private hydrants on the premises or in buildings are forbidden to use the water for any other purpose excepting fires, except where metered. Maintenance of hydrants and/or sprinkler systems on private property shall be the responsibility of the property owner.

§ 334-17. Service lines connected into sprinkler water main.

All service lines connected into a sprinkler water main shall be tapped outside the building and provided with a curb box and shutoff in order to isolate the meter and to provide fire protection if the service line is shut off.

64. Editor's Note: See Article VIII, Fees and Billing.

65. Editor's Note: See Article VIII, Fees and Billing.

ARTICLE III
Meters

§ 334-18. Meters required.

Every water service shall be metered and shall be of a design and size as approved by the Superintendent.

§ 334-19. Installation; sealing; replacement.

All meters on new services shall be furnished and installed by a licensed pipelayer at the property owner's expense and sealed by the WSD's representative against tampering or alteration. The breaking of the seal shall result in a fine as contained in the billing section of this chapter.⁶⁶ Replacement meters up to and including three-fourths (3/4) inch will be replaced by the WSD. The cost of replacement and repair will be borne by the WSD.

§ 334-20. Certain meters to be maintained by WSD; exceptions.

All three-fourths-inch meters shall be kept in repair by the WSD, free of charge, except when damage is done through neglect or maliciously by freezing, steam, frost or by hot water. The cost for this repair shall be borne by the consumer.

§ 334-21. Loss.

The consumer or property owner shall be responsible for any loss of a meter that is registered to his property.

§ 334-22. Remote water meter registers.

Remote water meter registers shall be installed at the expense of the property owner and connected to all privately owned meters installed in new property or new accounts.

§ 334-23. Liability for charges.

- A. All landlords or property owners shall be liable for billing, repair and any other charges for the use of meters and water in accordance to the billing section of this chapter.⁶⁷

§ 334-24. Certain meters to be tested annually.

All meters over one (1) inch shall be tested annually by a testing company approved by the WSD with results furnished to the Superintendent.

§ 334-25. Alterations.

Alteration or changes in any pipe, fittings or meters shall be made by persons authorized by the WSD.

§ 334-26. Access to property.

All property owners shall grant access to a representative of the WSD to all buildings and premises supplied with water for the purpose of making repairs and inspection of pipes, stopping the waste of water

66. Editor's Note: See Article VIII, Fees and Billing.

67. Editor's Note: See Article VIII, Fees and Billing.

and for reading, repairing or changing water meters.

§ 334-27. Location of meters.

Whenever feasible, the water meter shall be set at a point where the service enters the building in full cellars or utility rooms and shall be easily accessible for inspection and removal. The location is to be approved by the Superintendent. Subcellars, half cellars or trap doors shall not be approved. Where it is not practicable to set the meter in the building, the meter shall be set in a pit furnished by the property owner. If, in the opinion of the Superintendent, the meter location should be changed, the right is reserved to have it done at the expense of the property owner. All meter locations shall be approved by the Superintendent.

§ 334-28. Devices on street side.

No valves or devices of any sort shall be set on the street side of the meter, except an approved type of shutoff.

§ 334-29. Access to meters.

The consumer shall be responsible for free access to the meter by the WSD at all times. Failure to remove any obstruction preventing access shall constitute a cause for shutting off the water within three (3) days.

§ 334-30. Failure of meter.

If for any cause the meter of any water taker breaks or the indicator thereon fails to record the amount of water used for any quarter, the quantity used shall be determined by the WSD, and in determining the quantity, the WSD shall make reasonable reference to the quantity used in the corresponding quarter of preceding years.

§ 334-31. Certain systems and lines to be independent.

Fire sprinkler systems and water service lines must be independent, with a minimum horizontal spacing of six (6) feet.

ARTICLE IV
House Plumbing

§ 334-32. Accessibility.

All apparatus and places supplied with water by the WSD must be accessible at all times to allow for the WSD to examine the pipes and fixtures and to ascertain the quantity and manner of water used.

§ 334-33. Maintenance; liability.

- A. All consumers taking water must keep water pipes and fixtures in good repair and protected from frost at their expense. Consumers shall be held liable for any damages resulting in failure to do so.
- B. Provisions shall be made in plumbing and heating systems to prevent the return of hot water to the meter when water system pressure fails due to whatever reason, The water system must not be employed in any manner to provide against excessive plumbing pressures from steam, hot water or heating systems.
- C. The WSD shall not be held liable or responsible for any loss or damage to any piping system due to reasons mentioned previously in this chapter.

§ 334-34. Protection from damage when water is shut off.

If the water is shut off, a faucet should be left open until the water is turned on. This will prevent damage to the piping and hot water tank.

§ 334-35. Air-conditioning systems.

All air-conditioning systems shall require a recirculating condenser.

§ 334-36. Protection from cross-connections.

- A. Provisions shall be made to prevent back-siphonage into the town's water system as required by the State Plumbing Code and the Town of Ashland's regulations contained in Appendix C.⁶⁸
- B. Fines. **[Added 5-26-1993 ATM, Art. 8]**
 - (1) Unauthorized septage dumping. Fine: three hundred dollars (\$300) per incident.
 - (2) Backflow prevention; failure to comply within time limits. Fine: one hundred dollars (\$100) per day.
- C. Unless otherwise provided by law, the authority to issue citations pursuant to this section shall be vested in such enforcement persons designated in writing by the Town Manager. **[Added 5-26-1993 ATM, Art. 8]**

§ 334-37. Use of water-saving fixtures.

The use of water-saving fixtures is strongly encouraged.

68. Editor's Note: Appendix C is included at the end of this chapter.

ARTICLE V
Distribution System

§ 334-38. General regulations.

- A. No subdivision water supply main shall be connected to any public water supply main of the WSD except as specifically directed, inspected and approved by the Superintendent.
- B. The approval of any private subdivision water supply system shall in no way make the WSD, its agents or the Town of Ashland responsible or liable for the operation, maintenance or satisfactory performance of the installation. Such responsibility shall rest with the applicant and/or property owner until the town accepts by vote in Town Meeting the same as part of the public water system of the Ashland Department of Public Works, Water and Sewer Division. **[Amended 10-18-2000 ATM, Art. 14]**
- C. All supply mains and appurtenances for private subdivisions shall be installed strictly in conformity with the standards and specifications of the American Water Works Association and those as determined by the Superintendent. All work shall be performed by a licensed pipelayer.
- D. Parties using water for domestic or manufacturing purposes may erect hydrants on their own grounds or standpipes on their buildings to be used only as a protection against fire, subject to approval by the WSD. The entire cost shall be borne by the property owner of the premises.
- E. Wherever the subdivision water main connects to the town's system, said connection shall be made by sleeves and valves located within the town's boundary lines.
- F. Water mains at all street intersections and the beginning and end of easements shall have valves installed on all sides of each tee or cross, fitted with gate boxes adjusted to the finished grade. Gate boxes shall have at least a six-inch overlap between vertical sections.
- G. Sectional isolating valves shall be installed in all lines of the water mains at eight-hundred-foot intervals.
- H. Approved fire hydrants shall be installed at intervals of not more than five hundred (500) feet by way of proposed streets and where designated by the WSD.
- I. No one shall operate valves in water mains except the WSD. Violators shall be prosecuted according to law.
- J. No dead ends shall be permitted. On dead-end streets, the full size water main shall be extended through easements to connect with existing water mains. On approved dead-end water mains, a valve shall be located with a hydrant within fifteen (15) feet of the dead end.
- K. If a manhole is required in place of a valve box for access to the operating nut on a valve, the expense shall be borne by the property owner.
- L. The WSD may designate a member of the WSD or duly authorized agent to supervise, inspect or approve work in accordance with the foregoing regulations. All expenses shall be borne by the applicant.
- M. The minimum size for water mains shall be eight (8) inches in diameter. The material shall be cement-lined Class 52 ductile iron.

§ 334-39. Subdivisions.

- A. There shall be no water main permit issued unless a water main construction application with the following information is provided in duplicate to the WSD at least forty-five (45) days prior to start of work. Any disapproval will be made within thirty (30) days.
- (1) The full name and address of the property owner of all properties involved.
 - (2) The names of proposed streets.
 - (3) The length, type and size of pipe to be installed.
 - (4) The number, distance between and type of hydrants to be installed.
 - (5) The number of house lots to be serviced by the new water main.
 - (6) Any such data as required by the WSD.
 - (7) The plan shall be at a scale of forty (40) feet to the inch, showing the exact locations of all new roads, proposed location of the water mains, valves, hydrants, services, points of junction with the public water supply system and any other information that may be required by the WSD. As-built drawings certified by a professional engineer shall be provided to the WSD before any services are activated. As-builts shall show ties to all fittings and valves. A Mylar and two (2) copies are required prior to occupancy permits being signed by the WSD's representative.
 - (8) The name and address of the contractor who shall install water mains and appurtenances.
 - (9) The name and address of the manufacturer of all materials which shall conform to the specification section of this chapter.
- B. Wherever the subdivision main connects with the town's system, connection shall be made by sleeves and butterfly valves located within the town's street lines.
- C. An impact study report (paid for by the developer) shall accompany each set of plans. The study shall include calculations of estimated average-day and maximum-day water demands for the proposed development, fire flow requirements [based on Insurance Services Office (I.S.O.) guidelines] and water pipeline sizes. The report shall also address what effects these water demands would have on the existing service area, including system pressures and fire flow capabilities.
- D. Final approval shall be granted only after submission review by the WSD's consulting engineer, which expense shall be borne by the developer.

§ 334-40. Approval.

- A. If approval to proceed with construction is not granted, the WSD shall inform the applicant of the disapproval and shall specify what measures, if any, must be taken to obtain approval.
- B. Approval of the completed installation shall not be granted until the WSD's representative has inspected installation of water mains, services and appurtenances at an opened trench. One (1) inspection shall be granted by the WSD free of charge during normal working hours. Additional inspections of the same job or inspections requested to be conducted outside normal working hours shall be charged according to the billing section of this chapter.⁶⁹

69. Editor's Note: See Article VIII, Fees and Billing.

- C. Upon completion of the construction of all water mains and appurtenances, the applicant shall certify, in writing, to the WSD that the installation complies in all respects to its rules and regulations.
- D. The WSD shall notify the applicant, in writing, that the installation has been approved, and water service shall be turned on by the WSD's representative only if all billing charges have been paid and the work approved.
- E. All contractors working on the Highway Division's roads shall comply with the town's rules and regulations regarding permits, bonding, cross trenches, police protection and all safety requirements.

§ 334-41. Work to be performed by licensed pipelayers; licenses; insurance.

- A. Licenses to perform work such as installation of water service pipes and public water mains or work in relation thereto will be issued only to experienced and competent licensed pipelayers. All applications for licenses must be accompanied by an application fee in the amount stipulated in the billing section of this chapter.⁷⁰ Licenses must be renewed each calendar year.
- B. This license fee is separate and distinct from any other application fees (or entrance fees) outlined previously or from license fees associated with sewer construction in the Town of Ashland.
- C. Pipelayers doing work hereunder shall maintain minimum insurance coverage as follows:
 - (1) Public liability: fifty thousand/one hundred thousand dollars (\$50,000/\$100,000).
 - (2) Property damage liability: fifty thousand/one hundred thousand dollars (\$50,000/\$100,000).
- D. Certificates of insurance acceptable to the WSD shall be filed with the WSD prior to the commencement of the work. These certificates shall contain a provision that coverages afforded under the policies will not be canceled unless at least fifteen (15) days' prior written notice has been given to the WSD.
- E. The WSD reserves the authority to revoke the license of any pipelayer if, in the WSD's opinion, his construction methods or materials are not in strict compliance with this chapter.

§ 334-42. Performance bonds required for construction.

Licensed pipelayers proposing to construct an extension to an existing water main, construction of water service piping or any other work in relation thereto which will be done within the limits of the Town of Ashland roadway takings, easements or other land under the control of the Town of Ashland shall be required to submit with the application for water main construction permit a performance bond of five thousand dollars (\$5,000), made out to the Town of Ashland.

70. Editor's Note: See Article VIII, Fees and Billing.

ARTICLE VI
House Services

§ 334-43. Responsibility for maintenance.

The property owner is responsible for the house service from the curb box and shutoff to the house. The WSD is responsible from the curb box to the water main.

§ 334-44. Service taps.

No one except the WSD shall tap the water main pipe for service connections unless prior written approval is received from the Superintendent of the WSD. The property owner shall pay all expenses incurred for making the tap.

§ 334-45. Requirements for turning on water service.

There shall be no water turned on to any property until a meter and outside register has been installed, along with a shutoff on the discharge side of the meter and the hookup approved by the Superintendent. Materials from the main to the building shall be supplied by the applicant. Compliances with all the WSD's rules and regulations must be made.

§ 334-46. Inspections.

One (1) inspection of a house service shall be made by the WSD during normal working hours. Additional inspections of the same service or inspections requested to be performed outside normal working hours shall be chargeable according to the billing section of this chapter.⁷¹

§ 334-47. Location of services.

The location of all water services must be planned to avoid the placing of service valves and boxes in driveways or sidewalks. Water shall not be supplied to services located otherwise.

§ 334-48. Cost of water main.

All expense from the water main to house or building shall be borne by the property owner.

§ 334-49. Sizes of service pipes.

The sizes of service pipes shall be approved by the Superintendent. The nomograph illustrated as Figure 1 shall be used to determine the required size of the service pipe.⁷²

§ 334-50. Water mains to extend to front of property.

In all cases, water mains shall extend to the front of the property before service connections are constructed.

§ 334-51. Charges.

A. Services shall be subject to all charges according to the billing section of this chapter.⁷³

71. Editor's Note: See Article VIII, Fees and Billing.

72. Editor's Note: Figure 1, Service Size Nomograph, is included at the end of this chapter.

73. Editor's Note: See Article VIII, Fees and Billing.

- B. A system development charge shall be assessed to all new services as contained in the billing section.

§ 334-52. Services to be inside house foundation.

- A. All services shall extend six (6) to twelve (12) inches inside the house foundation.
- B. No service pipe shall be installed past the curb stop and box before the building foundation has been completed or a permit obtained.

§ 334-53. Turning on or off of service valve.

No one except the WSD's representative shall turn on or off a service valve.

§ 334-54. Number of services per dwelling.

- A. There shall be only one (1) supply service for each dwelling.
- B. Duplex dwellings shall be supplied by individual metered services to each dwelling.
- C. Apartment houses or multiple complexes with four (4) or more bedrooms shall require a new service.

§ 334-55. Extension of existing service required.

The owner of a new home or building erected beyond the existing water main in any town street shall extend the main to the middle of his property before a service is supplied.

ARTICLE VII
Specifications

§ 334-56. Valves, hydrants and appurtenances.

- A. General. The property owner (developer/contractor) shall furnish and install valves, hydrants and appurtenances as indicated on the details in Appendix B and as herein specified.⁷⁴ The drawings submitted to and approved by the WSD shall contain these details and specifications. **[Amended 10-18-2000 ATM, Art. 14]**
- B. Resilient wedge valves.
- (1) Resilient wedge valves shall be the products of the Mueller Valve Co., Decatur, Illinois, or Kennedy Valve Manufacturing Co., Elmira, New York, or approved equal. Resilient wedge valves shall only be permitted on hydrant laterals.
 - (2) Resilient wedge valves shall be iron body, resilient seated type. The valves shall be designed for two hundred (200) pounds per square inch working pressure and four hundred (400) pounds per square inch test pressure. Valves are to have o-ring seals and a nonrising stem. Valves shall have a two-inch operating nut. Valves shall open left.
 - (3) Resilient wedge valves shall meet the most recent version of the AWWA standard C501. Resilient wedge valves shall have mechanical joint ends. Valves shall be connected directly to anchor tees on all hydrant branches.
- C. Butterfly valves.
- (1) The butterfly valves shall have a cast-iron body and shall conform to the AWWA specifications for Rubber-Seated Butterfly Valves, Designation: C504, except as otherwise specified herein. The butterfly valves shall be Model No. 450, manufactured by M&H Valve Co., or approved equal. The valves shall have mechanical joint ends when buried and flanged ends where exposed.
 - (2) The valves shall be Class 150B and suitable for a nonshock shutoff pressure of one hundred fifty (150) pounds per square inch. The valves shall provide bubble-tight shutoff at two hundred (200) pounds per square inch when tested for leakage in accordance with the above-mentioned AWWA C504. The valve shall be rejected if it does not pass this test.
 - (3) Butterfly valve designs utilizing continuous lining on the internal body surfaces and extending over the flanges will not be acceptable. Valve disks shall seat at an angle of ninety degrees (90°) to the axis of the pipe.
 - (4) Valve seats shall be of molded natural rubber. Rubber seats may be attached to the body or the disk. If the rubber seat is attached to the disk, the seat ring on the body shall be of stainless steel. The valve disk shall be of either cast Ni-Resist or cast iron Class 40 conforming to ASTM A48, Specification for Gray Iron Castings.
 - (5) Rubber seats mounted on the disk shall be securely clamped to the disk. All clamps, retaining rings and their fasteners shall be Series 300 stainless steel.

74. Editor's Note: Appendix B is on file in the office of the Town Clerk, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular business hours.

- (6) The valve shaft shall be Type 300 stainless steel or carbon steel with stainless steel joints. The valve disk and shaft connection shall be by means of mechanically secured taper pins extending through the disk and shaft. Taper pins, lock washers and nuts shall be 18-8 stainless steel. The shaft seals shall be designed for the use of standard chevron-type packing or standard o-ring seals.
- (7) The manual operating mechanism shall be firmly fixed to the valve body. The operator shall be permanently lubricated and shall be totally enclosed with a cast-iron case, and the hand wheel or two-inch nut for buried valves shall turn counterclockwise to open. The operator for buried valves shall be suitable for submersion. The operator shall be traveling-nut type designed to withstand four hundred fifty (450) foot-pounds of input torque at full open or closed positions without damage to the valve or operator.

D. Installation.

- (1) All valves shall be carefully erected and supported in their respective positions free from all distortion and strain. Care shall be taken to prevent damage or injury to the valves or appurtenances during handling and installation.
- (2) All material shall be carefully inspected for defects in workmanship and materials, all debris and foreign material shall be cleaned out of valve openings and seats, all operating mechanisms shall be operated to check their proper functioning and all nuts and bolts shall be checked for tightness. Valves and other equipment which do not operate easily or are otherwise defective shall be repaired or replaced at the contractor's expense. Mechanical joints shall be torqued to manufacturer's specifications.
- (3) Buried valves and valve boxes shall be set plumb and centered with the valve boxes directly over the valves. Earth fill shall be carefully tamped around the valve box to a distance of four (4) feet on all sides of the box or to undisturbed trench face, if less than four (4) feet.

E. Valve boxes.

- (1) Each valve shall be provided with a box. Covers shall have two (2) lifting holes, and the word "WATER" cast on the top. The top of the cover shall be flush with the top of the box rim.
- (2) Valve boxes shall be tar-coated cast iron and of the adjustable sliding, heavy pattern type. They shall be so designed and constructed as to prevent the direct transmission of traffic loads to the pipe or valve. The upper or sliding section of the box shall be provided with a flange having sufficient bearing area to prevent undue settlement. The lower section of the box shall be designed to enclose the operating nut and stuffing box of the valve and to rest on the backfill. The boxes shall be adjustable through at least six (6) inches vertically without reduction of the lap between sections to less than six (6) inches.
- (3) The inside diameter of boxes shall be at least four and one-half (4 1/2) inches, and the lengths shall be as necessary to suit the ground elevation [normal pipe cover five and zero-tenths (5.0) feet].

F. Tapping sleeve and valve.

- (1) The tapping sleeve and valve shall consist of a split cast-iron sleeve tee with mechanical joint ends on the main and a flange on the branch, and a tapping-type resilient wedge valve with one (1) flanged and one (1) mechanical joint end. The valve shall conform to the requirements hereinbefore specified for resilient wedge valves. The contractor shall be responsible for

verifying the outside diameter of the pipe to be tapped.

- (2) Before backfilling, all exposed portions of any bolts used to hold the two (2) halves of the sleeve together shall be heavily coated with two (2) coats of bituminous paint comparable to Inertol No. 66 Special Heavy. Sleeves shall be of cast iron conforming to ASTM A-126 Class B, furnished with rubber gaskets. Gaskets shall cover the entire area of flange surfaces.
- (3) Tapping sleeves and valves shall be made by Ludlow-Rensselaer Valve Co., Inc., Troy, New York; Eddy-Iowa Div., James B. Clow & Sons, Inc., Chicago, Illinois; A.P. Smith Mfg. Co., East Orange, New Jersey; Mueller Valve Co., Decatur, Illinois, or be approved equal products.

G. Hydrants.

- (1) The hydrants shall conform to the requirements of AWWA Standard for Dry Barrel Fire Hydrants for Ordinary Water Works Service, Designation: C502-80, or latest revision.
- (2) The hydrants shall have one (1) pumper of four and one-half (4 1/2) inches and two (2) hose connections of two and one-half (2 1/2) inches, NST, with a six-inch mechanical joint shoe. The hydrant shall be equipped with a main valve of five and one-fourth (5 1/4) inches and shall have bronze-to-bronze seatings and open left. Hydrants shall also have an eight-inch ductile-iron lower barrel and a fusion-bonded epoxy-coated shoe. There will be a travel-stop nut located on the upper stem to prevent damage due to excessive force. Upper stem threads will be lubricated by the use of an all-temperature grease and sealed by double o rings.
- (3) For the purpose of standardization, hydrants will be the Waterous Pacer-WB 67 or the U.S. Pipe Metropolitan.
- (4) The hydrants shall be thoroughly cleaned and given two (2) shop coats of paint in accordance with the above-mentioned AWWA Specification C502, latest edition. Paint color shall be federal safety red, as manufactured by Hydrant Hyde Paint, with reflective white bonnet and white caps.
- (5) The hydrant, with its buried valve and valve box, shall be set plumb and centered with the valve box directly over the valve. Backfill around the hydrant and valve shall be thoroughly compacted to a distance of four (4) feet on all sides of the box or to the undisturbed trench face if less than four (4) feet. The hydrant connecting pipe shall have at least five and one-half (5 1/2) feet of cover. The hydrant shall be set upon a slab of stone or concrete not less than four (4) inches thick and fifteen (15) inches square. The side of the hydrant opposite the pipe connections shall be firmly wedged against the vertical face of the trench with a poured concrete thrust block as indicated on the standard details. No less than five (5) cubic feet of broken stone shall be placed around the base of the hydrant at the location of the drain holes. Strict attention shall be given to ensure drainage holes are kept free of any concrete. Fifteen-pound roofing felt shall be placed between the concrete thrust block and the hydrant and drainage gravel. Backfill around the hydrant shall be thoroughly compacted to the grade line in a satisfactory manner. The hydrant and valve shall have the interiors cleaned of all foreign matter before installation and shall be inspected in both the open and closed position.
- (6) The bury of the hydrant shall be of sufficient length to allow the hydrant to be set at the proper elevation, as shown on the standard details. Extensions shall be furnished and installed at the contractor's expense when required for greater depths.
- (7) All hydrants shall be mechanically connected to the water mains using a main line anchoring

tee, fitted to take a six-inch resilient wedge valve mechanically connected on the side outlet, and a six-inch mechanical joint cement-lined cast-iron pipe to the hydrant. Retaining glands shall be used at all joints between the shutoff valve up to and including the hydrant. All bolts shall be torqued to manufacturer's specification.

- (8) Before exposure to the weather and after thorough cleaning to remove all rust, dirt, grease and other foreign matter, the equipment and appurtenances specified herein shall be painted in the shop as specified hereinafter. Ferrous surfaces which will be submerged shall be cleaned by sandblasting to remove all foreign matter. Following cleaning, the surfaces shall be painted in the shop as follows: interior and exterior surfaces of valves and valve appurtenances shall be given a shop finish of an asphalt varnish conforming to Federal Specification TT-V-51C, for Varnish Asphalt. Ferrous surfaces obviously not to be painted shall be given a shop coat of grease or other suitable protective coating.
- H. Corporation cocks. Corporation cocks shall be bronze and shall be the approved equal of Mueller Valve Co., Decatur, Illinois, or Ford Meter Box Co., Wabash, Indiana, for copper service tube. End joints shall be compression fittings.
- I. Tapping saddles. Tapping saddles shall be required on all cast-iron, polyvinyl chloride (PVC) and asbestos-cement (A.C.) pipe. Tapping saddles shall be Model 313, as manufactured by S&W.
- J. Curb stops. Curb stops shall be bronze with a lapped, ground key and shall be the approved equal of Mueller Valve Co., Decatur, Illinois, or Ford Meter Box Co., Wabash, Indiana, for copper tube service, compression joint.
- K. Copper tubing. For all residential services, type K copper tubing as noted in section M below may be allowed from the water main to the curb stop and to the meter connection for all service connections. **[Amended 11-28-2012 STM, Art. 12]**
- L. Meters. For the purposes of standardization, water meters shall be Trident T-10, provided with an ARB external reader and forty (40) feet of cable. Each meter shall be supplied with one (1) bent meter connection and one (1) straight meter connection. Meter connection nuts will have a hole in nut for purposes of sealing.
- M. PE Tubing. PE tubing may be allowed from the water main to the curb stop and to the meter connection for all residential service connections. Prior to approval, the applicant shall verify in writing to the Town that no petroleum constituents are present in subsurface soil in the vicinity of the service. If subsurface petroleum constituents are present in the subsurface soil in the vicinity of the service then type K copper tubing shall be required from the water main to the curb stop and to the meter connection for all service connections. Otherwise, plastic water services shall be Polyethylene manufactured of PE3408 materials with SDR-9 minimum wall thickness, as defined in ASTM D3350. Polyethylene pipe shall be blue plastic and pressure class 200 psi. Dimensional and performance characteristics shall conform to the requirements of AWWA C901. The use of polyethylene pipe and tubing may be allowed for water services two (2) inches or under in diameter (4-inch and larger diameter water services shall use cement lined ductile iron water pipe). Polyethylene pipe shall be installed with enough slack to compensate for settlement and compaction and shall be laid on a bed of sand with six inches below, above, and to either side of the tubing. Sand shall meet the specifications of the Massachusetts Department of Transportation Standard Specifications for Highways and Bridges M1.04.0 Type a. Tubing shall EITHER include an embedded trace wire as provided by Endopoly PE3408/PE4710 High Density Polyethylene Pipe manufactured by Endot Industries, Rockaway, NJ, or approved equal OR shall have a trace wire laid no more than six inches above the pipe. If trace wire is used then the wire shall be continuous, with

no splices, from the main to the structure. Trace wire shall be Copperhead Reinforced Tracer Wire by Copperhead Industries, Monticello, MN, or approved equal. [Added 11-28-2012 STM, Art. 12]

§ 334-57. Cement-lined ductile-iron pipe and fittings.

A. General.

- (1) The contractor shall furnish, handle, haul, lay, joint, test and disinfect all cement-lined Class 52 ductile-iron pipe, including fittings and appurtenant work.
- (2) The pipe shall be installed with a minimum of five and one-half (5 1/2) feet of cover. Where the pipe cannot be reasonably installed with this cover, the contractor shall furnish and install insulation as approved by the Division. The contractor must have permission from the WSD to install any pipe with less than five and one-half (5 1/2) feet of cover, prior to installation.
- (3) For buried ductile-iron pipelines, the contractor shall use push-on-joint-type pipe. All fittings for push-on-joint pipe shall have mechanical joint ends. The pipe and fittings shall be cement-lined and coated. The pipe joints shall have rubber gaskets.
- (4) In all cases, water mains shall be installed twelve (12) feet from the property line on proposed streets.

B. Standard specifications.

- (1) Class 52 ductile-iron pipe shall conform to ANSI A21.50 (AWWA H3) and ANSI A21.51 (AWWA C151).
- (2) Class 250 ductile-iron fittings shall conform to ANSI A21.10 (AWWA C110).
- (3) Short-bodied Class 350 ductile-iron fittings shall conform to ANSI A21.53 (AWWA C153).

C. Pipe joints. Where required, pipe and fittings shall be furnished with restraining glands, approved lugs or hooks cast integrally for use with bolts or bridle rods and socket clamps to keep the piping from pulling apart under pressure.

