



# Town of Rowe

FRANKLIN COUNTY  
Massachusetts 01367

*Settled as Myrifiold 1763 ▪ Incorporated as Rowe 1785*

## Town By-Laws; Rules & Regulations

Revision March 19, 2015

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### ARTICLE I GENERAL PROVISIONS

**Section 1:** All previous By-Laws, or parts of By-Laws, of the Town of Rowe are hereby repealed and annulled, but the provisions of these By-Laws previously in force shall be construed as a continuation thereof.

**Section 2:** The repeal of a By-Law shall not affect acts done, ratified or confirmed, or any right accrued or established nor affect any punishment, penalty or forfeiture incurred under such By-Law.

**Section 3:** The penalty of breach of any of the herein By-Laws shall be Fifty Dollars (\$50.00) for each offense, with the understanding that each day the violation continues after written notification by the Board of Selectmen may be counted as a separate offense.

**Section 4:** With respect to their legality, each section of these By-Laws is separable.

### ARTICLE II TOWN MEETINGS AND ELECTIONS

**Section 1:** The annual Town Meeting shall be held on the second Monday of May in each year; and election day on the following Saturday or a day within two weeks of the annual meeting as designated by the Selectmen, and on said election day there shall be elected by ballot in accordance with Sections 6 and 7 of Chapter 41 of the General Laws, the following Town officers:

A Moderator for three (3) years, when required

A Clerk for three (3) years

A Tax Collector for three (3) years, when required

One Selectman for three (3) years

One Assessor for three (3) years

One Member of the School Committee for three (3) years

One Library Trustee for three (3) years

One Member of the Park Commission for three (3) years

One Member of the Cemetery Commission for three (3) years

One Constable for three (3) years

One Auditor for one (1) year

One Member of the Planning Board for five (5) years

One or Two Members (as required) of the Finance Committee for three (3) years

**Section 2:** The presence of at least fifteen (15) qualified voters shall be required at any town meeting to act on any motion except a motion to adjourn.

**Section 3:** The warrant for the annual town meeting shall not be closed earlier than thirty (30) days before the time of holding of said meeting. All warrants for town meetings whether annual or special, shall be served by posting attested copies of the same in two public places in the town at least fourteen (14) days before the time of holding said meeting.

**Section 4:** The selectmen shall notify all Town voters of all special town meetings called by sending them at least one week in advance of said date written notice giving the date, time and place of said meetings, notice to include a summary of all articles to be voted on at said meeting.

**Section 5:** The annual Town Report shall be delivered to the voters not less than seven (7) days before the date of the annual meeting.

**Section 6:** All persons present at any town meeting shall, while the meeting is open, be seated when requested by the Moderator.

**Section 7:** At any town meeting any person who addresses the Moderator shall rise and stand while he is speaking.

**Section 8:** At any town meeting no one shall interrupt another person while he is speaking, except to call him to order.

**Section 9:** Any person making a motion or amendment shall reduce it to writing when requested to do so by the Moderator.

**Section 10:** At any town meeting no person shall speak on the same subject more than twice without leave of the meeting except to explain or call to order.

**Section 11:** In all cases no new motion shall be made while one is pending, excepting a motion to amend, to commit, or to adjourn.

**Section 12:** When two or more motions are made in regard to the same subject relating to sums of money, numbers or time, the question shall be first put upon the largest sum or number or the longest time.

**Section 13:** All votes, unless otherwise provided by law or by decision of the Town Moderator, shall be taken in the first instance of "Yes" or "No" voice votes. A secret ballot will be taken on any question before a Town Meeting if requested by any voter and approved by a vote of ten percent (10%) of voters present at the meeting.

**Section 14:** Any person, providing he voted in the majority or not at all, may move for the reconsideration of a vote after giving notice of his intention in open meeting within one half (1/2) hour of the original vote and at least one half (1/2) hour before making such a motion.

**Section 15:** It shall be the duty of the Town Clerk immediately after every meeting to notify in writing all officers or members of committees who were elected or appointed at such meeting, and also to notify all Officers, Boards and Committees of all votes passed at such meeting in any way affecting their official duties.

**Section 16:** Any one of the By-Laws under Article II, except Sections 1, 2, 3, and 4, may be suspended, by vote of two thirds (2/3) of the voters present, at any legally called Town Meeting, for the length of time not exceeding the continuance of the meeting at which such vote may be passed.

*\*Article II – Section 1: Removed One Treasurer for three years. Attorney General Approval of the Change 2/10/15. Annual Town Meeting of May 17, 2014 and Special Town Meeting vote of November 12, 2014 preceeding the AG's ruling.*

### ARTICLE III GENERAL GOVERNMENT

**Section 1:** The Selectmen shall have the general direction and management of the property of the Town and all matters affecting the interest or welfare of the Town, except as otherwise provided by law or by these By-Laws.

**Section 2:** The Selectmen shall act as town agents, and have authority as agents and officers of the Town to appoint and employ a town counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof except where otherwise provided by law.