- (1) Flange joints shall conform to ANSI-A21.10, except that special drilling or tapping shall be as necessary to ensure correct alignment and bolting. Flanged pipe shall use long-hub flanges which shall be screwed on tight at the foundry by machine before they are faced and drilled.
- (2) Mechanical joints shall conform to ANSI-A21.11.
- (3) Push-on joints shall conform to ANSI-A21.11.

D. Fittings.

- (1) Fittings shall be Class 250 ductile iron or cast iron. Class 350 short-bodied fittings may be used at the contractor's option. Unless otherwise indicated, fittings shall have mechanical joint ends.
- (2) Flanged fittings shall be faced and drilled in accordance with ANSI-A21.10, except that special drilling or tapping shall be provided as necessary to ensure correct alignment and bolting.

E. Pipe for use with couplings. Pipe for use with sleeve-type couplings shall be as specified above, except that the ends shall be plain (without bells or beads).

F. Sleeve-type couplings.

- (1) To ensure correct fitting of pipe and couplings, all solid sleeve-type couplings and accessories shall be furnished by the supplier of the pipe and shall be Class 350, ductile iron through twelve-inch diameter and Class 250 ductile iron for greater than twelve-inch diameter.
 - (2) Couplings for buried pipe shall be iron and shall be solid, mechanical joint sleeve. The couplings shall be provided with epoxy-coated galvanized-steel bolts and nuts.
 - (3) All couplings shall be provided with gaskets.
- G. Split couplings. For connecting cast-iron pipe, split couplings may be used instead of sleeve-type couplings. Split couplings shall be made of malleable iron and shall be suitable for use with grooved-end or shouldered-end cast-iron pipe. They shall be Victaulic Couplings made by the Victaulic Co. of America, Elizabeth, New Jersey; Gruvagrip couplings made by Gustin-Bacon Mfg. Co., Kansas City, Missouri; Groove couplings made by Eastern Malleable Iron Co., Pittsburgh, Pennsylvania; or approved equal products.
- H. Lining and coating.
- (1) All pipe and fittings shall be lined and coated as specified below.
 - (2) The inside of pipes and fittings shall be given a cement lining and bituminous seal coat in accordance with ANSI-A21.4.
 - (3) The outside of pipe and fittings shall be coated with the standard bituminous coating specified under the appropriate ANSI standard specification for the pipe and fittings.
 - (4) Machined surfaces shall be cleaned and coated with a suitable rust-preventative coating at the shop immediately after being machined.
- I. Inspection and testing.
- (1) All pipe and fittings shall be inspected and tested at the foundry as required by the standard specifications to which the material is manufactured. The contractor shall furnish, in duplicate, to the WSD sworn certificates of such tests.
 - (2) In addition, the WSD reserves the right to have any or all pipe, fittings and special castings inspected and/or tested by an independent service at either the manufacturer's plant or elsewhere. Such inspection and/or tests shall be at the WSD's expense.
 - (3) Pipes and fittings shall be subjected to a careful inspection and a hammer test just before being laid or installed.
- J. Handling and cutting pipe.
- (1) The contractor's attention is directed to the fact that cast-iron fittings and cement linings are comparatively brittle. Every care shall be taken in handling and laying pipe and fittings to avoid damaging the pipe and linings, scratching or marring machined surfaces and abrasion of the pipe coating or lining.
 - (2) Any fitting or pipe showing a crack or which has received a severe blow that may have caused an incipient fracture, even though no such fracture can be seen, shall be marked as rejected and removed at once from the work.
 - (3) In any pipe showing a distinct crack or deformity and in which it is believed there is no incipient

deformity beyond the limits of the visible deformity, the deformed portions, if so approved, may be cut off by and at the expense of the contractor before the pipe is laid so that the pipe used may be perfectly sound. The cut shall be made in the sound barrel at a point at least twelve (12) inches from the visible limits of the deformity. Edges of pipe at the cut shall be beveled to eliminate all sharp edges.

- (4) Except as otherwise approved, all cutting shall be done with a machine suitable for cutting ductile-iron pipe.
- (5) Hydraulic squeeze cutters are not acceptable for cutting ductile iron pipe. Travel-type cutters and guillotine or rotary-type abrasive saws may be used. All cut ends shall be examined for possible defects caused by cutting.
- (6) The contractor's attention is directed to the fact that damage to the lining or pipe or fittings will render them unfit for use; he shall use the utmost care in handling and installing lined and coated pipe and fittings to prevent damage. Protective guards shall not be removed until the pipe is to be installed.
- (7) Lined and coated pipe and fittings shall be installed as and assembled with approved packing or gaskets of the type recommended by the pipe manufacturer for the particular lining used.

K. Installing pipe and fittings.

- (1) No defective pipe or fittings shall be laid or placed in the trench, and any piece discovered to be defective after having been laid or placed shall be removed and replaced by a sound and satisfactory piece.
- (2) Each pipe and fitting shall be cleared of all debris, dirt, etc., before being laid and shall be kept clean until accepted in the complete work.
- (3) Pipe and fittings shall be laid accurately to the lines and grades indicated on the drawings or as required. Care shall be taken to ensure a good alignment both horizontally and vertically. The pipe shall be laid on wood blocks, with two (2) blocks required for each length of pipe for support.
- (4) In buried pipelines, each pipe shall have a firm bearing along its entire length.
- (5) The deflection of alignment at a joint shall not exceed the appropriate permissible deflection as specified in the tabulation titled "Pipe Deflection Allowances."

Pipe Deflection Allowances
Maximum Permissible Deflection*
(inches)

Size of Pipe (inches)	Push-on-Joint
8	19
10	19
12	19
16	15

Pipe Deflection Allowances
Maximum Permissible Deflection*
(inches)

Size of Pipe
(inches)

Push-on-Joint

* NOTE: Maximum permissible deflection for eighteen-foot length. Maximum permissible deflections for other lengths shall be in proportion of such lengths.

- (6) Castings to be encased in masonry shall be accurately set with the bolt holes, if any, carefully aligned.
- (7) Immediately prior to being set, castings shall be thoroughly cleaned of all rust, scale and other foreign material.
- L. Assembling push-on-joint pipe.
 - (1) Joining of push-on-joint pipe shall conform to the American Water Works Association AWWA Standard Specifications, Designation: C600, latest revision.
 - (2) If effective sealing of the joint is not attained, the joint shall be disassembled, thoroughly cleaned, a new gasket inserted and the joint reassembled.
- M. Assembling mechanical joint fittings. Assembling of fittings with mechanical joint ends shall conform to AWWA Standard Specification: C600, latest revision. Thrust blocks and retainer glands shall be used at all valves, hydrants, fittings and bends in excess of forty-five degrees (45°) and shall be of the size and type as shown on the Hydrant Setting Detail and the Thrust Block Detail in the Standard Details. Precast concrete blocks may be used as thrust blocks, provided that they meet the same criteria as poured-in-place concrete and are acceptable to the WSD.
- N. Temporary plugs. At all times when pipe laying is not actually in progress, the open ends of pipe shall be closed by temporary watertight plugs or other approved means. If water is in the trench when work is resumed, the plug shall not be removed until all danger of water entering the pipe has passed.
- O. Bolted joints.
 - (1) Materials for bolted joints shall be as hereinbefore specified.
 - (2) Before the pieces are assembled, rust-preventative coatings shall be removed from machined surfaces. Pipe ends, sockets, sleeves, housings and gaskets shall be thoroughly cleaned, and all burrs and other defects shall be carefully smoothed.
 - (3) If effective sealing of the joint is not attained at the recommended maximum torque, the joint shall be disassembled and thoroughly cleaned, then reassembled. Bolts shall not be overstressed to tighten a leaking joint. A torque wrench shall be used.
- P. Pressure and leakage tests.
 - (1) Except as otherwise directed, all pipelines shall be given combined pressure and leakage tests in sections of approved length. The contractor shall furnish and install suitable temporary testing plugs or caps; all necessary pressure pumps, pipe connections, meters, gates and other necessary equipment; and all labor required. The WSD shall have the privilege of using its own gauges.

- (2) Subject to approval and provided that the tests are made within a reasonable time considering the progress of the project as a whole and the need to put the section into service, the contractor may make the tests when he desires, utilizing a testing company approved by the WSD. However, pipelines in excavation or embedded in concrete shall be tested prior to the backfilling of the excavation or placing of the concrete, and exposed piping shall be tested prior to field painting.
- (3) Unless it has already been done, the section of pipe to be tested shall be filled with water of approved quality, and all air shall be expelled from the pipe. If hydrants or blowoffs are not available at high points for releasing air, the contractor shall make the necessary excavations and do the necessary backfilling and make the necessary taps at such points and shall plug said holes after completion of the test.
- (4) The section under test shall be maintained full of water for a period of twenty-four (24) hours prior to the combined pressure and leakage test being applied.
- (5) The pressure and leakage test shall consist of first raising the water pressure (based on the elevation of the lowest point of the section under test and corrected to the gauge location) to a pressure of two hundred (200) pounds per square inch. If the contractor cannot achieve the specified pressure and maintain it for a period of one (1) hour, the section shall be considered as having failed to pass the pressure test.
- (6) Following or during the pressure test, the contractor shall make a two-hour leakage test by metering the flow of water into the pipe while maintaining in the section being tested a pressure of one hundred fifty (150) pounds per square inch. If the average leakage is equal to or less than that allowed under AWWA Standard C600, latest revision, for installation of that specific pipe, the section shall be considered as having passed the leakage test.
- (7) If the section fails to pass the pressure and leakage tests, the contractor shall do everything necessary to locate, uncover and repair or replace the defective pipe, fitting or joint, all at his own expense. Additional tests and repairs shall be made until the section passes the specified test.

Q. Disinfecting and flushing.

- (1) The contractor shall disinfect all pipelines he has installed.
- (2) The contractor shall furnish all equipment and materials necessary to do the work of disinfecting and shall perform the work in accordance with the procedure outlined in the AWWA Standard for Disinfecting Water Mains, Designation: C651, latest revision, as approved by the WSD's representative. The chlorine dosage shall be such as to produce not less than ten (10) milligrams per liter residual after a contact time of twenty-four (24) hours. During the disinfection period, care shall be exercised to prevent contamination of water in existing mains.
- (3) After disinfecting treatment, the main shall be flushed with clean water until the residual chlorine content does not exceed zero and two-tenths (0.2) milligrams per liter.
- (4) The contractor shall dispose of the water used in disinfecting and flushing in an approved manner.
- (5) A bacteriological sample shall be taken and submitted to a laboratory approved by the WSD's representative with all costs borne by the contractor. Test results from the laboratory are to be sent directly to the Ashland Water and Sewer Division, Box 9, Ashland, Massachusetts, 01721,

by the laboratory.

R. Failure of system.

- (1) The contractor will be required to make test excavations to ascertain that the proposed position of the connections to existing mains will be clear of joints, fittings or other obstructions.
- (2) If any failure occurs in connecting to existing mains, service shall be restored in the shortest possible time, the contractor working around the clock, if necessary. He shall cooperate with the WSD in notifying the consumers or supplying emergency water. If required by the WSD, the contractor shall make connections to water mains during night hours, on Sunday or at another off-peak time for the demand for water. The contractor shall be responsible for maintaining all existing services and repairing any damages to existing utilities.

§ 334-58. Backfilling, paving and materials.

A. Backfilling pipe trenches.

- (1) As soon as practicable after the pipes have been laid, backfilling shall be started. The contractor's attention is directed to backfilling trenches at pipe joints. At his own risk, the contractor may backfill the entire trench, including backfill at joints. He shall, however, be responsible for removing and replacing such backfill, at his own expense, in order to locate, repair or replace leaking or defective joints or pipe.
- (2) Tree stumps or roots twelve (12) inches or longer will be considered unsuitable material for backfilling of trenches. No stone, rock or pieces of bituminous pavement larger than twelve (12) inches in greatest dimension shall be placed in the backfill nor shall large masses of backfill be dropped into the trench in such a manner as to endanger the pipeline.
- (3) Should a sufficient quantity of excavated material be classified by the WSD as unsuitable for backfilling such that backfilling of the trench cannot be completed with the excavated material, the contractor shall supply gravel borrow to complete the backfilling.
- (4) Backfill of the trench up to a level of twelve (12) inches above the top of the pipe shall be done by hand shovel with earth fill free from stones having any dimension greater than three (3) inches.
- (5) This area of backfill is considered the zone around the pipe and shall be thoroughly compacted before the remainder of the trench is backfilled. Compaction of the zone around the pipe shall be done by use of power-driven tampers weighing at least twenty (20) pounds. Care shall be taken that material close to the bank, as well as in all other portions of the trench, is thoroughly compacted to a density of ninety-five percent (95%).
- (6) The remainder of the trench above the zone around the pipe shall be backfilled and compacted. Compaction of backfill in the remainder of the trench shall be done in layers not exceeding twelve (12) inches in depth and by use of power-driven tampers weighing at least twenty (20) pounds. Water jetting shall be used only when approved by the WSD.

B. Restoring trench surface. Where the trench occurs adjacent to paved streets in shoulders, sidewalks or in cross-country areas, the contractor shall thoroughly consolidate the backfill and shall maintain the surface as the work progresses. If settlement takes place, he shall immediately deposit additional fill to restore the level of the ground. Adjacent to streets and highways, the top twelve-inch layer of trench backfill shall consist of compacted gravel. If, in the opinion of the WSD, the top twelve-inch

layer is unsuitable for use as subgrade or shoulder material, it may order the contractor to remove this layer and to provide gravel subbase. The contractor shall maintain repair of the trench for one (1) year from the date of surfacing or backfilling.

C. State highway paving. Work to be done on roads designated as state highways shall conform to the following subsections. References are made to sections and terms of the state highway specifications.

- (1) The gravel subbase shall conform to that as specified under Section 2E-8, Gravel Subbase, of the state specifications. The subbase shall be a minimum of twenty (20) inches, compacted measure, and shall be entirely new gravel subbase.
- (2) After backfilling has been completed and subgrades reestablished, a two-inch bituminous concrete Type I-1 temporary pavement shall be installed and maintained by the contractor. Permanent pavement shall not be placed until a period of at least ninety (90) days has elapsed from the time of trench backfilling.
- (3) When directed by the Superintendent or the Massachusetts Department of Public Works, the contractor shall remove the temporary pavement and regrade the gravel subbase for installation of permanent pavement. The permanent pavement shall consist of a six-inch cement concrete slab, a two-inch binder course and a one-half-inch-to-three-fourths-inch top course.
- (4) The concrete slab shall be cast-in-place conforming to Massachusetts standard specifications for Class F cement concrete and shall be high early strength. The slab shall be reinforced as required.
- (5) The binder course shall be Class I bituminous concrete pavement, Type I-1, and shall be in accordance with Section 460 of the standard specifications.
- (6) Upon completion of the binder course, the contractor shall install the surface treatment or top course which shall consist of Class I dense bituminous concrete, Type ST, machine laid. In the case of a transverse trench, the top course shall extend thirty (30) feet beyond the limits of each edge of the trench and vary in depth from three-fourths (3/4) inch to one-half (1/2) inch.
- (7) The contractor shall notify the District 4 Office of the Department of Public Works twenty-four (24) hours prior to the start of work. The District 4 Office is located at 519 Appleton Street, Arlington, Massachusetts, 02174, telephone number 648-6100. All work shall be done as directed by and to the satisfaction of the engineer from the Massachusetts Department of Public Works.

D. Temporary pavement (non-state highways).

- (1) Where directed by the WSD and immediately after backfilling, the contractor shall place temporary bituminous pavement between the edges of the existing pavement. It shall consist of Class I bituminous concrete pavement, Type I-1, two (2) inches thick, in accordance with Section 460 of the Standard Specifications for Highways and Bridges of the Department of Public Works of the Commonwealth of Massachusetts, dated 1973, and all amendments thereto.
- (2) The temporary pavement shall be repaired as necessary to maintain the surface of the pavement until replaced by the permanent pavement. When so directed by the WSD, the contractor shall remove the temporary pavement and regrade the subbase for installation of permanent pavement.

E. Permanent pavement (non-state highways).

- (1) The bituminous paving mixture, equipment, methods of mixing and placing and the precautions to be observed as to weather condition of base, etc., shall be in accordance with Section 460 of the Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works.
 - (2) The bituminous concrete pavements shall consist of Class I bituminous concrete, Type I-1, as shown in Section 460 of the Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works.
 - (3) The edges of the existing pavement shall be trimmed back to a reasonably smooth line subject to the approval of the Ashland Highway Division. Immediately prior to installing the binder course, the trimmed edges shall be stable and unyielding, free of loose or broken pieces, and all edges shall be thoroughly broom cleaned. The contact surfaces of bridge curbs, manholes, catch basins or other appurtenant structures in pavement shall be painted thoroughly with a thin uniform coating of bitumen (Specifications C-8) just before any mixture is placed against them.
 - (4) The binder course shall be two and one-half (2 1/2) inches thick, compacted, and the mixture shall be within the composition limits of binder course as shown in Section M3.11.00 of Massachusetts Department of Public Works Standards. It shall be placed only between the edges of the existing pavement.
 - (5) The top course of pavement shall be one and one-half (1 1/2) inches thick, compacted, and the mixture shall be within the composition limits of top course as shown in Section M3.11.00 of Massachusetts Department of Public Works Standards.
- F. Pavement maintenance and repair. If points of settlement or holes appear in the temporary pavement, binder course pavement or top course pavement, the contractor shall repair the same within twenty-four (24) hours of notification by the WSD. In emergency situations, the contractor shall make repairs immediately.
- G. Sidewalk and curbing replacement.
- (1) Where the replacement of sidewalks is required, the contractor shall construct either bituminous concrete sidewalks or cement concrete sidewalks, as determined in the field, to the required lines and grades and in accordance with these specifications.
 - (2) If applicable, the contractor shall restore gravel sidewalks to a condition at least equal to that before the work was started.
- H. Unsuitable material.
- (1) If material unsuitable for use in trenches is found (peat, muck, wood, tree stumps, roots, etc.), the contractor shall remove such material to the required width and depth and replace it with thoroughly compacted bank-run gravel as directed.
 - (2) Material shall be sand or small stone gravel or, in the case of installation below the water table, bedding shall be one-fourth-by-three-fourths-inch approximate-sized stone from a depth of six (6) inches below the bottom of the water main to a point equal to the top of the water main and the full width of the trench. The trench shall be dewatered to allow the bedding stone to be placed on a firm bottom and the pipe to be installed without getting trench water in the pipe.

ARTICLE VIII
Fees and Billing

§ 334-59. Billing address. [Amended 10-18-2000 ATM, Art. 14]

Consumers shall be responsible for furnishing the WSD with the correct billing address and names.⁷⁵ All changes in billing addresses shall be in writing.

§ 334-60. Failure to receive bill.

Failure to receive bills shall not constitute a reason for extension of time for payment.

§ 334-61. Explanation of fees.

- A. The index presented below should be used to assist the consumer in finding the reference that explains fees associated with services performed by the Water and Sewer Division.

Subject	Reference
New house services	Subsections B(1) and (2)
Water rates	Subsection B(2)
New subdivisions	Subsections B(1) and (3)
New sprinkler systems	Subsection B(4)
Testing meter	Subsection B(5)
Resealing meter	Subsection B(6)
Frozen meter reset	Subsection B(7)
Turn water on and off	Subsection B(8)
Cross-connection device test	Subsection B(9)
Final meter readings	Subsection B(10)
Replace water meter valves	Subsection B(11)
Fine for second estimated bill	Subsection B(12)
Inspection charges	Subsection B(13)
License fees	Subsection C(1)
Road reconstruction	Subsection C(2)

- B. House services; building services.⁷⁶ **[Amended 10-18-2000 ATM, Art. 14]**

- (1) New water service, complete, from water main to edge of property, including water main tap: as set by the Department of Public Works.
- (2) Water rates: as set by the Department of Public Works.

75. Editor's Note: At the 3-5-1924 ATM it was voted that after December 31, 1924, the water rates be collected from the landlord or owner of the property. A copy of the notice to this effect is a part of Appendix A of this chapter. Said Appendix A, including such notice, is on file in the office of the Town Clerk, the Department of Public Works, the Planning Office and the office of the Building Inspector and may be examined there during regular business hours.

76. Editor's Note: For a complete listing of fees, see Ch. A352.

- (3) Water main tapping fees: as set by the Department of Public Works.
 - (4) Sprinkler connections: as set by the Department of Public Works.
 - (5) Test meter at customer's request: as set by the Department of Public Works.
 - (6) Resealing meter that has been tampered with: as set by the Department of Public Works.
 - (7) Frozen meter reset, up to one-inch (over one-inch is property owner's responsibility): as set by the Department of Public Works.
 - (8) Turning on or off water: as set by the Department of Public Works.
 - (9) Cross-connection test fee, per device: as set by the Department of Public Works.
 - (10) Final meter readings: as set by the Department of Public Works.
 - (11) Replace water meter valves within homes: as set by the Department of Public Works.
 - (12) Fine for second estimated water and sewer bill: as set by the Department of Public Works.
 - (13) Inspection charges: as set by the Department of Public Works.
- C. Other charges.⁷⁷ [**Amended 10-18-2000 ATM, Art. 14**]
- (1) Drain layer's license:
 - (a) Including one (1) copy of WSD rules and regulations: as set by the Department of Public Works.
 - (b) Additional copies of rules and regulations: as set by the Department of Public Works.
 - (2) Road reconstruction: as set by the Department of Public Works.

77. Editor's Note: For a complete listing of fees, see Ch. A352.

ARTICLE IX

Powers and Authority of Inspectors

§ 334-62. Right to enter property.

The WSD and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation and meter reading in accordance with the provisions of this chapter.

§ 334-63. Liability.

While performing the necessary work on private properties referred to above, the WSD or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the property owner, and the property owner shall be held harmless for injury or death to the town employees, and the town shall indemnify the property owner against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of inspection or meter reading operations, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

ARTICLE X
Enforcement

§ 334-64. Service of notice.

Any person found to be violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 334-65. Violations and penalties.

- A. Any person who shall continue any violation beyond the time limit provided for in the notice shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding one hundred dollars (\$100) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- B. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation.

ARTICLE XI

Repealer; Severability; When Effective

§ 334-66. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 334-67. Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

§ 334-68. When effective.

This chapter shall be in full force and effect from and after its passage, approval, recording and publication, as provided by law.

ASHLAND CODE

Chapter 338

SANITATION

[HISTORY: Adopted by the Town of Ashland 5-10-2006 ATM by Art. 18. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 338-1. Billing.

Effective July 1, 2006, invoices issued by the Town for charges related to municipal waste collection and recycling shall be considered due and payable thirty (30) days from the bill date. Charges that remain unpaid after such due dates shall accrue interest at a rate of fourteen percent (14%) per annum.

Division 6: Miscellaneous Regulations

Chapter 339

FOREST

[HISTORY: Adopted by the Town Forest Committee of the Town of Ashland. Amendments noted where applicable.]

GENERAL REFERENCES

Forest — See Ch. 153.

§ 339-1. Maintenance in natural state.

The Ashland Town Forest shall be kept in its natural state.

§ 339-2. Availability.

- A. The Ashland Town Forest shall remain available to all Ashland residents and groups, provided that they do not damage or jeopardize the forest and its environment in any way.
- B. Any group using the forest must be based in Ashland.

§ 339-3. Prohibited activities.

- A. There can be no removal of soil.
- B. There can be no dumping, littering or polluting of any sort.
- C. There can be no fires, unless authorized by the Ashland Fire Department.

§ 339-4. Cutting of firewood.

Selective cutting of firewood will be done under the authorization of the Town Forest Committee. Cutting will be permitted to Ashland residents only. The wood cannot be sold and must be used in Ashland residences only. Cutting will be for the purpose of improving the natural growth throughout the forest.

§ 339-5. Camping.

There can be no unauthorized camping in the forest.

§ 339-6. Liability.

- A. Any person or persons entering or using the Ashland Town Forest do so at their own risk.
- B. The Town of Ashland and the Ashland Town Forest Committee will not be liable or responsible for any injury, loss or damage.

ASHLAND CODE

Chapter 339A

PLANNING DEPARTMENT AND ZONING BOARD OF APPEALS FEES

[HISTORY: Adopted by the Planning Board of the Town of Ashland as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Planning Department Fees**[Adopted by the Planning Board of the Town of Ashland 1-19-2019]****§ 339A-1. Fees established.**

Site Plan Review:		
Industrial/Commercial (Square Feet):		
	0 to 2,000 square feet	\$775
	2,001 to 5,000 square feet	\$1,025 + peer review deposit of \$2,000
	5,001 to 10,000 square feet	\$2,025 + peer review deposit of \$3,500
	Greater than 10,000 square feet	\$2,025 + \$0.15 per square feet of Gross Floor Area + peer review deposit of \$6,000
Residential (Square Feet):		\$25 + \$250 per residential unit + peer review deposit of \$2,500
Special Permit Application:		\$400
Special Permit Modification*:		\$400* (may be waived at Board's discretion if changes are deemed minor)
Subdivision Application:		
	Approval Not Required:	\$250 + \$150 per additional lot created
	Preliminary Plan Approval:	\$1,600 + \$150 per lot + peer review deposit of \$2,500
	Definitive Plan Approval:	\$2,100 + \$500 per lot + peer review deposit of \$5,000
	Modification of Preliminary Plan	\$1,600 + peer review deposit of \$1,500
	Modification of Definitive Plan	\$1,600 + peer review deposit of \$2,500
Other Costs:		
	Lot Release:	\$150 per lot
	Lot Re-Release:	\$50 per lot
	Design Review Fee:	\$50
	Abutter List:	\$2 per abutter, \$50 max (Obtained at Assessors Department)

Site Plan Review:		
	CoUrbanize Fee:	Varies (see CoUrbanize Fee Schedule)

§ 339A-2. CoUrbanize fee schedule.

Application Type	CoUrbanize Requirement
Site Plan Review	CoUrbanize Required
Site Plan Review (Pertaining to Uses Proposed for ADD, A, B & C)	Town Planner or Planning Board determines whether CoUrbanize is required
Special Permit	Town Planner or Applicable Regulatory Board (PB/ZBA) determines whether CoUrbanize is required
Subdivision Permit (Cluster Included)	CoUrbanize Required
Comprehensive Permit (40B)	CoUrbanize Required
Additional Customization*	Applicable Regulatory Board determines whether CoUrbanize is required

The requirement to engage the services of CoUrbanize, as listed above, only pertains to the basic CoUrbanize package, not additional customization services.

Project Type	Building Size (square feet)	Total Fee Charged by the Planning Department
Small	0 to 24,999 square feet	\$600
Medium	25,000 to 74,999 square feet	\$1,100
Large	75,000 to 149,999 square feet	\$2,500
Very Large	150,000 square feet and Greater	\$3,950

*

The Town Planner and/or Planning Board will determine whether and to what extent additional customization services are required. Any applicant can be granted a waiver from engaging the services of CoUrbanize, at the discretion of the Planning Board.

Additional Customization*	
Traffic	\$1,500
Shadow	\$1,750
Parking	\$500

Additional Customization*	
Other Impact Study	\$1,500

ARTICLE II

Zoning Board of Appeals Fees**[Adopted by the Zoning Board of Appeals of the Town of Ashland 3-12-2019]****§ 339A-3. Fees established.⁷⁸**

Application Type	Fee
Special Permit	\$250
Modification/Extension of Special Permit	\$200
Variance	\$400
Modification/Extension of Variance	\$400
Administrative Appeal of Building Inspector Decision	\$400

Peer Review Deposit	
2 to 15 Lots/Units	\$4,000
16 to 20 Lots/Units	\$6,000
21 to 25 Lots/Units	\$10,000
26 to 74 Lots/Units	\$20,000
75 or More Lots/Units	\$30,000
20 or Fewer Parking Spaces	\$2,500
21 or More Parking Spaces	\$5,000
Wireless Commercial Facility	\$3,000
Appeal of Building Inspector for 2+ Lots	\$1,000

Note: Unused Peer Review funds will be returned to the applicant at the end of the process. The applicant may request details on the account at any time from the Planning Department.

Public Hearing Associated Costs

Pursuant to State Law (M.G.L. Ch. 40A, Section 11), the ZBA requires public hearings for the above matters. There are additional fees for the following:

Abutter List	\$2 per abutter, \$50 max (Obtained and Paid at Assessor's Department)
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The Zoning Board of Appeals may require a peer review consultant and/or posting of the project on CoUrbanize.com at the expense of the applicant.

78. Editor's Note: See also § 339A-2, CoUrbanize fee schedule.

Please be aware that the Planning Department may hold back decisions and/or permits until all checks have been received.

(RESERVED)

Chapter 340

(RESERVED)

[Former Ch. 340, Redevelopment Authority, adopted 5-13-2003 ATM by Art. 18, was removed from the Code pursuant to Chapter 448 of the Acts of 2018, approved 1-11-2019. Said Chapter 448 of the Acts of 2018 dissolved the Redevelopment Authority in the Town of Ashland. See Chapter A351, Acceptance of General Laws and Special Acts.]

Chapter 343**STORMWATER MANAGEMENT**

[HISTORY: Adopted by the Conservation Commission of the Town of Ashland 5-28-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Soil removal — See Ch. 242.

Zoning — See Ch. 282.

Stormwater management — See Ch. 247.

Sewers — See Ch. 326.

Wetlands protection — See Ch. 280.

§ 343-1. Purpose.

The purposes of these Stormwater Management Regulations are to:

Protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development and redevelopment, as more specifically addressed in the Stormwater Management Bylaw of the Town of Ashland.⁷⁹

Establish uniform regulations and procedures for conducting the business of the Conservation Commission under its jurisdiction as a Permit Granting Authority for the Ashland Stormwater Management Bylaw.

§ 343-2. Authority.

The Rules and Regulations (Regulations) contained herein have been adopted by the Town of Ashland Conservation Commission (Commission) in accordance with the Town of Ashland Stormwater Management Bylaw (hereinafter "The Bylaw").

- 2.1 Nothing in these Regulations is intended to derogate from or replace the requirements of the Town of Ashland Wetlands Protection Bylaw or any Rules and Regulations adopted thereunder.
- 2.2 These Stormwater Regulations may be periodically amended by the Commission in accordance with the Town of Ashland Stormwater Management Bylaw.

§ 343-3. Applicability.

The Stormwater Management Bylaw is applicable to illicit discharges and all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to the Stormwater Management Bylaw.

Any person applying for a Stormwater Management Permit (hereinafter "SMP") under the Stormwater

79. Editor's Note: See Ch. 247, Stormwater Management.

Management Bylaw, whether or not governed by any other federal, state or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Regulations. An SMP shall be required from the Commission for the following:

- 3.1 Any activity subject to Site Plan Review (§ 282-6);
- 3.2 Any activity that will result in soil disturbance of 10,000 square feet, or more than fifty percent (50%) of the parcel or lot, whichever is less;
- 3.3 Any residential development or redevelopment of five (5) or more acres of land proposed pursuant to "the Subdivision Control Law" G.L. c. 41, sections 81K to 81GG inclusive, or proposed under a special permit process pursuant to G.L. c. 40A, sec. 9;
- 3.4 Any activity that will increase the amount of impervious surfaces more than 50% of the area of a parcel or lot, and
- 3.5 Any activity that will disturb land with 15% or greater slope and where the land disturbance is greater than or equal to 5,000 square feet within the sloped area.
- 3.6 Any activity that will alter, fill or degrade a wetland, body of water, floodplain or isolated depression subject to flooding.

§ 343-4. Exemptions.

The following activities are exempt from the requirements of The Bylaw:

- (1) Normal maintenance of Town owned public land, ways and appurtenances;
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04, and MGL Chapter 40A, Section 3;
- (3) Repair or replacement of septic systems when approved by the Board of Health for the protection of public health;
- (4) Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
- (5) The construction of fencing that will not alter existing terrain or drainage patterns;
- (6) Construction and associated grading of a way that has been approved by the Planning Board;
- (7) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the Conservation Commission fourteen (14) days prior to commencement of activity;
- (8) The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals, or
- (9) Activity in accordance with the terms of an existing Order of Conditions or Determination of Applicability issued by the Commission pursuant to M.G.L. Ch. 131, Section 40, or the Ashland Wetlands Protection Bylaw, Chapter 280 of the Code of the Town of Ashland.

§ 343-5. Definitions.

The definitions contained herein apply to issuance of an SMP established by the Town of Ashland Stormwater Management Bylaw and implemented through these Stormwater Regulations. Terms not defined in this section or in The Bylaw shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

AGRICULTURE

The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTER

Any activity that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area and will measurably change the ability of a ground surface area to absorb water. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. "Alter" may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT

Any person, as defined below, requesting a stormwater management permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY

The Conservation Commission (hereinafter "the Commission") and its employees or agents or other employee of the Town of Ashland shall be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP)

Structural and nonstructural techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in storm water volumes and flows, reduce point source and nonpoint source pollution, and promote storm water quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of storm water runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN

Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. "Better site design" includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

CERTIFIED LIST OF ABUTTERS

A list of abutters, certified by the Assessors Office; (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the Applicant, including any in another municipality or across a body of water).

CONSTRUCTION AND WASTE MATERIALS

Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

CONVEYANCE

Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

DISTURBANCE OF LAND

Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

DISTURBED AREA

An area, man-made or natural, where the existing condition has been or is proposed to be altered.

DRAINAGE EASEMENT

A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

ENVIRONMENTAL SITE MONITOR

A professional engineer or other trained professional selected by the Commission and retained by the holder of a stormwater management permit to periodically inspect the work and report to the Commission.

EROSION

A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

EROSION CONTROL

The prevention or reduction of the movement of soil particles or rock fragments.

EROSION CONTROL PLAN	A document containing narrative, drawings, and details developed by a Qualified Professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during all phases of construction related land disturbance activities.
ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS	Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00)
FLOOD CONTROL	The prevention or reduction of flooding and flood damage.
FLOODING	A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.
GENERAL STORMWATER MANAGEMENT PERMIT (GSMP)	A permit issued for an application that meets a set of pre-determined standards outlined in the Regulations to be adopted by the Commission under this Bylaw. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of this Bylaw.
GRADING	Changing the level or shape of the ground surface.
GROUNDWATER	All water beneath any land surface including water in the soil and bedrock beneath water bodies.
GRUBBING	The act of clearing land by digging up roots and stumps.
HOTSPOT	Land uses or activities with higher potential pollutant loadings, such as, but not limited to, auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.
ILLICIT DISCHARGES	Any discharge to a stormwater structure, stream, lake, pond, vernal pool, body of water or wetland that is or has not been permitted, waived or exempted by the Town (state and/or federal regulations).

IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation, parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel, compacted dirt surfaced roads and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

INFILTRATION

The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

ISOLATED DEPRESSION SUBJECT TO FLOODING

An isolated depression or closed basin which serves as a ponding area for runoff or high groundwater which has risen above the ground surface. The basin must confine standing water at least once per year for a two-month period in nondrought conditions to an average depth of six inches and occupy a minimum surface area of 5,000 square feet.

MASSACHUSETTS ENDANGERED SPECIES ACT (MGL c.131A)

With its implementing regulations (321 CMR 10.00), the act prohibits the taking of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern [321 CMR 10.04(1)].

MASSACHUSETTS STORMWATER MANAGEMENT POLICY

The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, § 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ashland.

**NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM - NPDES**

NPDES is defined as a program administered by the United States Environmental Protection Agency. The purpose of NPDES is control nonpoint source pollutant contamination of stormwater discharges from a variety of sources, including, but not limited to, Municipal Separate Storm Sewer Systems (MS4s) and construction sites which disturb one-acre or more.

NEW DEVELOPMENT

Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state.

NGVD of 1929

National Geodetic Vertical Datum of 1929, a vertical control datum established for vertical control in the United States by the general adjustment of 1929.

NONPOINT SOURCE POLLUTION

Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human made pollutants, finally depositing them into water resource areas.

NOTICE OF COMPLETION (NOC)

A document issued by the Conservation Commission after all construction activities have been completed which states that all conditions of an issued SMP have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

OPERATION AND MAINTENANCE PLAN

A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER

A person with a legal or equitable interest in a property.

PERSON

Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Ashland, and any other legal entity, its legal representatives, agents, or assigns.

PHASED DEVELOPMENT

The method of segmenting and dividing the disturbance, construction or development of a site into smaller areas and/or timeframe (to reduce possible impacts to the site and resource).

POINT SOURCE	Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.
POST- DEVELOPMENT	The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. "Post-development" refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.
PRE-DEVELOPMENT	The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish predevelopment conditions.
QUALIFIED PROFESSIONAL	A civil engineer registered in Massachusetts, a registered land surveyor, a Massachusetts licensed soil evaluator, a certified professional in erosion and sediment control, a certified professional in stormwater quality, or other person who can satisfactorily demonstrate to the issuing authority proficiency in the field of stormwater management as appropriate to the scope of the project.
RECHARGE	The replenishment of underground water reserves.
REDEVELOPMENT	Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.
REGULATIONS	The Rules and Regulations for an SMP as presented herein.
RESOURCE AREA	Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, the Town of Ashland Wetlands Protection Bylaw or the Town of Ashland Stormwater Management Bylaw.
RUNOFF	Rainfall, snowmelt, or irrigation water flowing over the ground surface.
SEDIMENT	Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SEDIMENTATION	A process of depositing material that has been suspended and transported in water.
SITE	The parcel of land being developed, or a designated planning area in which the land development project is located.
SLOPE	The vertical rise divided by the horizontal distance and expressed as a fraction or percentage.
STABILIZED	The elimination of any erosion or erosion potential.
STORMWATER MANAGEMENT	The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
STORMWATER MANAGEMENT HANDBOOK	Massachusetts Stormwater Handbook, Volumes One, Two, and Three, prepared by the Massachusetts Department of Environmental Protection and the Massachusetts Office of Coastal Zone Management, dated February 2008, as the same may be from time to time revised.
STOP WORK ORDER	An order issued which requires that all construction activity on a site be stopped.
TSS	Total Suspended Solids (TSS) are solids in water that can be trapped by a filter. TSS can include a wide variety of material, such as silt, decaying plant and animal matter, industrial wastes, and sewage.
VERNAL POOL	A confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.
WATER QUALITY VOLUME (WQv)	The storage needed to capture a specified average annual stormwater runoff volume. Numerically (WQv) will vary as a function of drainage area or impervious area.

§ 343-6. Administration.

The Conservation Commission shall administer, implement and enforce these Regulations. Projects or activities approved by the Conservation Commission shall be deemed in compliance with the intent and provisions of these Stormwater Regulations.

6.1 Coordination with Other Permits

In the case where the proposed development or alteration is subject to the Massachusetts Wetlands Protection Act and/or the Ashland Wetlands Bylaw, the Applicant shall submit the required application/s with the Application for a SMP hereunder. The Commission shall consider both applications at the same time. Any SMP issued by the Commission applies only to the requested approval. Other approvals or permits required by the Zoning Bylaw of the Town of Ashland, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by issuance of the SMP.

6.2 Waiver of Regulations

Strict compliance with these Regulations may be waived if the Commission finds that the waiver is allowed by federal, state and local statutes and/or regulations, is in the public interest or is unnecessary because the project will not adversely impact the environmental resources, and is consistent with the intent and purpose of The Bylaw and these Regulations.

Any request from an Applicant for a waiver of these Regulations must be submitted, in writing, to the Commission at the time of submission of the Application. Such requests must clearly identify the provision/s of the Regulations from which relief is sought and be accompanied by a statement setting forth the reasons why, in the Applicant's opinion, the granting of such a waiver would be in the public interest or why the specific information required is irrelevant to the project, and demonstrating that strict application of the Bylaw does not further the purposes or objectives of this Bylaw.

6.3 Provision of Security

The Commission may require the permittee to post with the Town before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security to secure the satisfactory completion of all or any part of the work authorized under an SMP (known as the Stormwater Completion Surety). The form of the surety shall be approved by the town treasurer, and be in an amount deemed sufficient by the Commission to ensure that the work will be completed in accordance with the SMP. If the project is phased, the Commission may release part of the bond as each phase is completed in compliance with the SMP but the bond may not be fully released until the Commission has received the final inspection report as required by these Regulations and issued a Notice of Completion.

The Conservation Commission may also require the permittee to secure the future maintenance of the stormwater system by a perpetual surety bond or by a deposit of money of an amount as determined by the Conservation Commission. This shall be named the Stormwater Maintenance Surety. In the event that the permittee does not follow maintenance procedures and programs as approved by the Conservation Commission, the Commission shall have the authority to expend any portion of said security to provide such maintenance.

In the event the Commission determines that either stormwater surety is no longer required, it will be returned.

6.4 Amendments to the Regulations

The Regulations may be amended by a majority vote of the Commission in a public meeting.

§ 343-7. Filing procedures and requirements.

Anyone may file an application for an SMP provided that the property owner of record has signed the application form thereby granting his/her consent to the filing of the application. An Applicant has the option of an informal meeting with the Commission prior to filing the Application to receive informal guidance to facilitate the processing of the application. Any informal guidance provided to the applicant shall not be construed as an approval or endorsement of the project.

7.1 Application Fees

An application shall be accompanied by a non-refundable fee to cover the expenses incurred by the town in reviewing the application. Part of the fee may be waived if the Commission chooses to have some of the review work performed by outside consultants as provided below:

7.1.1	The fees for an SMP are as follows:	
7.1.1.1	Basic Residential Application	\$100
7.1.1.2	Application for Residential Subdivision or Multifamily Development	\$500
7.1.1.3	Commercial Application	\$750
7.1.1.4	Notice of Completion for Non-Basic Residential	\$150
7.1.1.5	Permit Extension	\$150
7.1.1.6	True Copy Attest	\$50
7.1.1.7	Re-inspection	\$50

7.2 Engineering and Consultant Reviews and Fees

The Commission is authorized to require an Applicant to pay a fee for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary by the Commission to reach a final decision on the application.

7.2.1 Consultant fees shall be determined at the time of filing of an application based on a specific scope of work as the Commission may determine.

- a) The services for which a consultant may be utilized include, but are not limited to, hydrologic and drainage analysis, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.
- b) The Commission is authorized to require an Applicant to pay reasonable costs and expenses for certain activities which utilize the services of Town Staff in connection with review or consideration of a pending SMP application.
- c) Subject to applicable law, any unused portion of any fees collected shall be returned by the Commission to the Applicant within forty-five calendar days of a written request by the Applicant upon completion of the project.

- d) The Engineering and Consultant Review fees collected under these Regulations shall be deposited in an escrow account.

7.2.2 Appeal from the Selection of the Consultants - The Applicant may appeal from the selection of an outside review consultant to the Select Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The Applicant must identify the specific grounds which the Applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements. **[Amended 11-20-2019STM, Art. 13]**

- a) Appeal from Selection of the Consultant shall result in a stay of the time period for deliberation of the application until the appeal is resolved.

7.3 Submission of an Application

Seven (7) complete copies of the application (one [1] full size copy of all plan sheets and six [6] reduced size copies of all plan sheets), the required fees and proof that the applicant does not have any outstanding tax liability with the Town shall be submitted to the office of the Commission during normal business hours. The Commission staff will file a copy with the Town Clerk who will certify the date and time of filing. The Commission staff may request additional copies. The Applicant may request and shall be entitled to a receipt for the materials submitted.

Information submitted after the initial filing of the application as described above will be accepted and the public hearing may be continued at the discretion of the Commission to allow time to review the new material. The number of copies of the additional materials required shall be at the discretion of the Commission. The public hearing may be continued, at the discretion of the Commission, to allow time for review of the new material. Questions concerning this process should be directed to the Commission staff.

7.4 Review of Application

The Commission will transmit a copy of an application to various other town departments, boards, committees, agencies or independent consultants to ensure full and qualified review of the application. The Commission will make copies of reviews available to the applicant.

7.5 Application Form

Any Application for an SMP shall be made in writing and include the completed application form entitled "Application for a Stormwater Management Permit" attached to these Regulations.⁸⁰ In the case where the Applicant is a person other than the record owner of the property, the Applicant must obtain the owner's signature on the application indicating that the owner has knowledge of and consents to the Application. If the Applicant is acting in the name of a trust, corporation or company, a letter documenting the authorizing vote shall be attached.

An Application for an SMP that lacks information or is incomplete may be denied or delayed. The Applicant shall be responsible for factually supporting all points relied upon in the Application including references for methodologies used in design calculations.

80. Editor's Note: A copy of the application form is included at the end of this chapter.

7.5.1 All plan sheets and engineering calculations shall bear the seal and/or signature of a Qualified Professional as appropriate to the data.

7.5.2 Entry - Filing an application for an SMP grants the Commission, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting SMP

7.6 Application Contents

A complete Application for an SMP shall include the following items listed below and other items required by these Regulations.

7.6.1 A completed Application Form with original signatures of all owners;

7.6.2 A list of abutters;

7.6.3 Payment of the application and review fees;

7.6.4 Inspection and Maintenance agreement/s;

7.6.5 Surety bond, if required, and

7.6.6 Other Permits, Approvals and Variances.

7.6.7 List and copies of variances, special permits, and other permits previously issued by other Town boards or departments, State and Federal agencies, and a list of any variances or permits required to complete the proposed work, as well as a town treasurer's certification that the applicant has no outstanding tax liabilities with the town.

NOTE:

If any other permits are required from the Commission, the Applicant is hereby permitted and encouraged to make the applications for such additional permits concurrently with this SMP application.

7.6.8 Recorded Plans and Deeds: A copy of the most recently recorded plan(s) and deed(s) for the lot(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

7.6.9 Locus Plan: A locus plan at a scale appropriate for the proposed project showing the area within a 1/2 mile radius of the site, Zoning Districts and property boundary lines, surface water bodies, wetlands, existing and future planned public wells, private wells, major roadways and other landmarks.

7.6.10 Site Composite Plan: One or more plan sheets with a detailed legend for all symbols used, and a detailed site data table for all relevant dimensional information, showing the following:

7.6.10.1 Wellhead Protection Zone(s) in which the site and lot are located, if any;

7.6.10.2 Total lot area and areas of Floodplain District (Section 282-36 of the Code of the Town of Ashland) and Wetlands on the lot (in percent and square feet);

7.6.10.3 Existing/Proposed areas (in percent and square feet) of impervious cover, open space,

undisturbed open space with such areas clearly delineated on plan. Limits of clearance and disturbance as it will be staked and marked in the field for construction purposes;

7.6.10.4 Natural Features, including surface water bodies, wetlands, land within the Floodplain District, natural drainage courses, ledge outcropping, vegetation, soils;

7.6.10.5 Existing and proposed structures and impervious cover;

7.6.10.6 Pre- and post-development topography in two (2) foot contours, or as appropriate to the proposed development, with reference to the NGVD of 1929;

7.6.10.7 A sufficient number of test pits and test information shall be provided to demonstrate the reasonable accuracy of the groundwater elevation in areas where stormwater runoff is proposed to be infiltrated into the ground. The applicant shall demonstrate that at least 2-feet of separation is present from the bottom of the infiltration device to the maximum groundwater elevation;

7.6.10.8 Location of existing and proposed area on site with the shortest distance between the surface and the estimated seasonal high groundwater elevation;

7.6.10.9 Reference of location of nearest public wells, and known private wells on abutting properties with distance and direction to them;

7.6.10.10 Stormwater management, showing the location and elevations of the various features of the site stormwater management system;

7.6.10.11 Erosion, sedimentation and siltation control devices to be utilized during construction, and

7.6.10.12 Existing/proposed water supply on site, if any.

7.6.11 Construction Detail Sheet: Construction details for entire site drainage and management including: pipe sizes; catch basins; manholes; detention/retention ponds with lining, vegetation and overflow structure; leaching facilities; floor drains; diversion boxes; slide gates; etc. Sedimentation, siltation, and erosion control devices. Details of tanks, containment structures, vapor recovery systems as applicable and of any other pollution control/prevention devices.

7.6.12 Drainage Calculations, Treatment of Runoff: Storm drainage runoff calculations and description of proposed surface runoff renovation concept. The calculations must be based on a recognized standard method (rational formula or Soil Conservation Service (SCS) method) and must contain a written summary explaining the rationale of the design approach. Full documentation is required including charts, tables, diagrams and the name/type of computer software application used.

7.6.13 Earth Removal/Fill Calculations: Calculations for determining the volume of earth to be removed from or introduced to the site with full documentation of calculations including reference of method used. The source and description of the fill material to be used. A written summary is required.

7.6.14 Land Use description: Detailed and specific description of existing and proposed land use(s) understandable by a lay person.

7.6.15 Emergency Response Plan: If deemed necessary by the Commission, a complete Emergency Response Plan with profile of events that could adversely affect the groundwater or surface

water. Location of emergency response equipment stored on site and list of equipment shall be included. A plan to educate employees on the general concept of stormwater management and groundwater protection, and to train employees for the specific events expected to be incurred during an emergency situation on the site shall be included.

7.6.16 Stormwater Management Plan Contents: The application for an SMP shall include the submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. This plan shall be in accordance with the criteria established in these regulations and must be submitted with the stamp and signature of a Qualified Professional.

- a) The Stormwater and Erosion Plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons. Refer to the latest version of the Massachusetts Erosion & Sediment Control Guidelines for Urban & Suburban Areas, for detailed guidance. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations.
- b) It shall include:
 - 1) Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
 - 2) A locus map, north arrow, map scale;
 - 3) The existing zoning, and land use at the site;
 - 4) The proposed land use;
 - 5) The location(s) of existing and proposed property lines and easements;
 - 6) The location of existing and proposed utilities, roads, Scenic Roads, structures and other impervious areas;
 - 7) The site's existing and proposed topography, including existing and proposed slopes with contours at 2 foot intervals;
 - 8) The existing site hydrology;
 - 9) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
 - 10) A delineation of 100-year floodplains, if applicable;
 - 11) Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
 - 12) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows;
 - 13) A description and drawings of all components of the proposed stormwater

management and erosion control systems including:

- (a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - (b) Detailed drawings, structural details, materials to be used, construction specifications, and design calculations of all temporary and permanent stormwater, erosion and sediment control structures and devices;
 - (c) Narrative that includes a discussion of each measure, its purpose, its construction sequence and installation timing as they relate to soil disturbance;
 - (d) A plan showing areas of vegetation alteration, soil disturbance and areas of cut and fill;
 - (e) The project's phases as they relate to vegetation alteration, soil disturbance, cut and fill, including protected designated stockpile locations with a tabulated sequence of construction and construction schedule, including earthworks;
 - (f) Proposed schedule for the inspection and maintenance of erosion control measures for the project throughout the construction period;
 - (g) Name and 24hr/7day contact information of the person responsible for the site's development;
 - (h) The structural details for all components of the proposed drainage systems;
 - (i) Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;
 - (j) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
 - (k) Any other information requested by the Conservation Commission.
- c) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall use the NOAA Atlas 14 precipitation data, or more current precipitation data as approved by the Conservation Commission, and shall include: **[Amended 1-23-2023]**
- 1) Description of the design storm frequency, intensity and duration;
 - 2) Time of concentration;
 - 3) Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
 - 4) Peak runoff rates and total runoff volumes for each watershed area;
 - 5) Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
 - 6) Infiltration rates, where applicable;
 - 7) Culvert capacities;

- 8) Flow velocities;
- 9) Data on the increase in rate and volume of runoff for the specified design storms;
- 10) Documentation of sources for all computation methods and field test results;
- 11) Post-development downstream analysis if deemed necessary by the Conservation Commission;
- 12) Soils information from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator, or a Massachusetts Registered Professional Engineer, and
- 13) Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.

7.6.17 Operation and Maintenance Plan Contents: An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The Plan shall be designed to ensure compliance with the SMP, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the Commission and shall be an ongoing requirement.

7.6.17.1 The O&M Plan shall include:

- a) The name(s) of the owner(s) for all components of the system;
- b) Name and 24hr/7day contact information of the person responsible for the site's O&M Plan;
- c) A map showing the location of the systems and facilities including catch basins, manholes/access lids, main, and stormwater devices;
- d) Maintenance agreements that specify:
 - (1) The names and addresses of the person(s) responsible for operation and maintenance;
 - (2) The person(s) responsible for financing maintenance and emergency repairs;
 - (3) An Inspection and Maintenance Schedule for all stormwater and erosion control management facilities including routine and non-routine maintenance tasks to be performed;
 - (4) A list of easements with the purpose and location of each;
 - (5) The signature(s) of the owner(s), and
 - (6) An Inspection and Maintenance Schedule log sheet shall be created at commencement of construction. The log sheets shall be maintained and filled out whenever inspection or maintenance is performed, and the log sheets shall be made available for inspection upon request;

- e) Stormwater Management Easement(s) - Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - (1) Access for facility inspections and maintenance;
 - (2) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event, and
 - (3) Direct maintenance access by heavy equipment to structures requiring regular maintenance;
- f) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner;
- g) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Commission;
- h) Easements shall be recorded with the Middlesex County Registry of Deeds prior to issuance of a Notice of Completion by the Commission;
- i) An Emergency Spill Response Plan shall be created for all sites that store hazardous materials during construction and/or post-development;

7.6.17.2 Changes to Operation and Maintenance Plans

- a) The owner(s) of the stormwater management system must notify the Commission of changes in ownership or assignment of financial responsibility, and
- b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Regulation by mutual agreement of the Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

§ 343-8. Post-development stormwater management criteria.

At a minimum all projects shall comply with the performance standards of the most recent version of Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards, as well as the following.

8.1 General Criteria

The following general performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Regulation.

- 8.1.1 No Untreated Discharges - All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.
- 8.1.2 Channel Protection - Protection of channels from bank and bed erosion and degradation shall be provided by controlling the peak discharge rate from the 2-year storm event to the pre-development rate as required by the MA DEP Stormwater Management Standards.
- 8.1.3 Overbank Flooding Protection - Downstream overbank flood and property protection shall be

provided by attenuating the post-development peak discharge rate to the pre-development rate for the 10-year, 24-hour return frequency storm event as required by the MA DEP Stormwater Management Standards.

- 8.1.4 Extreme Flooding Protection - Extreme flooding and public safety protection shall be provided by evaluating the 100-year, 24-hour return frequency storm event to demonstrate no increased flooding impacts off-site, as required by the MA DEP Stormwater Management Standards.
- 8.1.5 Recharge - Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post-development site shall mimic the annual recharge from pre-development site conditions.
- 8.1.6 Structural Practices for Water Quality - Presumed Compliance with Massachusetts Water Quality Standards All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual.

Applicants are encouraged to meet water quality standards through the use of low impact techniques such as bio-retention cells, vegetated filter strips and porous surfaces. For structural stormwater controls not included in the Massachusetts Stormwater Management Manual, or for which pollutant removal rates have not been previously documented by prior applicants, the applicant must document the effectiveness and pollutant removal of the structural control by providing scientific studies, literature reviews, or other citations deemed acceptable by the Commission, in order to receive approval from the Commission before including such techniques in the design of a stormwater management system.

Structural best management practices (BMPs) must be designed to remove 80% of the average annual post-development total suspended solids (TSS) and 40% for total phosphorus (TP), and 30% for total nitrogen (TN). It is presumed that a BMP complies with this performance goal if it is:

- a) Sized to capture the prescribed water quality volume;
 - b) Designed according to the specific performance criteria outlined in the Massachusetts Stormwater Management Manual;
 - c) Constructed properly; and
 - d) Maintained regularly.
- 8.1.7 Sensitive Areas - Stormwater discharges to critical areas with sensitive resources (i.e., swimming areas, aquifer recharge areas, water supply reservoirs, vernal pools) may be subject to additional criteria, or may need to utilize or restrict certain stormwater management practices at the discretion of the Conservation Commission.
- 8.1.8 Hotspots - Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, as defined in the most recent version of the MA DEP Stormwater Management Manual or superseding manual require the use of specific stormwater management BMPs as specified

in the most recent version of the MA DEP Stormwater Management Manual or superseding manual. The use of infiltration practices without pretreatment is prohibited.

§ 343-9. Public hearing and decision.

The Commission shall set the date, time, and place of the public hearing, which shall be held within 60 days of the application filing date.