**Section 3:** The Selectmen shall be the agents of the Town to institute, prosecute and defend any and all claims, actions, suits and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved, and may, in their discretion, compromise or settle any claim, action, or suit to which the Town is a party, unless otherwise required by law.

**Section 4:** Except as otherwise provided by law, the Selectmen shall have custody of Bonds, Deeds, Contracts, Insurance Policies and other legal documents owned by the Town. They shall have all important town records microfilmed biannually. In accordance with Chapter 66 of the General Laws, all public records of the Town shall be kept in the Town Office Safe, or other fire-proof storage place provided by the Selectmen, to ensure the highest degree of protection from loss or destruction. Said records shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

**Section 5:** The Board of Health shall consist of three members to be elected. It shall have the powers and duties as set forth in Chapter 111 of the general laws and other applicable laws. The Board of Health shall appoint the Public Health Nurse, the Health Agent, and the Transfer Station Attendant. The Board of Health shall maintain the Refuse Garden and the Transfer Station.

**Section 6:** The following Officers for the Town shall be appointed by the Selectmen:

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|--|--|
| Highway Superintendent,  | Civil Defense Director,  |
| Assistant Highway Superintendent,  | Public Health Nurse,   |
| Fire Chief,  | Nursing Committee,   |
| Forest Fire Warden,  | Dog Officer,   |
| Chief of Police,   | Pound Keeper,  |
| Special Police Officers,   | Animal Inspector,  |
| Zoning Board of Appeals (5),   | Tree Warden,   |
| Building Inspector and Alternate,  | Superintendent of Insect Pest Control and Elm Disease Control, |
| Building Code Board of Appeals<br>(five members: one architect,<br>one engineer, three contractors), | Selectmen's Administrative Clerk,                              |
| Wiring Inspector,  | Franklin County Home Care Corporation<br>Representative (2),   |
| Plumbing Inspector,  | Franklin County Community Action Representative,               |
| Register of Voters (4),  | Measurer of Wood, Bark and Lumber (3), and                     |
| Conservation Commission (5),   | Fence Viewers (2).   |
| Health Agent and Sanitarian,   |  |

**Section 7:** The School Committee shall have the powers and duties set forth in Chapters 71, 72, 74 and 76 of the general Laws and other applicable laws regarding the superintendence and management of all schools and school matters in the Town. The School committee shall have the care, management and control of all school buildings, school grounds, and all other school property, except insofar as the same may be voted at any town meeting. The School Committee shall annually appoint one of their number to serve as representative of the Mohawk Trail Regional School Committee. The Town Moderator shall appoint the representative to the Franklin County Technical Vocational School committee.

**Section 8:** Any official or board of the Town may, with the approval of the selectmen, if said official or board deems it to be in the best interest of the Town sell to the highest bidder after seven days notice by public posting of intention to sell, any article or personal property of which such official or board has custody and control, providing the fair market value of said article does not exceed Five hundred Dollars (\$500).

**Section 9:** All conveyances of Town land or interests in land shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town seal.

**Section 10:** Unless otherwise provided by vote of Town Meeting, the Chief Procurement Officer is authorized to enter into contracts for the purchase of supplies and services pursuant to MGL Chapter 30B. In addition, the Board of selectmen is authorized to enter into any other contracts for the exercise of the Town's general corporate powers.

**Section 11:** In accordance with Section 16 of Chapter 39 of the General Laws there shall be a Finance Committee consisting of five members which shall consider all municipal questions relating to appropriations and may consider any municipal question for the purpose of making reports and recommendations to the Town. This committee shall submit its recommendations and report to each town meeting, annual or special. Two members of said committee shall be elected on each of two consecutive years and one on the third year by ballot at each annual town election. No person holding any other elective town office and no employee of the Town earning more than \$2,500 per year shall be eligible to serve on said committee. The Finance Committee shall have the powers and duties delegated to it by said Section 16 and other applicable laws including the duty of submitting a budget for the Omnibus article at the annual Town Meeting and such recommendations shall be printed on the annual Town Meeting warrant. *[Underlined text adopted 5-10-2010 ATM; approved by AGO 10-18-2010.]*

**Section 12:** The Tax Collector shall retain all Municipal Lien Certificate fees as payment for his/her personal services.

**Section 13:** The Board of Park Commissioners shall have three members, who shall serve three year terms, one being elected on each of three consecutive annual elections. The Park Commissioners shall have the powers and duties set forth in Chapter 45 of the General Laws and other applicable laws, including the authority to make rules and regulations governing the use of the parks of the Town. They will maintain the land received by the Town of Rowe as a gift from Percy Brown under the terms of said gift for the benefit of the people of Rowe.

**Section 14:** The Conservation Commission shall consist of five members appointed by the Selectmen and it shall have the powers and duties as set forth in Section 8C of Chapter 40 of the General Laws and other applicable laws.

**Section 15:** The Board of Cemetery Commissioners shall have the powers and duties as set forth in Chapter 114 of the General Laws and other applicable laws regarding the care, superintendence and management of all public burial grounds in the Town.