9.1 Notice of Public Hearing

A notice of the public hearing indicating the date, time, place, and purpose of the public hearing shall be sent by certified mail by the Applicant to the Certified List of Abutters at least five (5) days prior to the date of the public hearing at the expense of the Applicant. Such notice must contain, at a minimum, the information presented in the sample legal notice that is attached to these Regulations.⁸¹

9.1.1 A notice of the public hearing shall also be published at the expense of the Applicant in a newspaper of general circulation in Ashland not less than five (5) days before the day of the public hearing. The contents of this published notice shall be as above for the Parties In Interest.

9.1.2 Failure to properly notify the Certified List of Abutters and to publish a notice of the public hearing could render the public hearing invalid and could cause delays in the processing of the Application.

9.2 Withdrawal of Application

Any application for an SMP submitted hereunder may be withdrawn without prejudice by notice in writing to the Commission prior to the notice of a public hearing being posted or mailed pursuant to these Regulations. Withdrawal of any application thereafter requires Commission approval. A partial refund of fees may be provided if an application is withdrawn.

9.3 Time Period for Deliberation

The Commission will act on each application for an SMP within ninety (90) days after the date of filing of the application with the Commission and the Town Clerk, unless such application has been withdrawn from consideration as set forth above.

9.3.1 Continuation and Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the Commission and the Applicant. In the event that the Commission determines that the application is inadequate for the Commission to make a finding, the Commission may, at its discretion, continue the public hearing to a later date to permit the Applicant to submit a revised application.

9.3.2 At its discretion, the Commission may require that an additional fee be paid by the Applicant prior to the close of the public hearing if such a continuation results from a deficiency in the original application. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the Commission unless the extension is agreed upon by both the Commission and the Applicant.

81. Editor's Note: A sample notice of public hearing is included at the end of this chapter.

9.4 Decision

The concurring vote of a majority of the members of the Commission in office present (a quorum) shall be necessary to decide in favor of granting an SMP.

9.4.1 The Commission's action, rendered in writing, shall consist of either:

- a) Approval of the SMP Application based upon determination that the proposed plan meets the standards set forth in these Regulations and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this Bylaw;
- b) Approval of the SMP Application subject to any conditions, modifications or restrictions required by the Commission which will ensure that the project meets the Standards set forth in these Regulations and adequately protects water resources, set forth in this Bylaw;
- c) Disapproval of the SMP Application based upon a determination that the proposed plan, as submitted, does not meet the standards set forth in these Regulations and/or does not adequately protect water resources, as set forth in this Bylaw.
- d) The Commission may disapprove an application "without prejudice" where an Applicant fails to provide requested additional information that in the Commission's opinion is needed to adequately describe the proposed project.

9.4.2 Plan Changes - The permittee must notify the Conservation Commission in writing of any drainage change or alteration in the system authorized in an SMP before any change or alteration is made. If the Conservation Commission determines that the change or alteration is significant, based on the Stormwater Management Standards in these Regulations and accepted construction practices, the Conservation Commission may require that an amended application be filed.

9.5 Appeals of Actions of the Conservation Commission

A decision of the Commission shall be final. The appeal of a decision by the Commission under this bylaw shall be filed with the Massachusetts Land Court or Massachusetts Superior Court.

9.6 Project Completion

At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site as required by these Regulations. The as-built drawing shall show deviations from the approved plans, if any, include a narrative of said deviations, and be certified by a Qualified Professional. If a NPDES construction site filing was required, at the completion of the project a copy of the Notice of Termination of NPDES coverage shall be submitted to the Commission.

9.7 Time Limit for SMP

Any SMP granted by the Commission shall expire within three years from the date of issuance of the permit.

9.7.1 Extension of SMP

The applicant may be granted a one-year extension by applying to the Commission, in writing, at least 30 days prior to the date when the SMP is due to lapse. The Commission may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the Commission finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.

Failure to submit such a request as prescribed above shall be due cause for the Commission to deny the requested time extension. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application and public hearing shall be required.

9.8 Limitation of the Decision

The granting of a SMP constitutes approval only under the pertinent sections of the Bylaw. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction such as the Board of Health, and Planning Board shall not be assumed or implied. The Commission may condition any SMP hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a Building Permit, or any other appropriate step in the development process. The Applicant is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the application to the Commission.

9.9 Amending an SMP

A previously granted SMP may be amended by written request to the Commission or on the Commission's own motion. The Commission shall determine whether any request for further alterations to a site constitutes an amendment or if such request should be considered a new application requiring a public hearing. The Commission may amend a SMP without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the Bylaw. Consultation with the Building Department is recommended prior to the filing of any request to amend a SMP. The Commission may require a fee for amendments.

§ 343-10. Construction inspections

10.1 Notice of Construction Commencement

The Applicant must notify the Commission in advance before the commencement of construction. In addition, the Applicant must notify the Commission in advance of construction of critical components of the stormwater management system. A pre-construction conference may be held on site prior to the start of construction. At a minimum, required attendees at the pre-construction conference shall be the Commission and/or the Commission's agent, the owner and/or owner's agent, and the general contractor for the project. Additional attendees shall be determined on a per project basis. The pre-construction conference shall be used to discuss construction scheduling, compliance with any and all permit conditions, emergency contact information, inspection procedures, and any other pertinent topics.

10.1.1 At the discretion of the Commission, periodic inspections of the stormwater management system construction shall be conducted by the Commission or its designee, the Building Inspector, the DPW Director, and/or a professional engineer. The inspector shall document all

inspections and prepare written reports that contain the following information:

- a) The date and location of the inspection;
- b) Whether construction is in compliance with the approved stormwater management plan;
- c) Variations from the approved construction specifications, and
- d) Any other variations or violations of the conditions of the approved stormwater management plan.

10.1.2 The Commission or its designee may inspect the project site at the following stages, at a minimum:

- a) Initial Site Inspection: prior to approval of any plan;
- b) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan, and
- c) Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.

10.1.3 Final Inspection

- a) After the stormwater management system has been constructed and before the surety has been released, all Applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed and must be certified by a Qualified Professional.
- b) The Commission or its designee shall inspect the system to confirm its As-Built features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Commission which will issue a Notice of Completion. As-built plans shall reflect the as-built conditions, including all final grades, developed by a Qualified Professional. All changes to project design should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the as-built drawings.

10.1.4 Inadequacy of System

- a) If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the Applicant before the Notice of Completion is released. If the Applicant fails to act, the Commission may use the surety bond to complete the work.
- b) If the Commission determines that there is a failure to comply with the plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A Stop Work Order may be issued until any violations are corrected and all work previously completed has received approval by the Commission.

§ 343-11. Perpetual inspection and maintenance.

11.1 Maintenance Responsibility

11.1.1 Stormwater management facilities and practices included in a stormwater management plan with an inspection and maintenance agreement in accordance with these Regulations must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Regulation.

11.1.2 The owner of the property on which work has been done pursuant to this Regulation for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

11.2 Maintenance Inspections

11.2.1 All stormwater management facilities must undergo inspections by the system owner or operator to document maintenance and repair needs and ensure compliance with the requirements of this bylaw and accomplishment of its purposes as specified in the Operation and Maintenance Plan and Maintenance Agreement described in these Regulations.

11.2.2 At a minimum, inspections shall occur quarterly during the first year of operation, and once a year thereafter. In addition, a maintenance agreement as specified by these Regulations between the owner and the Commission shall be executed for privately-owned stormwater management systems that specify the Responsible Party for conducting long term inspections.

11.2.3 Inspection reports may be required to be submitted to and maintained by the Commission for all stormwater management systems. Inspection reports for stormwater management systems shall include:

- a) The date of inspection;
- b) Name of inspector;
- c) The condition of:
 - (1) Pretreatment devices;
 - (2) Vegetation or filter media;
 - (3) Fences or other safety devices;
 - (4) Spillways, valves, or other control structures;
 - (5) Embankments, slopes, and safety benches;
 - (6) Reservoir or treatment areas;
 - (7) Inlet and outlet channels and structures;
 - (8) Underground drainage;
 - (9) Sediment and debris accumulation in storage and forebay areas (including catch basins);
 - (10) Any nonstructural practices;

(11) Any other item that could affect the proper function of the stormwater management system;

d) Description of the need for maintenance.

11.3 Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement as specified in these Regulations shall provide for the Commission or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

11.4 Records of Maintenance and Repair Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Commission, upon request. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 10 years. These records shall be made available to the Commission during inspection of the facility and at other reasonable times upon request.

11.5 Failure to Maintain

11.5.1 If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Commission, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Town of Ashland may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property. Said assessment shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Ashland. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

11.5.2 After notification is provided to the person responsible for carrying out the maintenance plan of any deficiencies discovered from an inspection of a stormwater management system, the person responsible for carrying out the maintenance plan shall have 30 days or other time frame mutually agreed to between the Commission and the person responsible for carrying out the maintenance plan to correct the deficiencies. The Commission shall then conduct a subsequent inspection to ensure completion of repairs.

§ 343-12. Notice of completion.

Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications and shall provide regular inspections sufficient to adequately document compliance.

The Commission will issue a document certifying completion upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the SMP has been satisfactorily completed in conformance with this Regulation.

§ 343-13. Enforcement.

The Commission or an authorized agent of the Commission shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.

13.1 Notices and Orders

13.1.1 The Commission or an authorized agent of the Commission may issue a written notice of violation or enforcement order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include requirements to:

- a) Issuance of a Stop Work Order for construction or land disturbing activity until there is compliance with the Bylaw and the SMP;
- b) Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
- c) Perform monitoring, analyses, and reporting;
- d) Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

13.1.2 If the enforcing person determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Ashland may, at its option, undertake such work, and the property owner shall reimburse the Town of Ashland for expenses incurred.

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

13.2 Penalties

13.2.1 Any person who violates any provision of this chapter, or regulations, permits or administrative orders issued thereunder shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations and permits or administrative orders violated shall constitute a separate offense.

§ 343-14. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of these Regulations shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any SMP or determination that previously has been issued. Accepted unanimously by the Conservation Commission On May 28, 2008

SUBDIVISION OF LAND

Chapter 344

SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Ashland in 1954, amended in its entirety by vote of the Board on April 29, 1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 98.

Traffic impacts — See Ch. 252.

Sewers — See Ch. 326.

Zoning — See Ch. 282.

Soil removal — See Ch. 242.

Wastewater treatment plants — See Ch. 307.

Streets and sidewalks — See Ch. 249.

Water — See Ch. 334.

ARTICLE I
General Provisions

§ 344-1. Purpose and intent of statute.

The Subdivision Control Law⁸² has been enacted for the purpose of protecting the safety, convenience and welfare of the habitants of the cities and towns in which it is or may hereafter be put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and a Board of Appeals under the Subdivision Control Law⁸³ shall be exercised with due regard for the provision of adequate access to all the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, lighting and other requirements where necessary in a subdivision; and for coordinating the ways of a subdivision with each other and with the ways in the neighboring subdivisions. Any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Board of Health and to the Rules & Regulations of the Planning Board pertaining to subdivisions of land; provided, however, that said Board may, when appropriate, waive, as provided for in M.G.L.A. Ch. 41, § 81R, such portion of the Rules & Regulations as is deemed advisable (M.G.L.A. Ch. 41, § 81M).

§ 344-2. Statutory authority; effective date.

Under the authority vested in the Planning Board of the Town of Ashland by M.G.L.A. C. 41, § 81Q, as amended, said Board hereby adopts these Rules & Regulations governing the subdivision of land in the Town of Ashland. Such Rules & Regulations shall be effective on and after the first day of March 1954, and as further amended from time to time.

§ 344-3. Approval of subdivision required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board, as hereinafter provided.

82. Editor's Note: See MGL, Ch. 41, §§ 81K through 81GG, inclusive.

83. Editor's Note: See MGL, Ch. 41, §§ 81K through 81GG, inclusive.

ARTICLE II

Definitions

§ 344-4. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTOR — Any record owner according to the most recent Assessor's Map, whose property abuts, is contiguous to or joins at a border or boundary to the subject parcel.

ARTERIAL STREET — A street which conducts traffic between communities and activity centers with high traffic volumes: over three thousand (3,000) vehicles per day.

BOARD — The Planning Board of the Town of Ashland.

COLLECTOR STREET — A street which collects or may reasonably be expected to collect or service traffic from several streets or which handles traffic equivalent to that generated by fifty (50) dwelling units or more or which serves nonresidential abutting property. Average daily traffic ranges from five hundred (500) to three thousand (3,000) vehicles per day.

LANE — A street that carries or services traffic generated by ten (10) or fewer dwelling units and does not service nonresidential abutting property and is not capable of extension. Average daily traffic is up to two hundred fifty (250) vehicles per day.

LOT — An area of land in one (1) ownership, with definite boundaries, used or available for use as the site of one (1) or more buildings.

MINOR STREET — A street that carries, collects or may reasonably be expected to collect, service or carry traffic generated by fewer than fifty (50) dwelling units, does not service nonresidential abutting property and is not a lane. Average daily traffic ranges from two hundred fifty (250) to one thousand (1,000) vehicles per day.

RULE OF 22 FOR A LOT — The square of the lot perimeter divided by the gross area of the lot does not exceed twenty-two (22).

SECONDARY ABUTTOR — Any record owner according to the most recent Assessor's Map who is not an abuttor but whose property is within three hundred fifty (350) feet of the exterior lines of the subject parcel.

SUBDIVISION — The division of a tract of land into two (2) or more lots and includes resubdivision and, when appropriate to the context, relates to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a "subdivision" within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on a public way or a way which the Clerk of the Town of Ashland certifies is maintained and used as a public way; or a way shown on a plan therefore approved in accordance with the Subdivision Control Law; or a way in the Town of Ashland in which the land lies having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other bylaw, if any, of the Town of Ashland for the erection of a building on such lot. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such manner as not to leave any lot so affected without the frontage above set forth or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the Town of Ashland in which the land lies into separate lots, on each of which one (1) of

such buildings remains standing, shall not constitute a "subdivision."

UTILITIES — Includes, but is not limited to, gas, electric, telephone, cable, water, sewer and drains.

ARTICLE III
Subdivision and Approval of Plans

§ 344-5. Review for approval requirements required.

Only those plans which constitute "subdivision," as that term is defined in the statute (M.G.L.A. Ch. 41, § 81L), require the approval of the Planning Board. However, all plans, whether subdivisions within the meaning of the law or not, must have either approval as a subdivision or endorsement that they do not require approval before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.

§ 344-6. Plan not involving subdivision (ANR).

See M.G.L.A. Ch. 41, § 81P.

- A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his original plan and Application Form A⁸⁴, one (1) transparent submission and reproduction and twelve (12) contact prints clarifications (dark line on white background) to the Planning Office for endorsement by the Planning Board at a subsequent meeting of the Planning Board, all drawn at a large scale of one (1) inch equals forty (40) feet or suitable equivalent by permission of the Planning Board office; and one (1) plan drawn at a large scale of one (1) inch equals two hundred (200) feet for the Assessors office; one plan drawn at a scale of one (1) inch equals one thousand (1,000) feet and oriented in the same relationship as the comprehensive plan; one (1) identical full size version of this plan in a digital DXF format (preferably AutoCad Release 12 or any subsequent release which is adopted by the Town) on a three-and-one-half-inch diskette(s) or CD, and a predetermined fee accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination, accompanied by a copy of said application. A plan submitted under this section shall not be deemed filed with the Planning Board until it meets the requirements of this section.
- B. Contents. Said plan shall contain the following information:
- (1) Record owner with deed reference by Book and Page and/or Land Court certificate.
 - (2) Zoning classification.
 - (3) Title of plan.
 - (4) North arrow.
 - (5) Date of survey.
 - (6) Scale.
 - (7) Surveyor's signature and stamp.
 - (8) All existing property lines, structures, bounds, brooks, fences, walls and such which sufficiently identify the land to which the plan relates.

84. Editor's Note: Form A is on file in the Planning Office and may be examined there during regular business hours.

- (9) Names of abutters.
- (10) Names of all streets adjoining the subject parcel.
- (11) Assessors' Map number and lot numbers.
- C. The subject parcel shall conform to Chapter 282, Zoning, as to area, shape, dimensions and the Rule of 22.
- D. The Board may require additional drawing(s) depicting grades and unusual natural features where the subject lot has significant environmental concerns or in the Town's best interest.
- E. The petitioner shall be notified in advance of when the Planning Board will be reviewing his/her/its ANR for endorsement. The petitioner or his/her/its agent's failure to attend said meeting may be sufficient grounds for the Planning Board to refuse to act on the ANR.
- F. Determination by Board.
 - (1) If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words "Planning Board approval under the Subdivision Control Law not required." Said plan shall be returned to the applicant. The Board shall notify the Town Clerk of its action.
 - (2) If the Board determines that the plan requires approval under the Subdivision Control Law, it shall so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its action.
 - (3) If the Board fails either to act upon the plan submitted under this section or to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required. The Board must then endorse the plan, or the Town Clerk may issue a certificate to the same effect.

§ 344-7. Preliminary plan.

- A. General. In order to ensure full compliance with this chapter and planning review under the Subdivision Control Law, the Board invites a prospective applicant to submit a preliminary plan. A preliminary plan of a subdivision may be submitted by the applicant to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board and the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a definitive plan are prepared.
- B. Application procedure.
 - (1) The applicant shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such approval of a preliminary plan to the Planning Board, accompanied by a copy of the completed application (Form B). A properly executed Form B⁸⁵ shall be filed with the Planning Office, along with twelve (12) copies of the preliminary plan, and the required filing fees, and an identical full size version of this plan in a digital DXF format (preferably

85. Editor's Note: Form B is on file in the Planning Office and may be examined there during regular business hours.

AutoCad Release 12 or any subsequent release which is adopted by the Town on a three-and-one-half-inch diskette(s) or CD, if required by the Planning Board. The Board shall distribute copies to the Board of Health, Select Board, Inspector of Buildings, Conservation Commission, Fire Department, Director of the Department of Public Works, Department of Public Works - Water and Sewer, Planning Office file, Planning Board Consultant and the Police Department for their comments and suggestions. [**Amended 10-18-2000 ATM, Art. 14; 11-20-2019STM, Art. 13**]

- (2) A plan submitted under this section shall not be deemed filed with the Planning Board until it meets all the requirements of Subsections B and C.
- C. Contents. The preliminary plan shall be drawn on tracing cloth or stable base material at a scale of forty (40) feet to one (1) inch or other scale approved by the Planning Board and shall be identified as a preliminary plan. A preliminary plan shall contain the following:
- (1) The subdivision name, boundaries, North point, date, scale, legend and title "Preliminary Plan"; submission pages shall be numbered consecutively; all sheets shall be dated with the date of the latest revision; pages shall be labeled with map, block and lot numbers of the subject property. Total acreage of the site shall be depicted on the cover sheet.
 - (2) The names of the record owner and the applicant and the name of the designer, engineer or surveyor.
 - (3) The names of all abutters and secondary abutters as determined from the most recent local tax list.
 - (4) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner.
 - (5) The proposed system of drainage, including adjacent existing waterways, in a general manner.
 - (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
 - (7) The name, approximate location and widths of adjacent streets.
 - (8) The topography of the land in a general manner. Reference shall be made to the datum to which the elevations apply.
 - (9) The locus plan of the subdivision, showing its relation to the surrounding area, at a scale of one (1) inch equals one thousand (1,000) feet and oriented in the same relationship as the Town of Ashland Comprehensive Plan.
 - (10) In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land.
 - (11) A calculation of each lot showing that it conforms to the Rule of 22.
 - (12) Existing curb cuts, including driveways within three hundred fifty (350) feet from the center line of the newly proposed roads within the subdivision and three hundred fifty (350) feet from the exterior lines of the proposed subdivision to be drawn on the locus plan.
- D. Public discussion.

- (1) Before approval, modification and approval or disapproval of a preliminary plan is given, a public discussion shall be held by the Planning Board. Notice of time and place and the subject matter, sufficient for identification, shall be given by the Planning Board by mailing a copy of the notice to the applicant.
 - (2) The applicant shall submit a list of abutters and secondary abutters to the Planning Board; the Planning Board shall provide the final list to the applicant, who shall mail notices to the abutters on the list not fewer than seven (7) days before the scheduled discussion.
 - (3) It is the applicant's option whether he/she wishes to publish the notice. If the applicant wishes to publish the notice, the Planning Board shall draft the notice and will be the responsibility of the applicant to have the notice published. The cost of said notice shall be borne by the applicant.
 - (4) During this public discussion and other discussions of the preliminary plan, the complete information required for the definitive plan and the financial arrangements will be developed. (See § 344-8F, Performance guaranty.)
 - (5) The petitioner's failure to attend the public discussion may be sufficient grounds for the Planning Board to deny the preliminary plan.
- E. Approval or disapproval of preliminary plan. Within forty-five (45) days after submission of a preliminary plan, the Planning Board shall approve such plan, with or without modification suggested by it or agreed upon by the person submitting the plan, or the Board shall disapprove such preliminary plan and, in the case of disapproval, shall state its reasons therefor or the Planning Board shall be deemed to have taken no action on said plan.
- F. Relation of preliminary plan to definitive plan and zoning provisions. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan may not be recorded in the Registry of Deeds. If a definitive plan is duly submitted within seven (7) months from the date of submission of the preliminary plan and if the definitive plan is ultimately approved, the zoning bylaws in effect at the time of the submission of the preliminary plan shall govern the land shown for eight (8) years from the date of endorsement of said approval of the subdivision plan (M.G.L.A. Ch. 40A, § 6).
- G. Relation of preliminary plan to definitive plan and subdivision rules and regulations. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan may not be recorded in the Registry of Deeds. If a definitive plan is duly submitted with seven (7) months from the date of submission of the preliminary plan and if the definitive plan is ultimately approved, the subdivision rules and regulations in effect at the time of submission and filing of the definitive plan shall govern the land shown for seven (7) years from the date of endorsement of said approval of the subdivision plan, unless the owner has begun construction of the subdivision within such time frame.

§ 344-8. Definitive plan.

A. Application procedure.

- (1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
 - (a) An original drawing on stable base of the definitive plan, and fourteen (14) contact prints thereof, dark line on white background. The required filing fees, and an identical full size

version of this plan in a digital DXF format (preferably AutoCad Release 12 or any subsequent release which is adopted by the Town of Ashland) on a three-and-one-half-inch diskette(s) or CD. The Board shall distribute plan copies to the Board of Health, Select Board, Buildings Department, Conservation Commission, Fire Department, Director of the Department of Public Works, Department of Public Works - Water and Sewer (3 copies), Planning Office file, Planning Board consultant and the Police Department for their comments and suggestions. A definitive subdivision plan application filed with the Planning Board shall not be considered a complete submission unless the applicant files the proper number of copies of the definitive subdivision plan, profile and engineering drawings, perimeter closures by the entire parcel, street and individual lots [two (2) copies], hydraulic drainage calculations [three (3) copies], and requisite filing fees. **[Amended 10-18-2000 ATM, Art. 14; 11-20-2019STM, Art. 13]**

- (b) Properly executed application Forms C and C-1.⁸⁶
 - (c) A predetermined administrative fee to cover the Town's expenses, including processing the cost submission of advertising and notices. Said expenses shall be paid by the applicant prior to the public hearing.
 - (d) A predetermined rate per lot applied against the cost of plan review by consulting engineering services. Said expenses shall be paid by the applicant prior to the public hearing.
- (2) The applicant shall file, by delivery or registered mail, a request for determination of applicability of the Wetlands Protection Act with the Conservation Commission, with a copy to the Planning Board.
 - (3) A definitive plan shall not be deemed filed with the Planning Board unless it meets all the requirements of Subsection A and B.
- B. Contents. The definitive plan shall be prepared by a registered civil engineer and/or registered land surveyor, and all surveying shall conform to the Technical Standards of Property Survey of the American Congress on Surveying and Mapping, except that the surveying of registered land is governed by the requirements of the Land Court. The plan shall be clearly and legibly drawn in black India ink upon tracing cloth or on stable base material (i.e., Mylar or linen) and shall be at a scale of one (1) inch equals forty (40) feet or such other scale that the Board may accept to show details clearly and adequately. Sheet sizes shall be twenty-four by thirty-six (24 x 36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following information:
- (1) Each sheet shall have a title block to include the subdivision name, date, revision dates, scale, zoning classification, sheet number, name and address of the record owner, subdivider and engineer and/or surveyor, and map, block and lot number from the most recent Assessors Map. Total acreage of the site shall be depicted on the cover sheet.
 - (2) Two copies of the closed traverse for the whole subdivision; each individual lot, and each street in the subdivision shall be prepared and submitted. Lines must be indicated by bearings referred to true North point if possible. If true North reference line is not available within a reasonable distance of the subdivision, the meridian used for bearing shall be described.

86. Editor's Note: Forms C and C-1 are on file in the Planning Office and may be examined there during regular business hours.

- (3) Location and names of all abutters as they appear in the most recent tax list.
- (4) Existing and proposed lines of streets, ways, lots, easements and public and common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. (See § 344-12H for street name procedures.)
- (5) Sufficient data to determine the location, direction and length of every street and way line, lot line, boundary line and to establish these lines on the ground. Lot numbers shall be enclosed in a one-half-inch diameter circle. Street numbers to be furnished by the Inspector of Buildings shall be enclosed in a one-half-inch square.
- (6) Location of all permanent monuments properly identified as to whether existing or proposed.
- (7) Locations, names and present width of streets bounding, approaching or within reasonable proximity of the subdivision.
- (8) Suitable space to record the action of the Board and the Town Clerk's certification, as defined in M.G.L.A. Ch. 41, § 81V.
- (9) Existing topography shown in dashed black and proposed topography in solid black at a two-foot contour interval or as required by the Board.
- (10) Graphic representation of all slope grade cuts and fills along any right-of-way or basins shall be depicted, at twenty-five-foot intervals, or closer if severe change is proposed, by depicting a separate cross section view on each plan and labeled with its slope ratio.
- (11) Separate plan and profiles of every street, showing the following data:
 - (a) Exterior lines of the way, with sufficient data to determine the location, direction and length.
 - (b) Existing center line to be shown as black fine solid line, right side line as black fine dashed line and left side line as fine black dots or suitable equivalent which is labeled in the legend.
 - (c) Designed profile on the center line to be shown as heavy black line, with elevations shown every fifty (50) feet, except on vertical curves, where the elevations shall be shown every twenty-five (25) feet.
 - (d) Existing watercourses and water bodies to be indicated by short dashed fine line, wetlands to be indicated by crow's feet, and proposed and relocated watercourses, water bodies and wetlands in black fine solid line with descriptions.
 - (e) All drainage facilities to be shown on profiles, showing invert elevations, slopes, capacity, velocity and computations for drainage shall be submitted.
 - (f) Water supply systems, with the location, size and elevation of all pipes, including gates, valves and hydrants.
 - (g) Scales shall be horizontal: one (1) inch equals forty (40) feet; vertical: one (1) inch equals four (4) feet.
 - (h) Elevations shall refer to United States Geological Survey datum.
 - (i) All design work shall be done in accordance with accepted good engineering practice.

- (j) Location of all underground utilities, including gas, electric, telephone, cable television and streetlighting, the location of fire alarm systems and their above ground appurtenances (transformer pads, call boxes, etc.).
 - (k) All trees contained in the ways in excess of fifteen (15) inches in diameter within a distance of ten (10) feet of the intersection of the proposed ways and an existing public way and all trees in excess of twenty-four (24) inches in diameter within the ways or easements shall be located by a point and indexed, said index to contain a brief description of the tree.
- (12) A locus plan of the subdivision showing the relationship of the subdivision to the surrounding area at a scale of one (1) inch equals one thousand (1,000) feet oriented in the same relationship as said Comprehensive Plan.
 - (13) A plan of the subdivision on a separate sheet at a scale of one (1) inch equals two hundred (200) feet, to be provided for the Board of Assessors.
 - (14) A typical street cross section in accordance with that contained herein.⁸⁷
 - (15) A calculation on each lot showing that it conforms to the Rule of 22.
 - (16) Existing curb cuts within three hundred fifty (350) feet from the center line of newly proposed roads within the subdivision and both sides of existing roads at three hundred fifty (350) feet from the exterior lines of the proposed subdivision shall be drawn on the locus plan.

C. Review by other official bodies.

- (1) Board of Health review.
 - (a) At the time of filing of the definitive plan, the applicant shall also file a copy with the Board of Health. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board, in writing, approving or disapproving said plan.
 - (b) If the Board of Health disapproves the plan, it shall make specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots or land to which all conditions apply (M.G.L.A. Ch. 41, § 81U).
- (2) Conservation Commission.
 - (a) At the time of filing of the Definitive Plan, the applicant shall file a copy with the Conservation Commission and furnish proof of that to the Planning Board. The Conservation Commission shall, within forty-five (45) days after the filing of the plan, report to the Planning Board, in writing, its findings.
 - (b) If the Conservation Commission disapproves of the plan, it shall make specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof.

87. Editor's Note: A drawing of a typical street cross section is on file in the Planning Office and may be examined there during regular business hours.

- (3) Technical Review Committee. The Technical Review Committee shall be comprised of the following members: Town Planner, Town Manager, Inspector of Buildings, Superintendent of Water and Sewer, Board of Health, Fire Department, Police Department, Public Works Director, Conservation Commission and Select Board. **[Amended 10-18-2000 ATM, Art. 14; 11-20-2019STM, Art. 13]**
 - (a) At the filing time of the definitive plan, the applicant shall also file a copy with the Technical Review Committee. The Technical Review Committee shall, within forty-five (45) days after the filing of the plan, report to the Planning Board, in writing, its comments.
 - (b) If the Technical Review Committee recommends against this plan, it shall make specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof.

D. Traffic impact.

- (1) The Ashland Planning Board may approve or approve with conditions or disapprove a subdivision based on its review of the projected traffic impacts and the proposed methods of mitigating such impacts.
- (2) During the review process of a subdivision plan, the Planning Board shall make a written finding with supporting reasons therefor that the traffic-carrying capacity of the intersections and streets likely to be directly affected by the proposed development will be adequate, according to accepted Institute of Transportation Engineers criteria for level of service, to handle the existing and projected traffic. Such finding shall pertain to the entire proposed development, including any off-site improvement proposed by the applicant or required by the Planning Board as a condition of its approval. The conditions which may be attached to the approval of a subdivision application include the following:
 - (a) Controls on the location and type of access to the site.
 - (b) Requirements for off-site improvements to improve the capacity and safety of roads and intersections which are likely to be directly affected by the proposed development.
 - (c) A payment of a fee into a separate interest-bearing trust fund for transportation network improvements which are directly related to alleviating impacts of the proposed development. These fees shall be equal to the prorated costs of off-setting the impacts of the development as determined by the Planning Board, proportionate to the entire costs of such improvements. The Planning Board may waive the requirements of off-site traffic mitigation measures for developments which include low/moderate-income housing.

E. Public hearing.

- (1) Before approval, modification and approval or disapproval of the definite plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient identification, shall be given by the Planning Board by advertisement at the expense of the applicant in a newspaper of general circulation in the Town of Ashland, once in each of two (2) successive weeks, the first publication being no fewer than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all abutters by certified mail, return receipt requested. Secondary abutters shall receive notice by regular mail.
- (2) The Planning Board shall provide the applicant with the notice to be published. It is the

applicant's responsibility to submit the notice to the appropriate newspaper for timely publication.

- (3) The applicant shall submit a list of abutters and secondary abutters to the Planning Board. The Assessors' office shall certify the list of abutters and secondary abutters by lot, block and map number and submit said list to the Planning Board. The Planning Board shall provide the final list of abutters and secondary abutters to the applicant, who shall send out the notices within five (5) days after the first publication at his expense.
- (4) The petitioner's failure to attend the public hearing may be sufficient grounds for the Planning Board to deny the definitive plan.

F. Performance security.

(1) General requirements.

- (a) Prior to the Board endorsing its approval on the Definitive Plan and releases it for recording, the applicant/developer must deliver sufficient security to the Planning Board, as determined by said Board. Such security amount shall be calculated by the Planning Board Engineering Consultant to assure necessary improvements within the subdivision by a combination of the methods described in Subsection F(2). The form(s) of security shall be reviewed by Town Counsel and where appropriate, shall be cosigned by the mortgage holder. An itemized start and end date schedule shall also be provided for contemplated improvements, not to exceed two (2) years; unless there is a mutual written agreement between the applicant/developer and the Planning Board for an extension of time. Such agreement shall be executed and affixed to the performance guaranty.
- (b) Further extensions of time may be granted by the Planning Board upon written request of the applicant/developer, and such agreement shall be executed and affixed to the performance guaranty.
- (c) Despite the aforementioned security, the Board does not warrant that roads with ancillary utilities and appurtenances depicted on the approved Definitive Plan will actually be constructed or that any of the lots shown will be usable as buildable lots. In the event that the Town decides to implement completion security, its cost may be substantially higher than that of a private developer, both in direct cost (including bidding and prevailing wage) and in overhead. Therefore, in order to judge the cost to the Town in completing the road with its ancillary utilities and appurtenances, the Planning Board will authorize a professional estimate of such cost by its engineering consultant at the expense of the applicant, utilizing costs of publicly bid contracts in the greater Boston area, the Construction Cost Index for the region, as published monthly by Engineering News Record, and the Massachusetts Highway Department of Highway Estimator's Guide. Such estimates include a contingency factor of six percent (6%) probable increase of the cost over a two-year period. Cost estimates shall be periodically prepared, including changes in the amount of security on the release of lots each time the amount and type of security is established or revised.

(2) Method of security.

(a) Covenant.

[1] The covenant (Form F)⁸⁸ shall be executed and duly recorded by the owner or record,

running with the land, so that no lot in the subdivision shall be sold and no building erected thereon until the required improvements in accordance with this chapter are constructed and installed so as to adequately serve the lots and approved to the satisfaction of the Planning Board.

- [2] Such covenant shall be inscribed on the Definitive Plan and/or separate document referred to on the said Plan and recorded in the South Middlesex Registry of Deeds or Land Court within six (6) months of its endorsement.
- [3] In the case of the covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within two (2) years or as mutually agreed upon, in writing, by the Planning Board and the applicant/developer with the specified time period from the date of said covenant. Failure to complete such improvements within the time period agreed to shall be considered cause for the call of a public hearing by the Planning Board to consider rescinding such approval, after giving proper notice.
- [4] The developer/applicant shall post cash or a proper surety bond in accordance with Subsection F(2)(b), and/or execute an agreement for prorated cash deposits in accordance with Subsection F(2)c to ensure performance of the construction of the ways, the installation of services and other project costs as described in Subsection F(1)(c).

(b) Surety bond.

- [1] The initial security shall be in the form of a bond or other proper negotiable surety issued by a surety company licensed to do business in the Commonwealth of Massachusetts. The amount of the surety bond shall be determined by the Planning Board. Said amount shall be sufficient to pay for all work, as described in Subsection F(1), and related work, including the allowance for inflation by the end of the time specified for the completion of all required construction and installation, and which shall be contingent upon the completion of such improvements within two (2) years of the date of such bond. Such bond shall be approved as to form and execution as shown on the bond agreement in accordance with Subsection F. The Board will deposit said initial security into the custody of the Town Treasurer.
- [2] This security shall not be released, modified or substituted by the Town Treasurer without written approval of the Board.
- [3] In case of a surety company bond, an agreement to the extension of time as described in Subsection F(1) shall not be effective until the surety company delivers to the Board a written statement that the surety company agrees to the proposed alteration of the completion schedule and such alteration shall not relieve or affect the liability of the surety company.

- (c) Cash deposits. To temporarily augment the initial bond security as provided in Subsection F(2)(b) above, the applicant/developer shall provide additional cash deposits at the time of lot release on a prorated basis, or by a lump sum payment, according to the expected cost of the construction of the ways, the installation of services and other project costs as described in Subsection F(1)(c). The developer/applicant may only utilize this augmenting

method in conjunction with the covenant and surety bond methods of security. At the time of the completion of all necessary development improvements prior to qualification for lot releases as regulated in § 344-9, the applicant/developer may reduce the premium value of any surety bond, at any time, by the amount of accumulated prorated cash deposits or lump sum payment in exchange for lot releases. These funds will be deposited into a passbook account held by the Town Treasurer.

(3) Completion time schedule.

- (a) The applicant shall submit to the Board an itemized construction completion schedule. Following endorsement of the plan, the schedule shall be updated by the applicant every six (6) months.
- (b) Failure by the applicant to complete the improvements within the approved and prescribed time frame shall not relieve the applicant from his obligation to pay increased costs for completing the improvements in excess of his/her performance guaranty.

(4) Road opening security. In the event that the covenant form of security is submitted by the applicant/developer and approved by the Planning Board, said Board shall require sufficient security in the form of a bond, cash, passbook account or letter of credit to cover the cost of restoring the site to its near-natural conditions, plus additional categories of work, as determined by a project engineering cost estimate. Such funds shall be used by the Town for said purpose if the developer should default during the construction cycle prior to lot release application.

G. Approval, modification or disapproval. The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Approval, if granted, shall be endorsed on the original drawing of the definitive plan by signatures of a majority of the Board but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and the Clerk has notified the Board that no appeal has been filed and adequate surety has been delivered to the Board.

(1) Endorsement.

- (a) The applicant shall submit the approved plan for ratification within sixty (60) days after the twenty-day appeal period has run. An approved plan shall not be endorsed until the applicant has posted the necessary performance guaranty and made the necessary correction on the plan if conditional approval was given to the satisfaction of the Planning Board and shall deliver two (2) Mylar originals [one (1) for recording and one (1) for the Planning Board office file] and twelve (12) contact prints of the plan for the Board's file and various Town agencies, and the Board shall supply the applicant with a completed Form D-1 or D-2.⁸⁹
- (b) The Board shall distribute said signed copies to the Board of Assessors, Board of Health, Select Board, Inspector of Buildings, Conservation Commission, Department of Public Works - Water and Sewer, Department of Public Works - Highway, Fire Department, Police Department, Planning Office file, and Planning Board Consultant. Failure of the applicant to meet the above requirements may be full and sufficient reason for the Board to reconsider its decision. **[Amended 10-18-2000 ATM, Art. 14; 11-20-2019STM, Art.**

89. Editor's Note: Form D is on file in the Planning Board Office and may be examined there during regular business hours.

13]

- (2) Approval of the definitive plan or release of security does not constitute the laying out or acceptance by the Town of streets within the subdivision.
- (3) Recording of plan.
 - (a) Within six (6) months from the date of the Planning Board's endorsement of the definitive plan, the applicant shall cause said plan to be recorded in the Middlesex County Registry of Deeds or Land Court. Within ten (10) days after the plan has been recorded, the applicant shall notify the Board, in writing, of the date of such recording by providing the Board with sufficient evidence of said recording by photocopying the receipt document and, in addition, providing the Board, within fifteen (15) days a copy of the notice for the Book and Page assignment.
 - (b) At the time of such recording, all public easements and covenants shall be duly documented and originals transmitted to the Planning Board for filing with the Town Clerk.
- (4) Increase in performance guaranty. If the specified subdivision improvements in accordance with Articles IV and V are not completed within two (2) years of the date of bond, deposit of money or covenant, the Planning Board shall require a new estimate of costs of the remaining work, change the amount of performance security proportionately and establish a new date for the completion of said required improvements. Failure of the applicant to complete the improvements within said two (2) years or any extension thereof shall not relieve the applicant from his obligation to pay for increased costs for completing the improvements in excess of his performance guaranty.

§ 344-9. Release from performance guaranty.

- A. The applicant shall file with the Planning Board a written request for specific release of lots; each such request shall be accompanied by a processing fee. Said request shall be delivered to the Planning Board office or mailed by registered mail.
- B. Partial Release.
 - (1) The applicant may, upon partial completion and installation of required improvements in a subdivision as specified in this subsection in accordance with Article IV and V, make formal application to the Planning Board for partial release of his/her performance guaranty, the security for the performance of which was given by deposit of money or covenant bond as herein set forth.
 - (2) No lot shall be released unless the following conditions are satisfied:
 - (a) Covenant in place and performance bond and/or cash deposits. In the event of a covenant, the security shall be converted into a bond, cash or passbook account to cover the costs of completion as specified in § 344-8F and as follows.
 - (b) There shall be a binder course two (2) inches thick on the street(s).
 - (c) There shall be a report by the Planning Board engineering consultant as to the status of the subdivision, a cost estimate to complete the subdivision work and the value of all utility improvements and site preparation work for each lot.

- (d) Streets and drainage shall conform to Planning Board requirements and the approved subdivision plans, including, but not limited to, all utilities and other appurtenances are in place and have been properly tested and passed. minimum standards, including, but not limited to, water, sewer, electric, gas or gas line sleeves, drainage, telephone, cable, catch basins, flood control structures and binder on sidewalks.
- (e) Landscaping grading within the right-of-way shall conform to Planning Board requirements, and approved plans and accepted sediment and erosion control practices by the securing of all slopes, including bankings, along the roadway and the top crests of topographic land forms on the adjoining lots. In cases of grades of six percent (6%), granite curbing shall be in place. Where necessary, hay bales and seed shall be implemented for stabilization purposes, including along the right-of-way in front of proposed house lots.
- (f) Water mains and hydrants shall conform to appropriate regulations of the Water and Sewer Department and Fire Department and the approved subdivision plans and shall have adequate fire flow pressure.
- (g) Sewers (where applicable) shall conform to the appropriate regulations and subdivision plans; or septic systems (where applicable) shall have been approved on the subject lots, and values for the cost of said septic systems shall have been devised based on the perk rates and groundwater/limit of excavation limits.
- (h) Private wells (where applicable) shall have been approved on the subject lots.
- (i) The fire alarm system shall conform to the appropriate regulations and subdivision plans.
- (j) There shall be a certificate from the applicant's registered civil engineer/surveyor that all permanent bounds and monuments are in place and accurately located.
- (k) There shall be a listing provided by the applicant of all restrictions, encumbrances, liens and easements on the subdivision.
- (l) There shall be a listing provided by the applicant of all restrictions and easements over the land of others pertinent to the subdivision.
- (m) There shall be a statement from the applicant that he/she is the owner in fee simple of land included in the subdivision, particularly the lots requested for release, and that there are no mortgages of record or other liens of record on the property except those described above and which are subject to the covenant and that the present mortgage holders have agreed to said approved covenant.
- (n) There shall be a timetable submitted by the applicant for the completion of the construction of ways, municipal service installations and cleanup of lots, other necessary work and as-built plans for the subdivision.
- (o) Secondary access shall be provided.
- (p) Sufficient security in the form of a bond, cash, surety or letter of credit shall be provided by the applicant sufficient to cover the cost to finish the subdivision work.
- (q) All outstanding bills owed by the applicant to the Planning Board shall have been paid in full.

- (r) There shall be comments by the safety officials, including, where applicable, the Health Agent, Fire Chief, Police Chief, Inspector of Buildings and Public Works Director, regarding adequacy and safety of the lot(s) to be released. **[Amended 10-18-2000 ATM, Art. 14]**
- (3) Said provisions and conditions in Subsection B(2)(a) through (r) are applicable for any lot to be released within the first eight hundred (800) feet, with the exception of the need for secondary access. All conditions shall be met for any lot beyond the first eight hundred (800) feet.
- C. Model release. The Planning Board may issue a models-only-release to the developer of a subdivision, provided that the following minimum conditions are met:
 - (1) Covenant in place and/or cash deposits committed.
 - (2) Completion to the Board's satisfaction of items (d) through (g) in Subsection B(2).
 - (3) Recommendation by the safety officials as to adequacy and safety of the lot(s) requested.
 - (4) Report by the Planning Board engineering consultant as to the status of subdivision, cost estimate to complete subdivision work and value of utility improvements and site preparation work for each lot.
 - (5) The house on said lot cannot be occupied.
- D. Final release.
 - (1) Upon completion of the provisions of the performance guaranty, the applicant shall send by registered mail to the Town Clerk and the Planning Board a written statement that said construction or installation in connection with such bond, deposit or covenant which has been given has been completed in accordance with Articles IV and V of this chapter.
 - (2) The Planning Board shall then obtain, in writing, from the Planning Board Engineering Consultant and the Department of Public Works a certificate or statement that all work required under these rules and regulations under the jurisdiction of the Town has been inspected and completed in each street or streets in the subdivision, including, but not limited to, the items listed in § 344-9B(2)(d) through (i). **[Amended 10-18-2000 ATM, Art. 14]**
 - (3) If the Planning Board determines that said construction or installation has been completed satisfactorily, it shall notify the Town Treasurer, in writing, that it releases the interest of the Town in such performance guaranty and return the bond or deposit to the person or persons who furnished the same or, in the case of a covenant, the Planning Board shall issue a written release of the covenant suitable for recording.
 - (4) However, ten percent (10%) of the total costs to complete the required improvements specified in Articles IV and V shall be held by the Town until such time that the streets are accepted by the Town at the first scheduled Annual Town Meeting one (1) year after completion.
 - (5) In addition, the Board, upon the recommendation of the Planning Board Engineering Consultant and the Technical Review Committee, may refuse to release security if completion of construction on any remaining undeveloped or partially developed lots poses a substantial risk of injury to the covered improvements.
 - (6) If the Planning Board determines that said construction or installation has not been completed or fails to comply with this chapter, it shall specify to the applicant by registered mail and to the

Town Clerk, the detail wherein said construction or installation fails to comply with its rules.

- (7) Upon failure of the Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any such deposit shall be returned and any such covenant shall become void. Any such bond may be enforced and any such deposit may be applied by the Planning Board of the Town of Ashland as provided in M.G.L.A. Ch. 41, § 81Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

§ 344-10. Rescission of approval.

The Planning Board may rescind its approval of the subdivision plan based on the following grounds, which include but are not limited to: failure of the applicant to record the definitive plan within twelve (12) months of its endorsement by the Board; or to comply with the construction schedule incorporated into the performance guaranty; or to initiate construction of improvements or sell lots in a subdivision within seven (7) years of the approval of the definitive plan; or to comply with the approved plans and conditions of approval. Said grounds may constitute reason for the Planning Board, on its own motion, to institute proceedings to rescind its approval of a subdivision plan in accordance with the requirements of M.G.L.A. Ch. 42, § 81W.

§ 344-11. Occupancy permits.

- A. The applicant shall file with the Planning Board a written request for an occupancy permit which shall be accompanied by a processing fee.
- B. Approval of the occupancy permit shall include the following. Upon receipt of said request, the Town Planner will have five (5) business days to visit the site and sign the occupancy permit, provided that the following minimum standards are met:
 - (1) The right-of-way directly abutting the property shall meet the conditions set forth in § 344-9B(2)(b), (d), (e), (f), (g), and (h);
 - (2) There shall be appropriate sediment, erosion and landscaping controls on the side slopes (this shall include loam and seeding with grass or other acceptable materials by the Planning Board between the edge of pavement and the property line);
 - (3) Stockpiles of earth materials shall be covered if left over an extended period of time;
 - (4) Construction debris shall be removed off the premises.
 - (5) Tree trunks shall be disposed of in accordance with the rules and regulations as described in the occupancy permit standards promulgated by the Planning Board.
- C. The Planning Board may modify these standards in cases of undue hardship (such as adverse weather conditions) or if lots do not warrant it.

ARTICLE IV
Design Standards

§ 344-12. Streets.

A. Location and alignment.

- (1) All streets in the subdivision shall be designed so that they will provide safe vehicular traffic. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain maximum livability, safety and amenity of the subdivision.
- (2) The proposed streets shall conform to the Comprehensive Plan and other Growth Management Plans adopted in whole or in part by the Board and/or the Town.
- (3) Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (5) Center-line offsets of street jogs with less than one hundred twenty-five (125) feet should be avoided. The Board may provide center-line offsets to be greater than one hundred twenty-five (125) feet, dependent on the categories of street and intersected street and the amount of anticipated traffic passing through the jog.
- (6) The minimum center-line radii of curved streets shall not be less than the following:
 - (a) Lane; one hundred (100) feet,
 - (b) Minor street; one hundred fifty (150) feet,
 - (c) Collector street; five hundred (500) feet.
- (7) Streets shall intersect at right angles unless it is in the public interest to have an intersection of less than ninety degrees (90°). No street shall intersect any other street at less than sixty degrees (60°).
- (8) Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet.
- (9) The center-line distance between two (2) parallel streets on the same side of the intersected street shall be no less than three hundred fifty (350) feet, providing a minimum frontage for two (2) abutting house lots on the intersected street.

B. Width. The minimum width of street rights-of-way shall be forty (40) feet for a lane and fifty (50) feet for a minor or collector street. Greater width shall be required by the Board when deemed necessary for present and future vehicular travel. (For pavement width, see § 344-20H.)

C. Grade.

- (1) Grades of streets shall not be less than five-tenths percent (0.5%). Grades shall not be more than six percent (6%) for collector streets, ten percent (10%) for minor streets and twelve percent (12%) for lanes.
- (2) At an approach to an intersection a leveling area of a maximum of three percent (3%) shall be

provided for a distance of at least seventy-five (75) feet measured from the nearest exterior line of the intersecting street.

- (3) Vertical curves are required when algebraic difference in grade between center-line tangents is two and zero-tenths percent (2.0%) or more.
- D. Sight distances. Forward sight distances shall not be less than one hundred fifty (150) feet on lanes, two hundred fifty (250) on minor streets or three hundred fifty (350) feet on collector streets.
- E. Grading and location of pavements and utilities shall be as indicated on the typical street cross section.⁹⁰
- F. Dead-end streets.
 - (1) A dead-end street is a continuous stretch of road open at one (1) end and closed at the other. For purposes of this section only, a street which connects only with a dead-end shall be deemed to be an extension of the dead-end.
 - (2) Dead-end streets and their extensions shall not be longer than eight hundred (800) feet.
 - (3) A dead-end street shall be measured from the nearest exterior line of the intersecting street to the furthest point of the right-of-way radius of the turnaround.
 - (4) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least one hundred twenty (120) feet. An island shall be installed within the center of the cul-de-sac. The outside radius of this island shall be designed to accommodate the turning radius movement of a WB-40 vehicle (D.O.T.). Said island shall include on its outside radius a bituminous concrete berm of modified Cape Cod style or granite curbing.
- G. Access. A subdivision with more than one (1) street greater than eight hundred (800) feet shall have a minimum of two (2) streets providing separate accesses into the subdivision.
- H. Street names. Names of streets shall only be designated by letter on the preliminary plans, i.e., Road A, B, or C. Before the definitive plan is approved, or once the definitive plan is approved, but before it is signed, the developer/applicant shall select names for the streets from the Select Board-approved list of available street names, available in the Selectmen Office, and place said names on the plans.
[Amended 11-20-2019STM, Art. 13]

§ 344-13. Easements.

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least thirty (30) feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway channel or stream, the Board may require that there be provided a stormwater or drainage easement of a minimum of thirty (30) feet to conform substantially to the lines of such watercourse, drainageway channel or stream and to provide for construction or other necessary purposes.
- C. Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.

90. Editor's Note: A drawing depicting a typical street cross section is on file in the Planning Office and may be examined there during regular business hours.

D. All easements shall be clearly shown on the definitive plan prior to approval.

§ 344-14. Drainage.

" Drainage" shall mean the control of surface water within the tract of land to be subdivided.

- A. Storm drains, culverts and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, to control erosion and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and to meet best stormwater management practices as outlined in the Stormwater Policy and Technical Handbooks prepared by Massachusetts Department of Environmental Planning and Massachusetts Coastal Zone Management.
- B. Storm sewers shall be based on a twenty-five-year storm frequency, cross culverts at a fifty-year storm frequency, culverts on a fifty-year storm frequency and detention areas at a one-hundred-year-storm frequency. In addition, compilations shall be made on two-, ten-, twenty-five- and fifty-year frequency storms for the contributing area of the detention area.
- C. Design shall be based upon either the Rational Method or the Soil Conservation Method Modified Soil Complex as defined in the National Engineering Handbook, Section 4, Site Hydrology. The minimum water velocity shall be two (2) feet per second. The coefficient of runoff used shall be not less than three-tenths (0.3) for the subdivided areas. All developable land attributed to facilities being designed shall be assumed to be subdivided. A catchbasin-manhole system of drainage is required, with no storm sewers with an inside diameter of less than twelve (12) inches near the corners of intersectioning streets and at intervals of not more than three hundred (300) feet on continuous grades. Double catch basins are required at all low points in sag curves. Said double catch basins shall be constructed perpendicular to the roadway edge (berm/granite curbing). (See typical cross section in Appendix.)⁹¹
- D. The main drainage system shall be installed on the high side of the street.
- E. Property shall be developed in such a manner as to maximize stormwater recharge on the site and to minimize direct overland runoff into adjoining lots, streets and watercourses. Peak flows and runoff at the boundaries of the subdivisions shall be no higher following development than before development. There shall be no volumetric increase or increase in peak runoff off the site. There will be no more increase of off-site drainage than existing off the site prior to disturbance of the total development site including both site drainage and roadway drainage.
- F. Volumetric increases in runoff generated by the proposed development shall be handled as follows:
 - (1) The flow from storms having a twenty-five-year-storm frequency and twenty-four-hour duration shall be conveyed through the subdivision site in a manner which will maintain the ratio of runoff to infiltration at the same percentage as under normal conditions.
 - (2) Detention facilities shall be provided to handle all runoff which exceeds the percolation capacity of the site, up to and including the runoff generated by the one-hundred-year-storm frequency and twenty-four-hour duration.

§ 344-15. Water supply.

91. Editor's Note: A drawing depicting a typical street cross section is on file in the Planning Office and may be examined there during regular business hours.

- A. No definitive plan shall be approved by the Planning Board unless evidence satisfactory to the Board is presented that adequate provision will be made for supply of water to each lot in the subdivision which is to be built upon.
- B. System design shall be based upon the requirements of the Department of Public Works - Water and Sewer Division, and approved by said Department, in writing, prior to Planning Board approval of the definitive plan. **[Amended 10-18-2000 ATM, Art. 14]**

§ 344-16. Open spaces.

Before approval of a plan by the Planning Board, said Board shall also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air, and not unreasonable in area in relation to the area of land being subdivided and the prospective uses of such land, and if so determined, said Board shall, by appropriate endorsement on the plan, require that no building may be erected on such park or parks without its approval for a period of not more than three (3) years from acceptance of the last street in the subdivision by the Town.

§ 344-17. Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

§ 344-18. Underground cable utilities.

No definitive plan shall be approved by the Planning Board unless evidence satisfactory to the Board is presented that adequate provisions have been made for underground cable utilities (e.g., to each lot in the subdivision which is to be built upon). All underground cables within the ways shall be contained within protective tubing, and handholes for replacement of the same shall be provided at appropriate intervals.

ARTICLE V
Required Improvements

§ 344-19. Line and grade control.

- A. All survey work shall be done under the direction of a registered professional engineer or land surveyor.
- B. After clearing and grubbing there shall be a certified center line witnessed along the right-of-way at fifty-foot intervals, and the proposed finished grades shall be marked thereon. Before any lots are built upon, the corners of the lots shall be witnessed. The aforementioned witness stakes shall be preserved throughout all the construction procedures.

§ 344-20. Preparation and surfacing of roadway.

- A. The entire length of the right-of-way shall be cleared of all stumps, brush, roots, boulders, like material and trees not intended for preservation. All such materials shall be disposed of outside of right-of-way.
- B. All materials not suitable for foundation shall be removed from an area two (2) feet wider than the paved width and to a depth of at least fifteen (15) inches below finish grade. Peat, silt, loam or similar yielding materials shall be removed to a firm foundation.
- C. Traveled ways shall be provided with a foundation consisting of at least twelve (12) inches compacted thickness of good processed binding gravel satisfactory to the Planning Board and its Agent/Consultant and the Director of Public Works meeting the requirements specified in Division III Section M1 (Soils and Borrow Materials) of the Mass. Highway "Standard Specifications for Highways and Bridges." The maximum size of the stone in gravel shall be no greater than three (3) inches in diameter and shall meet the one-hundred-percent passing gradation for the three-inch sieve designation. The gravel shall consist of inert material that is hard, durable stone as specified previously, and coarse sand, clean, free of organic matter, free from loam and clay, surface coatings, and detrimental materials as determined by the Planning Board and consisting of no stones over three (3) inches in diameter. The gravel shall be spread in two (2) layers, each thoroughly watered, and rolled true to line and grade to conform to the typical street cross sections⁹² and the street profiles. Any depressions that occur, either during or after rolling, must be filled with additional gravel and rolled until the surface is true and even. **[Amended 10-18-2000 ATM, Art. 14]**
- D. The compacted gravel base shall be treated for the full pavement width as specified by the Director of Public Works. **[Amended 10-18-2000 ATM, Art. 14]**
- E. The paved surface of roadways and driveways within the right-of-way shall be a two-course Type 1-1 bituminous concrete pavement, applied with a two-inch (after compaction) binder course, one-inch (after compaction) leveling course, if required, as determined by the Planning Board, and a one-inch (after compaction) finish course, in accordance with Massachusetts Department of Public Works Standard Specification B-18, after the treated roadway has been subjected to traffic for a time specified by the Director of Public Works. The binder course shall be in place a minimum of one (1) year, including one (1) full winter season. The leveling course shall be in place a maximum of one (1) week before final coat. Final coat will be allowed according Mass. Highway "Standard Specifications for Highway and Bridges" commonly referred to as the "BLUEBOOK," except as

92. Editor's Note: A drawing depicting a typical street cross section is on file in the Planning Office and may be examined there during regular business hours.

noted in these subdivision regulations. The placement of pavement upon roadways shall terminate November 15 and shall not be resumed until April 1 following, unless the following criteria are met: **[Amended 10-18-2000 ATM, Art. 14]**

- (1) Except as determined and directed by the Planning Board's Inspection Engineer assigned to the development, with the approval of the Planning Director. Determination and direction shall be dependent upon the necessity and emergency of attendant circumstances, weather conditions, and location of project;
 - (2) The dispatching of trucks from the mixing plant shall be so arranged that all material which is to be delivered for surfacing any day may be placed and shall receive final compaction before nightfall of the same day, unless artificial light, satisfactory to the Inspection Engineer is provided;
 - (3) When the air temperature falls below 50° F., extra precautions shall be taken in drying aggregates, controlling the temperature of the materials, placing and compacting mixtures;
 - (4) The temperature of any mixture, with a tolerance of +/- 15° F., when delivered at the project site, will be governed by the temperature of the base upon which the mixture is placed, controlled by the Mat Thickness Temperature Table listed in Section 460.61 of the Massachusetts Highway's "Standard Specifications for Highway and Bridges";
 - (5) The mixture shall be placed upon approved surfaces that are clean from foreign matter and dry, and when weather conditions are suitable. The Inspection Engineer may, however, at the entire responsibility of the developer, permit work to continue when overtaken by sudden rain, limited to the material which may be in transit from the mixing plant at the time, and then only when the temperature of the mixture is within the temperature limits in Subsection E(4) above, and existing surface is not excessively wet. The developer will be cognizant that this pavement work may not be credited under the security arrangements.
- F. Bricking up around roadway structures. All roadway structures (i.e., catch basins and manholes) and berms shall be bricked up so as to provide for the safe operation of snowplowing thereon. Manhole covers shall be set to final coat height and the binder coat of pavement shall be feathered up to the manholes. Catch basin grates shall be set at binder coat level with flaring of the pavement to meet grate height at final coat.
- G. Driveways. Curbing/berms shall meet the driveway by the use of radiused granite for vertical curbs with the berming method continuous throughout the roadway network, without driveway cuts.
- H. The pavement width, exclusive of curbing, shall be as follows:
- (1) Lane: twenty-six (26) feet.
 - (2) Minor street: twenty-eight (28) feet.
 - (3) Collector street: thirty (30) feet.
- I. Pavement shall be centered within the right-of-way.

§ 344-21. Curbs, inlets and berms.

- A. Granite curbing.
- (1) Type VA 4 (Massachusetts Department of Highways specification) granite curbing shall be

installed as follows: on both sides of collector streets for the full radius, plus at least three (3) feet on each end at all street intersections, and wherever grade is at six percent (6%) and greater. Said granite curbing shall be continued from the end of the minimum grade slope granite to the location of the next set of catch basins on the downhill side of such grade. Modified Cape Cod berm shall be installed along all remaining roadway lengths, with no driveway cuts. Modified Cape Cod berm accommodations shall be according to the plan specification, not the Typical Cross-Section sheet in the Subdivision Rules and Regulations.

- (2) Curbing set on a radius of one hundred sixty (160) feet or less shall be cut to the curve required. Curbing placed at all street intersections shall be constructed to provide wheelchair access to sidewalks from the roadway.
- B. Catch basin inlets. Granite curb inlets will be provided at all catch basins, except where there is continuous Cape Cod berm. Cape Cod berm shall pass immediately behind all catch basin grates with no space for drainage to bypass.
- C. Berms. Type 1-1, Class I bituminous concrete modified Cape Cod-style berms shall be installed along the edge of each roadway in all streets except as noted in Subsections A and B, above. Said berms, which are continuous throughout the roadway network, shall be provided at binder course.

§ 344-22. Sidewalks.

- A. There shall be sidewalks five (5) feet in width on both sides of all collectors and one (1) side of all minor streets, as close as feasible to the edge of the right-of-way. Sidewalks may be required on a lane.
- B. Preparation of the base shall be accomplished by removing material to a depth of twelve (12) inches below finished designed grade. Any soft spots of undesirable material shall be removed and replaced with gravel. The excavated area shall be filled with ten (10) inches of gravel. The sidewalks shall slope toward the curb with a slope of one-fourth (1/4) inch per foot.
- C. Surfacing is to be done in the following manner. Forms are to be set to grade, then a binder course of Class I bituminous concrete rolled to a two-inch thickness shall be laid and topped with a finished course of bituminous concrete rolled to one-inch thickness. At driveways, the thickness shall be a two-inch binder coat, then a one-inch final coat.
- D. If only one (1) sidewalk is required on a street, the sidewalk shall be placed on the downside slope of the street.
- E. At intersections, sidewalks shall be suitably sloped for handicapped access from the street level.
- F. Grass strips shall be provided on each side of the roadway, between the roadway and the sidewalk on the side of the street. Where there is no sidewalk on the side of the street, the grass strip shall extend between the paved roadway and the edge of the right-of-way.
- G. The final elevation of the driveway shall be at the same level as the final pavement elevation of the sidewalk.

§ 344-23. Utilities.

All underground utilities shall be tested, approved and operational prior to installation of base course and pavement within the right-of-way.

A. Water system.

- (1) Water pipes shall be placed in a trench with a cover of at least five (5) feet. The piping shall be of cement-lined ductile iron.
- (2) Gates shall be placed along mains in accordance with the requirements of the Department of Public Works - Water and Sewer Division, but, in any case, spaced not more than one thousand (1,000) feet apart. The size of the mains shall conform to the recommendation of the Department of Public Works - Water and Sewer, as approved by this Department, but, in any event, not less than eight (8) inches. **[Amended 10-18-2000 ATM, Art. 14]**
- (3) Hydrants shall be located within the right-of-way but not on the street or on the sidewalk. Hydrants shall be located closest to the edge of the paved street and between the paved street and the sidewalk, if there is a sidewalk.
- (4) Hydrants shall be placed at intervals not exceeding five hundred (500) feet, starting at the street intersection. There shall be gates at leads to hydrants. The gates, valves and hydrants shall conform to requirements of the Department of Public Works - Water and Sewer. **[Amended 10-18-2000 ATM, Art. 14]**
- (5) Hydrants shall be installed, approved and operational prior to the installation of base course or prior to release of lots, whichever occurs first. Said hydrants shall be charged and ready for use.
- (6) The Fire Department shall approve the location and installation of all proposed hydrants and the testing of all hydrants to ensure the necessary fire flow.
- (7) Before making connection to the municipal water system, the developer shall comply with all appropriate regulations of the Department of Public Works Water and Sewer. **[Amended 10-18-2000 ATM, Art. 14]**

B. Storm drainage system. Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed within the subdivision, as necessary, to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points and along streets, to control erosion and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

- (1) Catch basins will be required on both sides of the roadway on continuous grades at intervals of not more than three hundred (300) feet and at all sags or low points along roads.
- (2) Proper connections shall be made with any existing drains in adjacent streets or easements where they may exist and prove adequate to accommodate the drainage flow from the subdivision, and, in the absence of such facilities or the inadequacy of the same, it shall be the responsibility of the developer to extend drains from the subdivision as required to properly dispose of all drainage from said subdivision in a manner determined proper by the Board.
- (3) Where adjacent property is not subdivided, provision shall be made for extension of utility systems by continuing appropriate drains and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection and with such accessories and appurtenances deemed appropriate by the Board.
- (4) Storm drains and culverts shall have at least a twelve-inch inside diameter reinforced concrete pipe and shall be greater size when required by the Board or by design conditions. Minimum cover for drains shall be twenty-four (24) inches. Piping with less than thirty-six (36) inches of

cover shall be laid with reinforced concrete Class V pipe.

- (5) Catch basins and manholes shall be spaced as required by the Board and shall be at least four (4) feet inside diameter, unless the depth of the manhole is twelve (12) feet or more, then five (5) feet inside diameter. They shall be constructed with standard cement concrete six-inch manhole blocks or precast concrete units. Catch basins shall provide a sump extending not less than thirty (30) inches below pipe invert. No catch basins shall be used as manholes. Drops of three (3) feet from the invert to the bottom of the basin or manhole structures shall be protected from erosion, deterioration or collapse. Drains and catch basin excavations shall not be backfilled until approved by the Planning Board.
- (6) Type A-1 grates shall be set on top of each catch basin. Manhole covers and grates shall be in conformance with Massachusetts Department of Public Works specifications.

C. Sewer systems.

- (1) When the subdivision abuts the existing sewerage system of the Town, connection shall be made. When the subdivision abuts a proposed sewage extension as designated in the sewage facilities plan, the subdivision shall be seweraged so that such connection can be made when sewer lines are installed. Where gravity connection is not feasible, a lift station shall be located and installed in accordance with the requirements of the Department of Public Works - Water and Sewer. Common sanitary sewers within the subdivision shall be installed under the supervision of and in accordance with the requirements of the Department of Public Works - Water and Sewer. **[Amended 10-18-2000 ATM, Art. 14]**
- (2) Individual or private sewerage systems will be permitted only under conditions other than the above, and design and installation of such individual or private sewerage systems shall be under the supervision of the Board of Health in strict compliance with Title V of the State Sanitary Code and all local health bylaws and regulations.
- (3) Small wastewater treatment plants. Small wastewater treatment plants systems will be allowed only under conditions other than the above, and design and installation of such systems shall be under the supervision of the Board of Health regulations and Massachusetts Department of Environmental Protection.

D. Other utilities. All other utilities shall be located and installed in accordance with the requirements of the Board or the Massachusetts Department of Public Utilities.

- (1) Street-level-type lamppost lighting [approximately six (6) feet high from ground level] shall be installed in the front yard of each individual building lot in near proximity to the right-of-way boundary. Such lighting structure shall be architecturally compatible with the neighborhood. The power for said individual lamppost light shall be tied to that of the individual building.

E. Buffering for municipal utility structures. The location of small wastewater treatment plants, detention/retention basins and other municipal structures, if set up within fifty (50) feet of the perimeter, shall be screened and fenced with appropriate landscaping materials, including seven-foot-high evergreens.

§ 344-24. As-built drawings.

- A. Progress as-builts. The developer shall assure that preliminary as-builts are revised and provided as field construction progresses, to be made available upon demand, to the Planning Board, from time-

to-time during the construction cycle. The developer shall be required to submit one (1) copy of progress as-builts upon the completion of utilities (i.e., water, sewer, drainage) and detention facilities prior to the release of any lots. Said plans will be reviewed by the Planning Board and/or its Engineering/ Inspection Consultant for approval.

B. Final as-builts.

- (1) Within sixty (60) days from the completion of the roadways, as defined by the Planning Board, the developer shall have the original plans and profiles of the definitive plan, as approved by the Board, corrected and certified by his/her engineer or surveyor to show the actual final as-built locations and grades of all utilities, roadway profiles and any changes on the Mylar authorized by the Board or Planning Board engineering consultant.
- (2) These changes shall be drawn on the Mylar(s) and the plan(s) shall be marked "As-Built Drawing" in the lower right-hand corner.
- (3) Ties to all gate valves, butterfly valves, tees, service connections, shutoffs, sewer wyes, bounds, corporation corks, etc., shall be shown on the Mylars. There shall be one (1) sheet combined for the profile and plan.
- (4) As-built revision to the street plan showing all monuments, street widths, distances, bearings and complete curve data for all street side lines and easements shall be utilized for the street acceptance plan, and the plan so marked. The surveyor shall place a certification on the plan stating "The street(s) or portions thereof shown have been set as shown." The plan shall be signed by the surveyor and his/her stamp shall be affixed thereto.
- (5) The Board shall not release final performance guaranties until the developer has submitted said as-built plans, predicated upon subsequent Board approval of same.

§ 344-25. Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets, easements and at front lot corners. Such monuments shall be of either granite or concrete, at least forty-eight (48) inches long and six (6) inches square, with dressed top, a one-half-inch drill hole in the center and set to finished grade.
- B. At all lot corners where a monument is not required by the above, iron rods, pipe or other markers suitable to the Planning Board shall be installed at corners of each lot within the subdivision.
- C. No monuments shall be installed until all construction which could destroy or disturb the monument(s) is completed.

§ 344-26. Street name signs. [Amended 10-18-2000 ATM, Art. 14]

Upon the recording of the subdivision plans in the Registry of Deeds, temporary street name signs shall be installed at all intersections of existing streets. Street name signs of a design and material acceptable to the Director of Public Works shall be installed for each street at each intersection at base course or prior to release of lots on said subdivision street, whichever shall occur first. Posts shall be set in concrete to at least twenty-four (24) inches below grade.

§ 344-27. Fire alarm system.

Fire alarm system requirement was deleted March 1999.

§ 344-28. Grading of slopes.

- A. The grade of side slope from the edge of the right of way shall not be steeper than a slope of three (3) feet horizontal to one (1) foot vertical, except that in ledge, as determined by the Planning Board and its Engineering/Inspection Consultant, the grade may be one (1) foot to one (1) foot.
- B. Slope easements or retaining walls shall be employed where slopes cannot be contained within street side lines. Grass strips between the sidewalk and driveway entrances shall be so graded as to prevent surface water on the street from draining onto private land except designated ponding areas. Trees to be retained within required front yard areas shall not have the grade over their root areas more than six (6) inches except with the explicit approval of the Tree Warden.

§ 344-29. Plantings.

- A. Existing trees which are suitable for street trees, as approved by the Tree Warden, shall be preserved. Street trees, as approved by the Tree Warden, and having a trunk diameter at least two (2) inches shall be planted just outside the right-of-way grass strips, as defined in § 344-22F, and shall be surfaced with not less than four (4) inches of quality loam, seeded and rolled.
- B. The distance apart shall not exceed eighty (80) feet, where trees are to be planted on each side of the roadway. There shall be a minimum of two (2) trees per lot, except as required for a cluster development. The distance apart shall not exceed fifty (50) feet if the planting of trees on only one (1) side of the roadway is required. No trees or shrubs shall be planted at any street corner or intersection where they could become a traffic hazard by obstructing vision or otherwise preventing highway safety. The developer shall guarantee all trees so planted for their erectness and good health for two (2) years after planting.

§ 344-30. Safety.

All precautions should be taken by the developer and his/her subcontractors to observe common sense safety requirements. The Planning Board designates its inspector to report all unsafe activities during construction of the subdivision to the Board. No holes or trenches shall be greater than five (5) feet in depth and shall not be open for greater than a twenty-four-hour period. Soil pipes, if used, shall be no higher than three (3) feet, and no materials shall be stored in an unsafe manner unless the area is adequately protected.

§ 344-31. Cleanup of lots.

In accordance with an approved subdivision construction schedule, before the sale of a lot, the subdivider shall clean up any debris thereon and shall dispose of or incorporate into the subdivision landscaping any boulders encountered during construction of said subdivision. All areas within the street lines destroyed or altered in construction operations shall be restored to vegetation or other finish satisfactory to the Board. No stumps, tree limbs, or by-products of stumps shall be buried on site.

§ 344-32. Lot drainage.

Perimeter drains composed of six (6) to twelve (12) inches of crushed stone surrounding a four-inch pipe may be installed around all house foundations and will either be tied into the street drainage or provide flow away from the foundation, provided it does not impact on abutting properties.

ARTICLE VI
Administration

§ 344-33. Schedule of work.

- A. The work connected with the items required in Article V shall be accomplished so as not to interfere with previous work.
- B. The work required by Article V shall proceed with exceptions only by order of the Planning Board.
- C. The Planning Board shall have inspected all work done on the subgrade, surfacing and drainage, including trench, before placing drains and all work on water piping and related equipment. Trenches shall not be backfilled before inspection by the Planning Board.
- D. Before any work required in Article V is started, the Planning Board shall be notified, in writing, at least two (2) working days before such work commences, with no exceptions and a copy of the notification shall be sent to the Board.

§ 344-34. Hiring of outside consultants; fees.

- A. When reviewing an application for permit/approval or compliance with the conditions of a Planning Board approval, the Board may determine the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that the respective applicant/developer pay a review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- B. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws and regulations.
- C. Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Whether for inspections or review of data, applicants/developers shall be required to maintain a minimum one-thousand-dollar balance in such account at all times, except where expressed permission of the Planning Board/Planning Director is, otherwise, granted in writing. Expenditures from this account shall be made only in connection for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application/permit.
- D. Inspection review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- E. Any applicant may take an administrative appeal from the selection of the outside consultant to the Select Board. The grounds for such appeal shall be limited to claims that the consultant selected has a conflict in interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to the field at issue, or three (3) or more years of practice in the field at issue, or a related field. The required time limit for action

upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one (1) month following the filing of the appeal, the selection made by the Planning Board shall stand. **[Amended 11-20-2019STM, Art. 13]**

§ 344-35. Waiver of compliance.

Strict compliance with the requirements of these rules and regulations may be waived when such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ 344-36. Number of dwellings per lot.

Not more than one (1) building designed or available for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere within the Town without the consent of the Planning Board, which shall be granted only for structures in compliance with zoning restrictions and only upon the Board's finding that adequate ways and utilities serving such site for such buildings have been provided in the same manner as otherwise required for the lots within a subdivision.

§ 344-37. Matters not covered.

For matters not covered by these rules and regulations, reference is made to M.G.L.A., Ch. 41, §§ 81K to 81GG, inclusive.

§ 344-38. Severability.

Each section of these rules and regulations shall be construed as separate to the end that if any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force.

§ 344-39. Other applicable rules and regulations. [Amended 10-18-2000 ATM, Art. 14]

All work related to water, sewer and fire services within subdivisions must conform to the Ashland Department of Public Works - Water and Sewer Division, Board of Health and the Fire Department rules and regulations. Said regulations are available from the respective offices.

Chapter 348**WETLANDS PROTECTION REGULATIONS**

[HISTORY: Adopted by the Conservation Commission of the Town of Ashland 1-24-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Stormwater management — See Ch. 247.

Zoning — See Ch. 282.

Wetlands protection — See Ch. 280.

Subdivision of land — See Ch. 344.

§ 348-1. General Provisions.

These regulations are promulgated by the Ashland Conservation Commission ("Commission") under the authority of the Code of the Town of Ashland, Chapter 280, Wetlands Protection.

The purpose of these regulations is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Ashland by controlling activities deemed by the Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, and aquaculture, deemed important to the community. The failure of these regulations to address all aspects of the bylaw, or a legal declaration of their invalidity in part or in whole, shall not act to suspend or invalidate the effect of the bylaw.

§ 348-2. Filing fees.

Bylaw filing fees are payable at the time of application and are not refundable. Fees are calculated by the Commission or its agent according to the schedule below. These fees are in addition to any fee(s) set forth under the Massachusetts Wetlands Protection Act and 310 CMR 10.00 and as required by the Application Process set out by the Commonwealth of Massachusetts pursuant thereto.

Notice of Intent (Permit Application). The bylaw filing fee for a permit application shall be calculated using the following schedule. Categories are those used in determining fees under the state Wetlands Protection Act. A full explanation of these categories can be found in the instructions for filing a Notice of Intent from the Massachusetts Department of Environmental Protection (BRP WPA Form 3 as amended).

Category	Type of Activity (see BRP WPA Form 3 for complete list)	Town Bylaw Fee
Category 1	Work on existing single-family lot (pool, addition, etc)	\$110
Category 2	Construction of single-family house, crossing for driveway, etc.	\$500
Category 3	Commercial building, road construction, etc.	\$1050

Category	Type of Activity (see BRP WPA Form 3 for complete list)	Town Bylaw Fee
Category 4	Crossing for development or commercial road, bridge, etc.	\$1450
Category 5	Work on docks, piers, dikes, or other engineering structures in inland resource areas	\$4/linear foot (not less than \$100, not more than \$2,000)
Category 6*	Resource area delineation review	\$2/linear foot (with limit of \$200 for single-family lot, \$2000 all others)

*

Category 6 includes boundary delineations for vegetated wetlands as part of a permit application (Notice of Intent), or a Notice of Resource Area Delineation, or a Request for Determination of Applicability.

Other application fees:

Request for Determination of Applicability (without boundary delineation)	\$125
Request for Permit Extension	\$100
Amended Notice of Intent (significant revision)	See NOI
Certificate of Compliance (includes partial)	
single family lot	\$100
all other projects	\$250
Reissuance of any Order, Determination or Certificate (includes true copy attest)	\$50
If there is an enforcement order or there is proposed activity for which a building permit is not required, then the Applicant may be required to pay the Commission for the Recording of an Order of Conditions at the Registry of Deeds	\$150

§ 348-3. Protection of Buffer Zones and Vernal Pools.

A. Definitions.

BUFFER ZONE — Shall have the same meaning as set forth in § 280-6 which states: "any bordering vegetated wetlands, Vernal Pools, springs, banks, reservoirs, lakes, ponds, beaches, and lands under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of 100 feet, known as the Buffer Zone."

VERNAL POOL — As defined in § 280-5 where in the bylaw provides that the Vernal Pool need not be certified and the Vernal Pool need not be within another resource area to be protected by the bylaw.

B. Buffer Zone protection.

- (1) Preamble. Buffer Zones are likely to be significant to the wetland interests and values identified in § 280-1, the Act and 310 CMR 10.00 et seq.
- (2) Presumption of Significance. When a proposed activity involves the removing, filling, dredging, building upon, or altering of a Buffer Zone, the Commission shall presume that protection of the Buffer Zone is significant to the interests in the bylaw and may impose conditions as to how and to what extent the work can be conducted therein. This presumption is rebuttable and may be overcome upon a clear showing that the Buffer Zone does not play a role in the protection of those interests or that the proposed work protects the intent of the bylaw. In the event that the Commission finds that the presumption has been overcome, it shall make a written determination including the Commission's basis therefore and/or impose conditions which protect the interest as set forth in the bylaw.
- (3) Performance Standards. The portion of a Buffer Zone extending 25 feet from the wetland, bank, or waterbody defining the Buffer Zone's inner edge, is designated a No Disturb Zone.
 - (a) No Disturb Zone:
 - [1] Alterations, including but not limited to grading, landscaping, mowing, removing of vegetation, filling, excavating, operation of vehicles or machinery, and paving, shall not be permitted in a No Disturb Zone.
 - [2] Structures, including but not limited to porches, decks, pools, and sheds, shall not be constructed or placed within a No Disturb Zone.
 - [3] Notwithstanding any of the foregoing prohibitions, the Commission may allow disturbances, such as crossings, through a No Disturb Zone by waiver, as provided in § 348-3D of these regulations, when no other practicable alternative exists. Petitions for a waiver shall be included in writing in the Notice of Intent filed under the bylaw. The applicant shall provide information and evidence deemed satisfactory by the Commission that the work to be performed sufficiently protects or enhances wetland interests.
 - (b) The rest of the Buffer Zone: No activity shall be permitted in the Buffer Zone that has the potential to harm resource areas, including No Disturb Zones, with respect to the interests of the bylaw.

C. Protection of Vernal Pools.

- (1) Preamble. Vernal Pools and their surrounding areas provide important wildlife habitat. They are increasingly rare and are inhabited by many species of wildlife, some of which are totally dependent on Vernal Pools for their survival. The wood frog (*Rana sylvatica*) and all species of mole salamander (*Ambystoma* spp.) that occur in Massachusetts breed only in Vernal Pools, and use the surrounding upland habitat for their other habitat needs, such as feeding, shelter, and over-wintering.
- (2) Presumption of Significance.
 - (a) Any confined depression which, at least in most years, holds some water for at least two continuous months during the spring or summer will be presumed to be essential breeding habitat and provide other extremely important habitat functions during the non-breeding

season for a variety of wildlife, particularly amphibian species.

Pools occurring in lawns, landscaped area, or driveways are presumed not significant as wildlife habitat.

- (b) This presumption may be overcome by a clear showing that the presumed Vernal Pool does not and cannot meet the defining criteria set forth by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), in March 2009, for Vernal Pool certification, or the most recent criteria set forth by NHESP.

Certification of a Vernal Pool under the state program is not required for protection under the bylaw or these regulations.

- (c) Because of the seasonal nature of Vernal Pools, the Commission may require that evidence presented to overcome this presumption be gathered during the spring or summer during a year in which the level and duration of water in the pool is at or above average.

(3) Performance Standards

Within a Vernal Pool and its Buffer Zone, no activity or alteration is permitted unless it is shown to the Commission's satisfaction that a proposed activity will have no detrimental effect on the habitat value of the Vernal Pool.

Activities and alterations include, but are not limited to removal or alteration of vegetation; removal or alteration of natural ground cover including leaves, logs, and other vegetative litter; grading; landscaping; filling; construction or placement of structures or pavement of any sort.

The Commission may allow limited alterations to areas that, in their existing condition and use, do not serve a significant habitat function.

D. Waivers and Mitigation.

(1) Waivers.

The performance standards for wetland resource areas have been adopted to ensure that the interests protected by the bylaw are adequately protected.

Waivers may be granted by the Commission when the applicant demonstrates that the requested waiver is consistent with the intent and purpose of the bylaw and regulations.

The applicant shall have the burden of demonstrating that the granting of the waiver is consistent with the intent and purpose of the bylaw and these regulations.

The Commission shall act on all waiver requests and shall provide to the applicant a written decision on said request.

A request for a waiver must include sufficient and reliable information which demonstrates:

- that sufficient wetland resource area function and value and adjacent upland habitat will remain such that the interests of the Act and bylaw are protected,
- that likely use and maintenance of the altered area will have no detrimental effect on water quality of the adjacent resource area or quality of the remaining habitat area, and
- that the work to be performed sufficiently protects or enhances wetland interests.

(2) Mitigation.

In cases where a waiver is granted, the Commission may require mitigation measures to be implemented to offset potential impacts to the wetland resource areas.

The mitigation must maintain or improve the natural capacity of a resource area to achieve the interests protected by the bylaw.

In its discretion, the Commission may require that mitigation be implemented and demonstrated to be functioning before alterations permitted by the waiver may begin.

§ 348-4. Rules for hiring outside consultants. [Amended 11-20-2019STM, Art. 13]

As provided by MGL c. 44 § 53G, the Ashland Conservation Commission ("Commission") may impose

upon the applicant reasonable fees for the employment of outside consultants, engaged by the Commission, for specific expert services deemed necessary by the Commission to come to a decision on an application submitted to the Commission pursuant to the requirements of the Wetlands Protection Act (MGL c. 131, § 40), the Ashland Wetlands Protection Bylaw (§ 280-1), the Commission Act (MGL c. 40, § 8C), or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time.

Funds received by the Commission pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Commission without further appropriation as provided in MGL c. 44, § 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

Specific consultant services may include but are not limited to:

- resource area survey and delineation,
- analysis of resource area values,
- hydrogeologic and drainage analysis,
- impacts on municipal conservation lands, and
- environmental or land use law.

The consultant shall be chosen by the Commission in accordance with the parameters set forth in MGL c. 44, § 53G, and report only to the Commission or its Agent. The Commission shall give written notice to the applicant of the selection of an outside consultant, which notice shall state:

- the identity of the consultant,
- the amount of the fee to be charged to the applicant, and
- a request for payment of said fee in its entirety.

Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five business days of the date notice is given.

The fee must be received in its entirety prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment may be a basis for the Commission to deny the permit application for lack of information.

The applicant may appeal the selection of the outside consultant to the Select Board, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Ashland Select Board and a copy received by the Commission, so as to be received within ten (10) business days of the date consultant fees were requested by the Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of the appeal, the selection made by the Commission shall stand.

§ 348-5. Open meeting requirements.

- A. Purpose. The purpose of this Regulation is to ensure that all actions of the Commission are in accordance with the requirements of the new Open Meeting Law effective July 1, 2010, Massachusetts General Laws, Chapter 30A, §§ 18-25, as amended. Under that statute, all "materials" filed with or presented to the Commission become part of the Commission's record. Pursuant to the Open Meeting Law, the Commission hereby adopts this Regulation to handle the burden the new Law imposes with regard to the storage of submitted "materials."
- B. Definitions. The term "Materials" shall include all items in any format including but not limited to hardcopy and electronic formats, regardless of whether they are formally filed with the Commission or simply presented at a public meeting.
- C. General provisions.
 - (1) In accordance with the Open Meeting Law, copies of all Materials must be submitted to the Commission.
 - (2) All Materials submitted to the Commission that are larger than 8 1/2 x 11 inches must be accompanied by an 8 1/2 x 11 inch version unbound and in an electronic version that is readable either in Word or Adobe Acrobat.
- D. Enforcement. The Commission shall require that all Materials be properly submitted prior to taking any action on the application before it.

Appendix

Chapter A351**ACCEPTANCE OF GENERAL LAWS AND SPECIAL ACTS****§ A351-1. List of acceptances of General Laws.**

The following is a listing of General Laws accepted by the Town of Ashland:

Date Accepted	Statutory Reference	Subject
10-7-1887, Art. 6	Ch. 154, Acts of 1882	Public parks
3-4-1889, Art. 4	Ch. 304, Acts of 1889	Library Trustees
1-14-1891, Art. 2	Ch. 386, Acts of 1890	Printing and distributing of ballots
4-6-1891, Art. 12	Ch. 58 of Public Statutes	Inspectors of slaughterhouses
8-10-1891	Ch. 154, Acts of 1882	Public parks
4-13-1903, Art. 2	Ch. 346, § 1 Acts of 1902	Election of Moderator
4-5-1909, Art. 12	Ch. 209, Acts of 1908	Protection of forest or sprout land from fire
10-6-1910, Art. 2	Ch. 456, Acts of 1908	Water supply
11-5-1912	Ch. 503, Acts of 1912	Pensioning laborers
11-4-1913	Ch. 807, Acts of 1913	Workers' compensation
11-3-1914, state ballot	Ch. 217, Acts of 1914	Laborers' vacations
11-3-1914, state ballot	Ch. 688, Acts of 1914	Saturday half day
11-3-1914, state ballot	Ch. 790, Acts of 1914	Abolition of party enrollment
3-1-1915, ballot	Ch. 807, Acts of 1913	Workers' compensation
3-1-1915, Art. 13	Ch. 703, Acts of 1914	Swimming pool
4-11-1917, Art. 1	Ch. 130, Acts of 1910	Finance Committee
9-18-1918, Art. 1	Ch. 293, Acts of 1916	Taxicabs
11-4-1919, state ballot	Ch. 311G, Acts of 1919	Instruction for employed minors
11-4-1919, ballot	Ch. 116, Acts of 1919	Interest in savings banks
3-6-1935, Art. 14	MGL c. 40, §§ 42A to 42F	Collection of water rates
3-6-1935, Art. 15	MGL c. 40, § 12	Bathing places or public baths
3-6-1947	Ch. 86, Acts of 1946	Sewer system
11-5-1947	MGL c. 32, §§ 1-28	Contributory retirement system
11-7-1950	Ch. 579, Acts of 1950	Life tenure for Police Chief
3-4-1953, Art. 7	MGL c. 111	Board of Health
3-7-1953, Art. 11	MGL c. 40, § 6B	Police uniforms
10-20-1954, Art. 2	Ch. 297, § 1, Acts of 1954	Industrial Commission

Date Accepted	Statutory Reference	Subject
3-4-1957, ballot	MGL c. 31, § 48	Applicability of Civil Service Law to Police Force
3-2-1959, ballot	MGL c. 32B, § 10	Provision of insurance to town employees
3-4-1959	MGL c. 85, § 11A	Registration and operation of bicycles
3-7-1960, ballot	Ch. 104, §§ 1 and 2, Acts of 1960	Appointment of patrolmen
3-9-1960, Art. 14	Ch. 493, Acts of 1959	Increase in pensions
3-9-1960	Acts of 1960	Increase in number of School Committee members
5-24-1960, Art. 4	Ch. 86, Acts of 1946	Sewer system
3-8-1961, Art. 21	MGL c. 40, § 8C	Conservation Commission
3-8-1961, Art. 24	Ch. 647, Acts of 1960	Increase in pensions
6-28-1961	MGL c. 54 § 6	Voting precincts
3-5-1962, ballot	MGL c. 32B, § 9A and 9F	Insurance
3-7-1962, Art. 10	MGL c. 40, §§ 42A - 42F	Water rates
3-3-1963, ballot	MGL c. 32B, § 11B	Health insurance
3-4-1963, ballot	MGL c. 48, §§ 42 - 44	Fire Department
3-4-1964, Art. 27	Ch. 478, Acts of 1963	Increase in pensions
3-3-1965 Art. 11	Ch. 608, Acts of 1964	Sewer system
3-9-1967	MGL c. 71, §§ 16 - 16I	Establish regional school district
3-9-1967	MGL C 41, §§ 41 and 108C	Personnel Board
11-13-1968	MGL c. 90, §§ 20C and 20D	Selectmen to establish parking penalties
3-3-1969, ballot	Ch. 303, Acts of 1967	Health insurance
3-3-1969, ballot	Ch. 402, Acts of 1967	Health insurance
3-3-1969, Art. 15	MGL c. 41, § 100A	Indemnification of town employees
3-3-1969	MGL c. 149, § 1781	Attorney to be School Committee representative
3-4-1970	MGL c. 152, § 69	Definition of laborers, workmen and mechanics
3-4-1970, Art. 23	MGL c. 40, § 6H	Making repairs to private way
3-4-1970, Art. 42	MGL c. 40, § 6J	Purchase of stormy weather workclothes
4-7-1971, Art. 40	MGL c. 41, § 97A	Chief of Police

Date Accepted	Statutory Reference	Subject
3-6-1972, ballot	Ch. 486 of the Laws of 1971	Beano
4-4-1973, Art. 20	MGL c. 44, § 53C	Payment of police officers for off-duty work
4-4-1973, Art. 46	MGL c. 90, § 18A	Use of ways by pedestrians
4-11-1973, Art. 47	MGL c. 32, § 99	Advance payment of retirement benefits
6-13-1973, Art. 7	MGL c. 40D, § 2	Industrial Development Financing Authority
4-10-1974, Art. 26	MGL c. 40, § 15C	Designation of scenic roads
6-14-1978, Art. 5	MGL c. 71, § 71E	School Committee funds
6-14-1978, Art. 6	MGL c. 44, § 53D	Revolving fund for Recreation Committee
5-5-1980, ballot	MGL c. 258, § 13	Indemnification of employees
5-20-1980, Art. 28	MGL c. 40, § 22D	Removal of improperly parked vehicles
2-3-1982, Art. 6	MGL c. 143, § 3Y	Term of Town Inspector
2-3-1982, Art. 7	Fiscal Year 1982 Budget, § 20A-1/2	Enforcement of parking violations
5-19-1982, Art. 31	MGL c. 148, § 26E	Smoke detectors in multiple-family dwellings
5-19-1982, Art. 32	MGL c. 148, § 26C	Smoke or heat detectors in multiple-family dwellings
5-19-1982, Art. 40	Ch. 743, Acts of 1981	Real estate tax exemptions
5-11-1983, Art. 10	MGL c. 138, § 12B	Regulation of nudity
5-18-1983, Art. 18 9-28-1983, Art. 3	Ch. 545, Acts of 1982 Ch. 258, Acts of 1982	Automatic sprinkler systems Real estate tax exemptions
9-28-1983, Art. 4	Ch. 597, Acts of 1982	Motor vehicle excise tax
5-9-1984, Art. 22	Ch. 545, Acts of 1982	Automatic sprinkler systems
5-9-1984, Art. 40	Ch. 653, § 5, Acts of 1982	Real estate tax exemptions
11-20-1985, Art. 8	Ch. 295, Acts of 1985	Water and Sewer Commission
5-14-1986, Art. 1	Ch. 727, Acts of 1985	Tax exemption
12-3-1986, Art. 3	MGL c. 40, § 57	Granting or renewing of licenses and permits
12-3-1986, Art. 27	Ch. 73, § 3, Acts of 1986	Real estate tax exemption
12-3-1986, Art. 28	Ch. 73, § 1, Acts of 1986	Real estate tax exemption
5-4-1987, Art. 5	MGL c. 40, § 5D	Pension Reserve Fund

Date Accepted	Statutory Reference	Subject
10-21-1987, Art. 10	MGL c. 148, § 26H	Automatic sprinkler systems in boarding and lodging houses
5-4-1988, Art. 32	Ch. 499, Acts of 1987	Real estate tax exemption
Date Accepted	Statutory Reference	Subject
5-4-1988, Art. 35	MGL c. 60, § 23B	Sliding scale of fees for municipal lien certificates
3-15-1989, Art. 6	MGL c. 64G, § 3A	Excise tax on transfer of occupancy of room
3-15-1989, Art. 16	MGL c. 51, § 42C	Voter education
10-4-1989, Art. 11	MGL c. 71, § 71F	Nonresident student tuition
5-7-1990, Art. 12	MGL c. 148, § 26E	Smoke detectors
5-7-1990, Art. 13	MGL c. 148, § 26I	Automatic sprinkler systems
5-15-1991, Art. 16	MGL c. 41, § 81U	Performance guaranties
5-15-1991, Art. 44	Ch. 291 of the Laws of 1990	Enhanced 911 service
5-20-1992, Art. 18 5-26-1993, Art. 8	MGL c. 258, § 13 MGL c. 40, § 21D	Acceptance of liability for municipal officers Noncriminal disposition
11-17-1993, Art. 3	MGL c. 60, § 3C	Scholarship checkoff
11-17-1993, Art. 7	Acts of 1993, c. 71, § 83	Early retirement for teachers
11-17-1993, Art. 18	MGL c. 44, § 53F-1/2	Enterprise fund for water receipts and expenditures
11-17-1993, Art. 19	MGL c. 44, § 53F-1/2	Enterprise fund for sewer receipts and expenditures
5-2-1994, ballot	MGL c. 40, § 6C	Removal of snow and ice from private ways open to public use
10-19-1994, Art. 8	MGL c. 40, § 8G	Mutual aid for the Police Department
10-16-1996, Art. 10	MGL c. 59, § 5, cl. 41A	Real estate tax deferral; limit of \$30,000 beginning FY1997
10-15-1997, Art. 5	MGL c. 140, § 147A	Establishment of Town Dog Fund
10-15-1997 ATM	MGL c. 40, § 22F	Fees and charges for licenses, permits, etc.
5-19-1998, Art. 33	MGL c. 32B, § 9E	Health insurance for retirees
5-19-1998, Art. 37	MGL c. 54, § 16A	Election workers
10-21-1998, Art. 12	Ch. 181, § 1, Acts of 1995	Real estate tax exemptions
5-12-1999, ATM	MGL c. 60, § 3D	Aid to Elderly and Disabled Taxation Fund

Date Accepted	Statutory Reference	Subject
10-20-1999, ATM	MGL c. 83, §§ 16A through 16F	Sewer charges
5-10-2000, Art. 10	MGL c. 41, § 108L	Police career incentive pay program ("Quinn Bill")
10-25-2004, Art. 12	Ch. 653, § 40, Acts of 1989	Allow new construction or other physical additions to real property occurring by June 30 to be valued and assessed for the fiscal year beginning on July 1
10-19-2005, Art. 3	Ch. 184, § 51, Acts of 2002	Reduction in age of eligibility for property tax exemption for senior citizens
10-19-2005, Art. 4	Ch. 184, § 51, Acts of 2002	Increase in maximum amount of allowable assets for property tax exemption for senior citizens
5-2-2006, ballot	MGL c. 44B	Additional exemption from open space surcharge for low-income housing or low- or moderate-income senior housing
5-10-2006, Art. 9	MGL c. 59, § 5, cl. 41A	Reduction in interest rate for tax deferral and recovery agreements for certain qualified seniors
5-10-2006, Art. 19	MGL c. 40, § 58	Authorizing Town to impose liens on property for municipal waste and recycling charges or fees not paid by due date
11-29-2006, Art. 16	MGL c. 39, § 23D	Allowing that a member of any municipal board, committee or commission, when holding an adjudicatory hearing, shall not be disqualified from voting on the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received
5-2-2007, Art. 17	MGL c. 59, § 5, cl. 54	Establishing a minimum fair cash value of \$5,000 for personal property accounts to be taxed, beginning with fiscal year starting July 1, 2007
5-15-2007, ballot	Ch. 139, § 41, Acts of 2006 (MGL c. 59, § 5, cl. 41C 1/2)	Real property tax exemption for qualified senior citizens

Date Accepted	Statutory Reference	Subject
11-14-2007, Art. 16	MGL c. 32B, § 18	Allowing the Town to realize savings by transferring eligible employees from active health insurance plans to Medicare plans that provide comparable coverage
11-19-2008, Art. 14	MGL c. 60, § 15	Allowing the Town to charge, for each written demand issued by the Collector, a fee of \$30 or such greater amount as authorized by state law to be added and collected as part of the tax
11-19-2008, Art. 15	MGL c. 43D	Allowing for expedited permitting of sites
11-16-2009, Art. 10	MGL c. 41, § 110A	Allowing any Town office to remain closed on any or all Saturdays
11-29-2010, Art. 9	MGL c. 200A, § 9A	Allowing the Town to have an alternate procedure for disposing of abandoned funds held in the custody of the Town
11-29-2010, Art. 10	MGL c. 39, § 23D	Allowing that a member of any municipal board, committee or commission, when holding an adjudicatory hearing, shall not be disqualified from voting on the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received
11-19-2013, Art. 6	MGL c. 64L, § 2(a)	Imposing a local meals excise tax
7-9-2014, Board of Selectmen	MGL c. 32B, §§ 21-23	Health insurance benefits
5-3-2017, Art. 19	MGL c. 90, § 17C	Allowing Board of Selectmen to set speed limits of 25 miles per hour in areas defined by state law as "thickly settled or business districts" which are not on a state highway

§ A351-1

ACCEPTANCE OF GENERAL LAWS AND SPECIAL

Date Accepted	Statutory Reference	Subject
11-14-2017, Art. 14	MGL c. 138, § 33B	Sale of alcoholic beverages by licensees under MGL c. 138, § 12, between 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May, and on Christmas Day or on the following day when said day occurs on Sunday
5-1-2019	MGL c. 6, § 172B 1/2	Local fingerprint submission requirement for applicants for licenses in specified occupations
12-9-2020, Art. 4	MGL c. 59, § 5	BRAVE Act: real estate tax exemption for surviving parents or guardians of certain soldiers, sailors, members of the National Guard and Veterans
12-9-2020, Art. 5	MGL c. 59, § 5N	BRAVE Act: reduction of property tax obligation of veterans in exchange for volunteer services
11-29-2023, Art. 3	MGL c. 59, § 5K	Establishment of a senior tax work off program and adjustment of exemption

§ A351-2. Special Acts.

The following Special Acts pertaining to the Town of Ashland have been adopted by the General Court:

Date Accepted	Statutory Reference	Subject
1-11-2019	Ch. 448, Acts of 2018	An Act Dissolving the Redevelopment Authority in the Town of Ashland
11-7-2019	Ch. 112, Acts of 2019	An Act Authorizing the Massachusetts Water Resources Authority to Supply Water to the Town of Ashland
1-6-2021	Ch. 380, Acts of 2020	An Act Relative to Gender Neutral Redraft of the Home Rule Charter of the Town of Ashland Replacing All Gendered References to Board of Selectmen with Select Board

Chapter A352**FEES****§ A352-1. Fee schedule.**

The following schedule of fees sets forth the fees and charges assessed by various boards, departments and offices of the Town of Ashland.

Chapter 77, Alarm Systems [Amended 10-18-2000 ATM, Art. 21]

- | | | |
|----|---|--|
| A. | Master box (§ 77-2): | |
| | (1) | Annual fee: three hundred dollars (\$300.). |
| | (2) | Permit fee: twenty dollars (\$20). |
| | (3) | Connection fee: five hundred dollars (\$500.). |
| B. | Central station operating company (§ 77-3): | |
| | (1) | Annual fee: three hundred dollars (\$300.). |
| | (2) | Permit fee: twenty dollars (\$20). |
| | (3) | Connection fee: five hundred dollars (\$500.). |

Chapter 84, Amusement Devices

- | | |
|----|---|
| A. | Permit and approval fee: one hundred dollars (\$100). |
|----|---|

Chapter 87, Animals

- | | |
|----|---|
| A. | Registration and licensing of dogs: amount set by Town Clerk. |
|----|---|

Chapter 141, Fees

- | | |
|----|---------------------------------------|
| A. | Town Clerk's fees: [Amended 5-8-2002] |
|----|---------------------------------------|

Service	Fee
Entering an amendment or correcting errors of a record of a birth, death or marriage record	\$25
Entering delayed record of birth, marriage or death	\$25
Entering a certificate of marriage filed by persons married out of the commonwealth	\$25

Service	Fee
Issuing certificate copies of birth, marriage and death	\$10
Marriage intention	\$40
Recording a deed of lot or plot in a public cemetery (Wildwood)	\$10
Any document containing the Town Seal (certified copy)	\$10
Kennel License:	
1-4 dogs	\$50
5-10 dogs	\$100
10 or more dogs	\$150
Dog License:	
Intact male/female	\$20
Neutered/spayed	\$15
Senior Citizen	\$0
ADA Service	\$0
Duplicate Dog Tag	\$5
Annual registration of underground storage of flammables or explosives (tanks)	\$40
Filing a certificate of a person conducting business under any title other than his/her real name (DBA) (includes certified copy)	\$40
Withdrawal or change of location of such business (DBA)	\$10
Fine for failure to file a business certificate under MGL Ch. 40, § 21d (noncriminal disposition of violations)	\$25
Furnishing a certified copy of such business certificates	\$10
Raffle and bazaar permits	\$25
Active voter registration list	\$25
Marked active voter registration list	\$25
Voter's identification certificate	\$5
Bounced check bank demand and statutory charges	\$25

B. Sealer of Weights and Measures fees:

Device	Fee
Balances and scales	
Over 10,000 pounds	\$75
5,000 to 10,000 pounds	\$40
1,000 to 5,000 pounds	\$30
100 to 1,000 pounds	\$25
Less than 100 pounds	\$15
Reverse vending machine (bottles and cans)	\$15
Reinspection fee	\$15
Weights	
Avoirdupois (each)	\$1
Metric (each)	\$1
Apothecary (each)	\$1
Troy (each)	\$1
Capacity measures	
Vehicle tanks:	
Each indicator	\$4
Each 100 gallons or fraction thereof	\$2
Liquid:	
1 gallon or less	\$1
More than 1 gallon	\$2
Liquid measure meters	
Inlet 1/2-inch or less oil or grease	\$5
Inlet 1/2-inch to 1-inch gas	\$10
Inlet more than 1 inch	
Vehicle tank pump	\$20
Vehicle tank gravity	\$30
Bulk storage	\$50
Company supplies prover	\$30
Pumps	
Each stop on pump	\$4
Other devices	

Device	Fee
Taxi meters	\$10
Odometer-hubometer	\$10
Leather measuring (semiannual)	\$5
Fabric measuring	\$5
Wire-rope-cordage	\$5

Chapter 183, Plastic Bag Reduction

Fine Schedule	Fine Allowed	Enforcement Agency
1st offense	Warning	Town Manager's
2nd offense	\$50.00	Designee
3rd & each subsequent offense	\$100.00	

Chapter 215, Peddling and Soliciting

- A. Hawker/peddler (§ 215-1A): twenty-five dollars (\$25).
- B. Soliciting license (§ 215-14): ten dollars (\$10).

Chapter 227, Retail Establishments [Amended 11-20-2019STM, Art. 13]

- A. Annual license fee (§ 227-3): to be determined by the Select Board.

Chapter 242, Soil Removal

- A. Earth removal permits (§ 242-3B): as established by the Board.

Chapter 282, Zoning [Amended 11-20-2019STM, Art. 13]

- A. Sign permit application fee [§ 282-35E(2)]: to be determined by Select Board.
- B. Special permit in Water Supply Protection District (§ 282-43H): fee schedule adopted by special permit granting authority based upon the complexity of the project and proposed scope of the work.

Chapter 300, Septic Systems and Wells

- A. Septic system permit (§ 300-4): schedule of fees available at Board of Health office.

- B. Well permit (§ 300-4): schedule of fees available at Board of Health office.

Chapter 307, Wastewater Treatment Plants

- A. Preliminary application fee (§ 307-8A): four thousand dollars (\$4,000).
- B. Final application fee (§ 307-8B): two hundred fifty dollars (\$250) per lot for the maximum number of lots serviced.

Chapter 312, Water Supplies, Private and Semipublic

- A. Permit fee (§ 312-2): as set by the Board of Health from time to time.

Chapter 318, Wildwood Cemetery

CEMETERY FEES:

Grave opening charge: \$300

Frost fees: \$100

Greens and lowering device rental: \$50

Ashes: \$100

Baby opening: \$100

Weekend/holiday charges: \$400

LOT CHARGES (per single lot grave)

Resident¹

Perpetual care: \$300

Sale of grave: \$300

Total \$600

¹

A person whose legal domicile is Ashland at time of purchase of lot.

Chapter 326, Sewers

- A. Application for permit to construct sewer lines (§ 326-1, definition of "permit to construct sewer lines"): one hundred dollars (\$100).
- B. License to install sanitary building sewers, public sewer mains, etc. (§ 326-8A):
- (1) Initial license: one hundred dollars (\$100).
 - (2) Renewal request: seventy-five dollars (\$75).
- C. Application for permit to construct sewer line (§ 326-10I): one thousand dollars (\$1,000).
- D. Approval to connect, each tap to be made by contractor (§ 326-17H):

- (1) Existing structures: two hundred fifty dollars (\$250).
 - (2) New residential structures: seven hundred fifty dollars (\$750).
 - (3) New commercial and industrial structures: seven hundred fifty dollars (\$750).
- E. Connection and inspection fees [§ 326-26B(1)]:
- (1) Initial service: eight hundred dollars (\$800).
 - (2) Each additional service or developer-installed mains: six hundred dollars (\$600).
- F. Miscellaneous sewer fees (§ 326-32):
- (1) Sewer connection for new road, business, house or condominium: one thousand dollars (\$1,000).
 - (2) Sewer connection for existing house: five hundred dollars (\$500). The permit shall be valid for one (1) year.
 - (3) Sewer blockage fee: one hundred dollars (\$100), plus labor charge.
 - (4) Hourly rates:
 - (a) 7:00 a.m. to 3:30 p.m.:
 - [1] Fifty dollars (\$50) per man for the first hour.
 - [2] Thirty-five dollars (\$35) per man for each additional hour.
 - (b) 3:30 p.m. to 7:00 a.m.: fifty dollars (\$50) per man per hour.

Chapter 334, Water

- A. New water service, complete, from water main to edge of property, including water main tap [§ 334-61B(1)]:

Meter Size (inches)	Fee
3/4	\$750
1	\$1,000
1 1/4	\$1,250
1 1/2	\$1,500
2	\$2,000
Greater than 2	\$600 per 1/2 inch

B. Water main tapping fees [§ 334-61B(3)]:

Main Size (inches)	Fee
8	\$750
10	\$1,000
12	\$1,500
14 or larger	\$2,000

C. Sprinkler connections [§ 334-61B(4)]:

- (1) Sprinkler tap: five hundred dollars (\$500).
- (2) Service charge: fifty dollars (\$50) per billing.

D. Test of meter at customer's request [§ 334-61B(5)]:

- (1) One-inch and smaller:
 - (a) If found to be within accuracy: fifty dollars (\$50).
 - (b) If found to be defective: no charge.
- (2) Larger than one-inch: fifty dollars (\$50) per hour.

E. Resealing meter that has been tampered with [§ 334-61B(6)]: two hundred dollars (\$200).

F. Frozen meter reset, up to one-inch [§ 334-61B(7)]:

- (1) Between 7:00 a.m. and 3:30 p.m.: thirty dollars (\$30).
- (2) Between 3:30 p.m. to 7:00 a.m.: seventy-five dollars (\$75) per hour.

G. Turning water on or off [§ 334-61B(8)]: fifty dollars (\$50).

H. Cross-connection test fee [§ 334-61B(9)]: seventy-five dollars (\$75) per device.

I. Final meter readings [§ 334-61B(10)]: twenty dollars (\$20).

J. Replace water meter valves within homes [§ 334-61B(11)]: one hundred twenty-five dollars (\$125).

K. Fine for second estimated water and sewer bill [§ 334-61B(12)]: none. However, town cannot be responsible for calculation of use charges.

L. Inspection charges [§ 334-61B(13)]:

- (1) First inspection (during normal hours): no charge.
- (2) Second and subsequent inspections:
 - (a) 7:00 a.m. to 3:30 p.m.:
 - [1] First hour: fifty dollars (\$50) per man.

[2] Each additional hour: thirty-five dollars (\$35) per man.

(b) 3:30 p.m. to 7:00 p.m.: fifty dollars (\$50) per hour.

- M. Drain layer's license [including one (1) copy of Water and Sewer Division Rules and Regulations] [§ 334-61C(1)(a)]: one hundred dollars (\$100).
- N. Additional copies of rules and regulations [§ 334-61C(1)(b)]: fifteen dollars (\$15) each.
- O. Road reconstruction [§ 334-61C(2)]: to be determined by the Highway Division Superintendent on a per-foot basis according to current prices of materials.

Select Board's fees: [Amended 11-20-2019STM, Art. 13]

- A. Restaurant: **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
 - (1) All: one thousand seven hundred fifty dollars (\$1,750).
 - (2) Beer and wine: seven hundred fifty dollars (\$750).
- B. Package store: **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
 - (1) All: seven hundred fifty dollars (\$750).
 - (2) Beer and wine: seven hundred fifty dollars (\$750).
- C. Tavern-inn holder: one thousand seven hundred fifty dollars (\$1,750). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- D. Club: seven hundred fifty dollars (\$750). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- E. Veterans club: seven hundred fifty dollars (\$750). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- F. One-day: twenty-five dollars (\$25).
- G. Auctioneer: twenty-five dollars (\$25).
- H. Sunday entertainment: one hundred dollars (\$100).
- I. Common victualler: fifty dollars (\$50). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- J. Billiards: two hundred fifty dollars (\$250).
- K. Lodging house: twenty dollars (\$20).
- L. Taxi service: one hundred dollars (\$100).

- M. Hobby shop: twenty-five dollars (\$25).
- N. Class I: one hundred dollars (\$100). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- O. Class II: one hundred dollars (\$100). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**
- P. Class III: one hundred dollars (\$100). **[Amended 10-21-2009, effective 12-1-2009; 12-15-2010]**

Planning Board fees: [Amended 3-14-2002, effective 4-1-2002; 4-3-2003]

[Note: Check must accompany application(s)/request(s).]

- A. All development.

**Permit Applications
Plus Hearing Costs**

	Fee
Flood Plain District	\$150
Scenic Road	\$300
Water Resource Protection	\$200

Conferences

Pre-Submittal

Initial conference	\$300
Additional conferences (per session)	\$100
Pre-Construction (per session)	\$100
Technical Review Board conference	\$750
On-site conference, requested by Developer (per session)	\$100

Hearings

	Fee
Advertisement	Cost
Consultant reviews and/or attendance	Cost

Miscellaneous

	Fee
Consultant fees, engineer, landscape, architect	Cost
Maintenance of definitive plans and as-builts	\$250 per application

Repetitive petition with ZBA	\$300
Covenant -- review and approval	\$750
Cert. of Performance (lot releases)	\$150 per lot
Occupancy permit inspection	\$100 each
Street acceptance	\$500 per street

B.

Residential.

Approval Not Required Plans (ANR)

	Fee
Application fee	\$250, plus \$100 per additional lot created
Modification/Amendment	\$100

Type of Development Cluster		Application Fee		
		Preliminary Plan	Definitive Plan	Modification/Amendment
	Single-Family Homes	\$3,000, plus \$150 per lot	\$2,000, plus \$500 per lot	\$1,500
	Multifamily	\$3,000, plus \$75 per unit	\$2,000, plus \$250 per unit	\$1,500
	Senior Residential			
	Single-Family Homes	\$3,000, plus \$150 per lot	\$2,000, plus \$500 per lot	\$1,500
	Multifamily	\$3,000, plus \$75 per unit	\$2,000, plus \$250 per unit	\$1,500
	Subdivision			
	Single-Family Homes	\$3,000, plus \$150 per lot	\$2,000, plus \$500 per lot	\$1,500
	Multifamily	\$3,000, plus \$75 per unit	\$2,000, plus \$250 per unit	\$1,500
Other Multifamily (apartments, condominiums, duplexes)		\$3,000, plus \$75 per unit	\$2,000, plus \$250 per unit	\$1,500

- C. Commercial and industrial.
- (1) Site plan approval application fee: \$2,000, plus \$0.15 per square foot of gross floor area.
 - (2) Mixed Use District.
 - (a) Site plan approval application fee: \$2,000, plus \$0.15 per square foot of gross floor area (commercial or industrial); \$250 per residential unit.
 - (b) Modification/Amendment: \$1,500.
 - (3) Rail Transit District.
 - (a) Site plan approval application fee: \$2,000, plus \$0.15 per square foot of gross floor area (commercial or industrial); \$250 per residential unit.
 - (b) Modification/Amendment: \$1,500.
- D. Earth recycling facilities: \$5,000.
- E. Site plan approval:
- (1) Under 1 acre: \$750, plus hearing costs.
 - (2) Over 1 acre: \$1,250, plus hearing costs.
- F. Water resource protection, special permit:
- (1) Non-complex: \$100.
 - (2) Complex: \$250.
- G. Security deposit fees: office accounting: 5% of each deposit (separate check).

Board of Health fees: [Amended 4-18-2023; 3-20-2024]

In accordance with the provisions of Chapter 111, Section 31 of the Massachusetts General Laws, the Ashland Board of Health does hereby adopt the following regulations establishing permit and license fees:

Food Service Establishments		
Food Establishment Permit Fee	Full Year	Partial Year (After June 30)
25 seats or less	\$415	\$350
26-99 seats	\$570	\$475
100 seats & over	\$570 plus 1.30 each seat over 100	\$475 plus \$1.30 each seat over 100

Renewal (Annual Fee)	Full Year	
25 seats or less	\$225	
26-99 seats	\$255	
100 seats & over	\$255 plus \$1.30 each seat	

Retail Food Establishment		
Retail Food Permit Fee/Sq. Feet	Full Year	Partial Year (After June 30)
Less than 1,500	\$285	\$190
1,501 - 4,000	\$415	\$320
4,001 - 8,000	\$570	\$450
Greater than 8,000	\$1,265	\$1,105

Renewal (Annual Fee)/Sq. Feet	Full Year	
Less than 1,500	\$160	
1,501 - 4,000	\$190	
4,001 - 8,000	\$285	
Greater than 8,000	\$760	

Food Establishment Plan Review for Changes in Operations or New Facility/Major Renovation		
Minor Renovation/Operation Change	\$50	
Major Renovation/New Facility - Plan Review	\$100	

Caterers (d, e)	
New Facility	\$160
With Existing Food Establishment	\$95

Mobile Food Vendors (d, e)	
Daily	\$50/per day
Year round/Annual	\$200/annual
Prepackaged Ice Cream Only	\$150/annual

Miscellaneous Food	
Farmer's Market and Corner Spot Vendors (*excluding mobile vendors)	\$40/per day \$50/annual
Temporary Food Event	\$40/per day
Temporary Food Permit (Up to 10 days)	\$115
Residential Kitchens	\$95
Function Hall (includes non-profit, no town agency)	\$160
Variance Fee	\$50

Miscellaneous Permits	
Animal Permit (Horse, Chicken, Goat, other)	\$30
Animal Permit (Temporary)	\$25
Beach Permit	\$140
Beach permit (with a recreational camp permit)	\$100
Late Fee (For annual applications received after January 1st)	\$50
Recreational Camp Permit	\$130
Swimming Pool Permit	\$285
Swimming Pool Construction New	\$150
Swimming Pool Renovation	\$100
Service Inspection for Housing (up to 6 rooms)	\$125
Installer's Permit	\$160
Septic Hauler/Offal Hauler Permit	\$160
Trench Permit	\$25

Tobacco Sales		
	Full Year	Partial Year (After June 30)
Retail Establishment	\$255	\$130

Tanning Establishment		
	Full Year	Partial Year (After June 30)
Establishment (1st issuance)	\$160	\$115
Establishment (Annual)	\$130	
Each Device thereafter	\$95	\$65

Body Art		
	Full Year	Partial Year (After June 30)
Establishment (New Facility)	\$380	\$320
Establishment (Annual)	\$255	
Body Artist	\$130	\$95

Note:

- a) Application is to include square footage and/or number of seats on all renewal forms.
- b) Establishments that require both retail and food service shall pay only the higher of the two fees.
- c) Seating capacity will be as established by the Massachusetts State Building Code for places of assembly.
- d) Square footage includes all displays, sales areas, storage, and processing areas.
- e) First inspection of any type (i.e. routine, complaint, and follow-up) is included in the fee; there will be a \$50 charge for each additional re-inspection.

Soil Testing	
Soil Testing per lot (3 deep hole observation and 2 percolation tests)	\$320
Trench Permit (Required for Soiling Testing)	\$25
Additional Soil Test, Per Test	\$95

New Onsite Sewage Disposal System (Residential)

New Septic System Review - New Construction (homes with 4 bedrooms or less, including one plan revision)	\$695
Each additional bedroom above 4 bedrooms	\$160
Each additional plan revision (whether or not it was previously approved)	\$225

Sewage Disposal System Repairs/Replacements

Septic Tank Replacement	\$160
Distribution Box Replacement/Septic Tank Repair	\$95
Alterations (e.g. changes to a pre-existing subsurface sewage disposal system) (Does not include soil testing)	\$225
Repairs or Replacement of Onsite Sewage Disposal System (Does not include soil testing)	\$255

Miscellaneous

Transfers/Renewals (Any change in the plan will be considered a new application)	\$65
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Onsite Sewage (Commercial)

Per system (first 500 gallon per day of flow including one plan revision)	\$825
Each gallon in excess of 500 gallons per day	\$1.30
Each Additional plan revision (whether or not it was previously approved)	\$320

Well

New Well	\$285
Replacement Well	\$160
Alterations/Repairs to Existing Well	\$100
Permit Renewal	\$65

Zoning Board of Appeals fees:

- A. Application fee: twenty-five dollars (\$25).
- B. Abutter fee, per abutter: two dollars (\$2).

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Town of Ashland adopted since the republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the 2000 republication of the Code was the May 12, 1999, Annual Town Meeting.

§ DL-1. Disposition of legislation.

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 10	10-20-1999	General Law acceptance	Ch. A351
ATM, Art. 12	10-20-1999	Wetlands protection	Ch. 280
ATM, Art. 17	10-20-1999	Zoning Map amendment	NCM
Board of Selectmen	12-1-1999	Vehicles and traffic amendment	Ch. 293
Board of Selectmen	4-26-2000	Vehicles and traffic amendment	Ch. 293
Board of Selectmen	4-26-2000	Vehicles and traffic amendment	Ch. 293
ATM, Art. 19	5-10-2000	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 32	5-10-2000	Zoning Map amendment	NCM
ATM, Art. 33	5-10-2000	Sewer betterment assessment	Ch. 235
Board of Selectmen	5-24-2000	Vehicles and traffic amendment	Ch. 293
STM, Art. 1	6-21-2000	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
STM, Art. 2	6-21-2000	Zoning Map amendment	NCM
STM, Art. 3	6-21-2000	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Board of Health	8-24-2000	Massage amendment	Ch. 297
Board of Health	8-24-2000	Private and semipublic water supplies amendment	Ch. 312
Board of Selectmen	9-20-2000	Vehicles and traffic amendment	Ch. 293

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 14	10-18-2000	Department of Public Works	Ch. 54
ATM, Art. 18	10-18-2000	Building construction: life safety	Ch. 98, Art. II
ATM, Art. 20	10-18-2000	Alarm systems amendment	Ch. 77
ATM, Art. 21	10-18-2000	Fees amendment	Ch. A352
ATM, Art. 27	10-18-2000	Charter amendments	Charter
ATM, Art. 29	10-18-2000	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 31	10-18-2000	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Board of Selectmen	10-25-2000	Vehicles and traffic amendment	Ch. 293
ATM, Art. 17	5-9-2001	Zoning amendment (wetlands repealer)	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 18	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 19	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 20	5-9-2001	Zoning amendment (site plan and design plan review)	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 21	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 22	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 23	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 24	5-9-2001	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 27	5-9-2001	Post-Audit Committee repealer	Ch. 52
ATM, Art. 9	10-17-2001	Feeding or baiting of wild mammals	Ch. 281
ATM, Art. 21	10-17-2001	Demolition delay bylaw for historically or architecturally significant buildings	Ch. 125

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 24	10-17-2001	Animal control amendment	Ch. 87
Board of Selectmen	10-24-2001	Vehicles and traffic amendment	Ch. 293
Planning Board	3-14-2002	Planning Board fees amendment	Ch. A352
Board of Health	3-21-2002	Fees amendment	Ch. A352
Board of Selectmen	5-8-2002	Fees amendment	Ch. A352
ATM, Art. 15	5-15-2002	Handicapped parking amendment	Ch. 164
ATM, Art. 17	5-15-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 20	5-15-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 32	5-15-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 37	5-15-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 38	5-15-2002	Secondhand dealers	Ch. 230
Board of Selectmen	9-18-2002	Vehicles and traffic amendment	Ch. 293
Board of Selectmen	9-18-2002	Vehicles and traffic amendment	Ch. 293
Board of Health	9-26-2002	Body art	Ch. 295
Board of Health	Effective 1-9-2003	Rubbish and recycling	Repealed 10-11-2006 by Board of Health
ATM, Art. 4	10-16-2002	Community Preservation Committee	Ch. 9
ATM, Art. 14	10-16-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 15	10-16-2002	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Planning Board	4-3-2003	Planning Board fees amendment	Ch. A352
ATM, Art. 14	5-13-2003	Scenic roads	Ch. 249, Art. III
ATM, Art. 16	5-13-2003	Solid waste amendment	Ch. 245
ATM, Art. 17	5-13-2003	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 18	5-13-2003	Redevelopment Authority	Ch. 340
ATM, Art. 19	5-13-2003	Zoning Map amendment	NCM
ATM, Art. 17	5-12-2004	Acceptance of scenic roads	Ch. 249, Art. II
ATM, Art. 19	5-12-2004	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 16	6-21-2004	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 12	10-20-2004	General Law acceptance	Ch. A351
ATM, Art. 17	10-25-2004	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 14	5-11-2005	Community Preservation Act Committee amendment	Ch. 9
ATM, Art. 25	5-11-2005	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 30	5-11-2005	Water use	Ch. 270
ATM, Art. 31	5-11-2005	Sidewalk construction	Ch. 249, Art. IV
ATM, Art. 3	10-19-2005	General Law acceptance	Ch. A351
ATM, Art. 4	10-19-2005	General Law acceptance	Ch. A351
ATM, Art. 7	10-19-2005	Town Meetings amendment	Repealed 11-29-2006 ATM, Art. 18
ATM, Art. 8	10-19-2005	Alarm systems	Ch. 77
ATM, Art. 9	10-19-2005	Rapid entry key lock box system	Ch. 150, Art. I
ATM, Art. 10	10-19-2005	Building construction amendment	Ch. 98
ATM, Art. 11	10-19-2005	Registration of businesses amendment	Ch. 106
ATM, Art. 13	10-19-2005	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Annual Election, Question #1	5-2-2006	General Law acceptance	Ch. A351
ATM, Art. 9	5-10-2006	General Law acceptance	Ch. A351
ATM, Art. 10	5-10-2006	Town Meetings amendment	Repealed 11-29-2006 ATM, Art. 18
ATM, Art. 11	5-10-2006	Town Meetings amendment	Repealed 11-29-2006 ATM, Art. 18

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 14	5-10-2006	Water use restrictions amendment	Ch. 270
ATM, Art. 15	5-10-2006	Abandoned, junked and unregistered vehicles	Ch. 265
ATM, Art. 18	5-10-2006	Sanitation	Ch. 338
ATM, Art. 19	5-10-2006	General Law acceptance	Ch. A351
ATM, Art. 28	5-10-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 29	5-10-2006	Zoning Map amendment	NCM
ATM, Art. 30	5-10-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 31	5-10-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 32	5-10-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Board of Health	10-11-2006	Solid waste: rubbish	Ch. 305
ATM, Art. 16	11-29-2006	General Law acceptance	Ch. A351
ATM, Art. 17	11-29-2006	Taxation: brownfields tax abatement agreements	Ch. 256, Art. I
ATM, Art. 18	11-29-2006	Town Meetings amendment	Ch. 63
ATM, Art. 19	11-29-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 20	11-29-2006	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Board of Health	12-13-2006	Smoking in membership associations	Ch. 304, Art. II
ATM, Art. 17	5-2-2007	General Law acceptance	Ch. A351
ATM, Art. 19	5-2-2007	Water use restrictions amendment	Ch. 270
ATM, Art. 20	5-2-2007	Alarm systems amendment	Ch. 77
ATM, Art. 21	5-2-2007	Board of Health penalties and fines amendment	Ch. 29, Art. I
ATM, Art. 22	5-2-2007	Stormwater management	Ch. 247
ATM, Art. 26	5-2-2007	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19

Article Number	Meeting Date	Subject	Disposition
Board of Health	5-11-2007	Fats, oils and grease	Ch. 315
Annual Election, Question #2	5-15-2007	General Law acceptance	Ch. A351
Board of Selectmen	7-18-2007	Vehicles and traffic amendment	Ch. 293
ATM, Art. 13	11-14-2007	Affordable Housing Trust	Ch. 3
ATM, Art. 16	11-14-2007	General Law acceptance	Ch. A351
ATM, Art. 17	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 18	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 19	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 20	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 21	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 22	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 23	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 24	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 25	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 26	11-14-2007	Petition for Charter amendment	Charter, footnote only
ATM, Art. 28	11-14-2007	Department of Finance	Ch. 24
ATM, Art. 29	11-14-2007	Water use restrictions amendment	Ch. 270
ATM, Art. 30	11-14-2007	Board of Health: enforcement of provisions amendment	Ch. 29, Art. I
ATM, Art. 31	11-14-2007	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 32	11-14-2007	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 14	5-7-2008	Affordable Housing Trust amendment	Ch. 3
ATM, Art. 16	5-7-2008	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
ATM, Art. 17	5-7-2008	Board of Health amendment	Ch. 29, Art. I
ATM, Art. 19	5-7-2008	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
Conservation Commission	5-28-2008	Stormwater management	Ch. 343
STM, Art. 14	11-19-2008	General Law acceptance	Ch. A351
STM, Art. 15	11-19-2008	General Law acceptance	Ch. A351
STM, Art. 16	11-19-2008	Town Meetings amendment	Ch. 63
STM, Art. 17	11-19-2008	Zoning amendment	Repealed by 11-19-2008 STM, Art. 19
STM, Art. 19	11-19-2008	Zoning	Ch. 282
STM, Art. 20	11-19-2008	Zoning amendment	Ch. 282
Ch. 405, Acts of 2008	12-18-2008	Charter	Repealed by Ch. 409, Acts of 2018
Board of Health	3-9-2009	Fats, oils and grease amendment	Ch. 315
ATM, Art. 23	5-6-2009	Wetlands protection	Ch. 280
ATM, Art. 25	5-6-2009	Public consumption of marijuana or tetrahydrocannabinol	Ch. 187
ATM, Art. 26	5-6-2009	Zoning amendment	Ch. 282
ATM, Art. 27	5-6-2009	Zoning amendment	Ch. 282
ATM, Art. 28	5-6-2009	Zoning amendment	Ch. 282
ATM, Art. 29	5-6-2009	Zoning Map amendment	NCM
Board of Selectmen	10-21-2009	Fees amendment	Ch. A352
STM, Art. 10	11-16-2009	General Law acceptance	Ch. A351
STM, Art. 12	11-16-2009	Affordable Housing Trust amendment	Ch. 3
STM, Art. 13	11-16-2009	Youth activity	Repealed by 11-17-2015 STM, Art. 7
STM, Art. 14	11-16-2009	Zoning amendment	Ch. 282
ATM, Art. 15	5-5-2010	Zoning amendment	Ch. 282

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 16	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 17	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 18	5-5-2010	Soil removal amendment	Ch. 242
ATM, Art. 19	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 20	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 21	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 22	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 23	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 24	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 25	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 26	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 27	5-5-2010	Zoning amendment	Ch. 282
ATM, Art. 28	5-5-2010	Zoning amendment	Ch. 282
Board of Health	9-29-2010	Private and semipublic water supplies amendment	Ch. 312
Board of Health	9-28-2010	Sewage disposal systems: procedure for as-builts amendment; responsibilities of installer amendment; rules and regulations governing the subsurface disposal of sewage amendment	Ch. 303, Art. I; Ch. 303, Art. II; Ch. 303, Art. III
Board of Health	9-28-2010	Wastewater treatment plants amendment	Ch. 307
STM, Art. 9	11-29-2010	General Law acceptance	Ch. A351
STM, Art. 10	11-29-2010	General Law acceptance	Ch. A351
STM, Art. 14	11-29-2010	Retail establishments: all-night operations amendment	Ch. 227, Art. I
STM, Art. 15	11-29-2010	Zoning amendment	Ch. 282
Board of Selectmen	12-15-2010	Fees amendment	Ch. A352
Conservation Commission	1-24-2011	Wetlands protection regulations	Ch. 348
ATM, Art. 15	5-4-2011	Water use restrictions amendment	Ch. 270

Article Number	Meeting Date	Subject	Disposition
ATM, Art. 16	5-4-2011	Zoning amendment	Ch. 282
STM, Art. 10	11-30-2011	Noise amendment	Repealed by 5-3-2017 ATM, Art. 16
ATM, Art. 14	5-2-2012	Animal control amendment	Ch. 87
ATM, Art. 15	5-2-2012	Youth athletic activities: head injuries and concussions in youth athletic activities played on Town-owned fields	Ch. 281B, Art. I
ATM, Art. 16	5-2-2012	Streets and sidewalks: designation of scenic streets and roads amendment	Ch. 249, Art. II
ATM, Art. 17	5-2-2012	Demolition delay bylaw for historically or architecturally significant buildings amendment	Ch. 125
ATM, Art. 18	5-2-2012	Building construction: Stretch Energy Code	Ch. 98, Art. III
ATM, Art. 19	5-2-2012	Zoning Map amendment	NCM
STM, Art. 12	11-28-2012	Water amendment	Ch. 334
ATM, Art. 19	5-1-2013	Zoning amendment	Ch. 282
ATM, Art. 22	5-1-2013	Animal control amendment	Ch. 87
ATM, Art. 23	5-1-2013	Water use restrictions amendment	Ch. 270
ATM, Art. 24	5-1-2013	Water use restrictions amendment	Ch. 270
ATM, Art. 25	5-1-2013	Affordable Housing Trust amendment	Ch. 3
Board of Health	9-10-2013	Tobacco and nicotine delivery product sales	Superseded 5-4-2021
STM, Art. 6	11-19-2013	General Law acceptance	Ch. A351
STM, Art. 9	11-19-2013	Animal control amendment	Ch. 87
STM, Art. 16	11-19-2013	Zoning amendment	Ch. 282
STM, Art. 17	11-19-2013	Zoning amendment	Ch. 282
STM, Art. 18	11-19-2013	Zoning amendment	Ch. 282

Article Number	Meeting Date	Subject	Disposition
STM, Art. 22	11-19-2013	Zoning amendment	Ch. 282
Board of Selectmen	7-9-2014	General Law acceptance	Ch. A351
ATM, Art. 21	5-7-2014	Capital Improvement Committee amendment	Ch. 42
ATM, Art. 22	5-7-2014	Zoning amendment	Ch. 282
ATM, Art. 23	5-7-2014	Zoning amendment	Ch. 282
ATM, Art. 24	5-7-2014	Zoning amendment	Ch. 282
ATM, Art. 25	5-7-2014	Zoning amendment	Ch. 282
ATM, Art. 26	5-7-2014	Zoning amendment	Ch. 282
ATM, Art. 27	5-7-2014	Town Meetings amendment	Ch. 63
ATM, Art. 8	5-6-2015	Zoning Map amendment	NCM
ATM, Art. 18	5-6-2015	Water use restrictions amendment	Ch. 270
ATM, Art. 19	5-6-2015	Zoning amendment	Ch. 282
ATM, Art. 20	5-6-2015	Zoning amendment	Ch. 282
STM, Art. 7	11-17-2015	Youth activity repealer	Ch. 281A, reference only
STM, Art. 8	11-17-2015	Abandoned, junked and unregistered vehicles amendment	Ch. 265
STM, Art. 10	11-17-2015	Board of Health: enforcement of provisions amendment	Ch. 29, Art. I
ATM, Art. 4	5-4-2016	Capital Improvement Committee amendment	Ch. 42
ATM, Art. 13	5-4-2016	Community Preservation Committee amendment	Ch. 9
ATM, Art. 17	5-4-2016	Water use restrictions amendment	Ch. 270
ATM, Art. 19	5-4-2016	Abandoned, junked and unregistered vehicles amendment	Ch. 265
ATM, Art. 20	5-4-2016	Donation collection bins	Ch. 126
ATM, Art. 21	5-4-2016	Zoning amendment	Ch. 282
ATM, Art. 22	5-4-2016	Zoning amendment	Ch. 282
ATM, Art. 23	5-4-2016	Zoning amendment	Ch. 282

Article Number	Meeting Date	Subject	Disposition
STM, Art. 8	11-28-2016	Water use restrictions amendment	Ch. 270
STM, Art. 9	11-28-2016	Water use restrictions amendment	Ch. 270
STM, Art. 11	11-28-2016	Zoning amendment	Ch. 282
STM, Art. 12	11-28-2016	Zoning amendment	Ch. 282
STM, Art. 13	11-28-2016	Zoning amendment	Ch. 282
Select Board	12-7-2016	Vehicles and traffic amendment	Ch. 293
ATM, Art. 3	5-3-2017	Finances amendment	Ch. 26
ATM, Art. 16	5-3-2017	Nuisance noise	Ch. 204
ATM, Art. 19	5-3-2017	General Law acceptance	Ch. A351
ATM, Art. 21	5-3-2017	Zoning amendment	Ch. 282
STM, Art. 14	11-14-2017	General Law acceptance	Ch. A351
STM, Art. 15	11-14-2017	Plastic bag reduction; fees amendment	Ch. 183; Ch. A352
STM, Art. 17	11-14-2017	Zoning amendment	Ch. 282
ATM, Art. 15	5-2-2018	Marijuana	Ch. 81
ATM, Art. 19	5-2-2018	Zoning Amendment	Ch. 282
ATM, Art. 20	5-2-2018	Zoning Amendment	Ch. 282
ATM, Art. 21	5-2-2018	Zoning Amendment	Ch. 282
ATM, Art. 22	5-2-2018	Zoning Amendment	Ch. 282
ATM, Art. 23	5-2-2018	Zoning Amendment	Ch. 282
ATM, Art. 24	5-2-2018	Zoning Amendment	Ch. 282
STM, Art. 8	11-28-2018	Zoning Amendment	Ch. 282
STM, Art. 15	11-28-2018	Finances Amendment	Ch. 26
STM, Art. 16	11-28-2018	Licensing: Requirements for Issuance and Retention Amendment	Ch. 178, Art. I
Ch. 409, Acts of 2018	1-9-2019	Charter	Charter
Ch. 448, Acts of 2018	1-11-2019	Dissolution of Redevelopment Authority	Ch. 340, reference only; Ch. A351
Planning Board	1-19-2019	Planning Department Fees	Ch. 339A, Art. I

Article Number	Meeting Date	Subject	Disposition	Supp. No.
Zoning Board of Appeals	3-12-2019	Zoning Board of Appeals Fees	Ch. 339A, Art. II	33
ATM, Art. 13	5-1-2019	Licensing: Fingerprint-Based Background Checks; General Law Acceptance	Ch. 178, Art. II; Ch. A351	33
ATM, Art. 14	5-1-2019	Stormwater Management Amendment; Illicit Discharges and Connections	Ch. 247, Art. I; Ch. 247, Art. II	33
Ch. 112, Acts of 2019	11-7-2019	Authorization to Supply Water	Ch. A351	34
STM, Art. 13	11-20-2019	Nomenclature Change, Petition for Charter Amendment	Ch. 3, Ch. 4, Ch. 9, Ch. 24, Ch. 26, Ch. 31, Ch. 35, Ch. 42, Ch. 63, Ch. 80, Ch. 81, Ch. 84, Ch. 87, Ch. 141, Ch. 145, Ch. 148, Ch. 178, Ch. 204, Ch. 215, Ch. 227, Ch. 230, Ch. 235, Ch. 249, Ch. 256, Ch. 265, Ch. 270, Ch. 281, Ch. 286, Ch. 293, Ch. 318, Ch. 343, Ch. 344, Ch. 348, Ch. A352	34
STM, Art. 14	11-20-2019	Zoning Amendment	Ch. 282	34
STM, Art. 15	11-20-2019	Zoning Amendment	Ch. 282	34
STM, Art. 4	12-9-2020	General Law Acceptance	Ch. A351	35
STM, Art. 5	12-9-2020	General Law Acceptance	Ch. A351	35
Ch. 380, Acts of 2020	1-6-2021	Charter Amendment	Charter	34
Board of Health	5-4-2021	Tobacco and Nicotine Delivery Product Sales	Ch. 305	35

Article Number	Meeting Date	Subject	Disposition	Supp. No.
ATM, Art. 8	6-12-2021	Zoning Amendment	Ch. 282	35
ATM, Art. 9	6-12-2021	Zoning Amendment	Ch. 282	35
ATM, Art. 10	6-12-2021	Zoning Amendment	Ch. 282	35
STM, Art. 3	11-16-2022	Demolition Delay Bylaw for Historically or Architecturally Significant Buildings Amendment	Ch. 125	36
Conservation Commission	1-23-2023	Stormwater Management Amendment	Ch. 343	36
Board of Health	4-18-2023	Fees Amendment	Ch. A352	36
ATM, Art. 5	5-3-2023	Finances Amendment	Ch. 26	37
ATM, Art. 10	5-3-2023	Town Meetings Amendment	Ch. 63	36
ATM, Art. 14	5-3-2023	Building Construction: Net Zero Greenhouse Gas Emissions by the Town of Ashland, Inclusive of the Ashland Public Schools	Ch. 98, Art. IV	36
Board of Health	5-9-2023	Body Art Amendment	Ch. 295	36
Board of Health	5-9-2023	Groundwater Use Restriction	Ch. 316	36
STM, Art. 3	11-29-2023	General Law Acceptance	Ch. A351	37
Board of Health	3-20-2024	Fees Amendment	Ch. A352	37
ATM, Art. 5	5-1-2024	Finances Amendment	Ch. 26	37

Article Number	Meeting Date	Subject	Disposition	Supp. No.
ATM, Art. 12	5-1-2024	Demolition Delay Bylaw for Historically or Architecturally Significant Buildings Amendment	Ch. 125	37
ATM, Art. 13	5-1-2024	Building Construction: Stretch Energy Code Amendment	Ch. 98, Art. III	37