**Section 16:** The Board of Library Trustees shall have the powers and duties set forth in Chapter 78 of the General Laws and other applicable laws regarding the care, superintendence and management of the Rowe Town Library. They shall have the power to appoint the Town Librarian.

**Section 17:** The Board of Assessors shall have the powers and duties set forth in Chapter 40, 41, 58 and 59 of the General Laws and other applicable laws regarding the assessing of all properties in the Town. They shall have the power to appoint the Assessor's Administrative Clerk.

**Section 18:** The Planning Board shall have the powers and duties set forth in Chapters 40A, 41, Sections 81A to 81GG and all other applicable laws. They shall a) make an annual report, b) approve or disapprove Subdivision proposals, c) approve or disapprove applications for special permits, and they may make studies, plans, including a master plan, and submit them to the Board of Selectmen and/or the Town Meeting.

**Section 19:** The Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 82A, Section 2, shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by Massachusetts General Laws, Chapter 82A, Section 4 and 520 CMR (Code of Massachusetts Regulations) 14.00 and the Board of Selectmen shall have the authority to establish fees for the issuance of such permits. *[Art III, Sec 19 adopted Dec 18, 2008.]*

**Section 20: ROWE RIGHT TO FARM BY-LAW** *[Art III, Sec 20 adopted 5-10-2010 ATM; approved by AGO 10-18-2010]*

#### **A: Legislative Purpose and Intent**

The purpose and intent of this By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Rowe restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Rowe by allowing agricultural uses and related activities to function

with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

## **B: Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or related activities thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- keeping of horses as a commercial enterprise; and
- keeping and raising of domestic livestock, including horses, poultry, swine, goats, sheep, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), bees, fur-bearing animals, and other domesticated animals for food and other agricultural purposes.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

## **C: Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Rowe. The above-described agricultural activities may occur on holidays, weekdays, and weekends, by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-Law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

## **D: Disclosure Notification**

Within 30 days after this by-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

*"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors."*

## **E: Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, involving all concerned parties, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

**F: Severability Clause**

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Rowe hereby declares the provisions of this By-law to be severable.

**Section 21: STRETCH ENERGY CODE** *[Art III, Sec 21 adopted 11-16-2010 STM; approved by AGO 12-1-10]*

- 1. **Definitions**
- 2. **Purpose**
- 3. **Applicability**
- 4. **Authority**
- 5. **Stretch Code**

1. **Definitions**

**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.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

2. **Purpose**

The purpose of 780 CMR 120.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.

3. **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.

4. **Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

5. **Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Rowe General Bylaws, Article III, General Government.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

## ARTICLE IV LICENSES AND PERMITS

**Section 1:** No person shall go from house to house selling or offering to sell by sample, lists, catalogues or otherwise for future delivery, nor shall any person go from place to place within the Town begging or soliciting alms or contributions for any person, cause or organization, without first having recorded his name and address with the Selectmen and furnished such other information as may be required of him, and obtaining a permit from the Selectmen. The Selectmen may, if satisfied with the honesty of the applicant, issue a written permit for a period not exceeding twelve (12) months, which must be shown to any person requesting the same, and shall state that said person has duly registered and is entitled to go from place to place within the Town for the reason specified. The Selectmen may, however, authorize the directors of any organization engaged in social, charitable, religious or educational service to solicit contributions without having each solicitor under their direction registered.

**Section 2:** No person shall obstruct any highway or street of the Town except under license granted by the Selectmen. The Selectmen may grant licenses in writing for the obstruction of any part of the highways or streets of the Town, or for such excavations of the same as may be needful, for the purpose of erecting, repairing, altering, or removing any building, or for the laying of water, drain or waste pipes or for any other purpose which to them may seem reasonable. Every person receiving such license shall execute a written agreement to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, on account of the existence of such obstruction or excavation, and the Selectmen may impose such conditions and limitations as they shall see fit in respect to erecting barricades, maintaining lights, and taking other precautions for the safety of travelers.

**Section 3:** No person shall, without a written permit from the Board of Selectmen, connect any private drain or sewer with a public drain or sewer.

**Section 4:** No person shall burn brush without permission, from the Town Forest Fire Warden or one of his deputies, for that date. Such burning shall be permitted only during the dates designated by the State for such burning. The Town Forest Fire Warden and his deputies shall keep a record of having given such permission.

ARTICLE V  
 PROTECTIVE REGULATIONS

**Section 1:** The purpose and intent of these regulations shall be to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Rowe, and to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment.

**Section 2:** Use Regulations

A. District Uses

(1) The Town of Rowe is hereby divided into the following types of districts:

- Residential-Agricultural ..... R-A
- Industrial..... I

(2) The boundaries of each district are hereby established as shown, defined and bounded on the Official Zoning Map dated September 13, 2011 which accompanies and is hereby declared to be a part of this by-law; such map is filed with the Town Clerk. **[See Official Zoning Map at the end of by-laws.]** *[Art V, Sec A.(2) adopted 11-2-2011 STM; approved by AGO 2-28-2012].*

(3) In each district the use of land, buildings, and structures shall be regulated as set forth in Section 2B of this Article, Table of Use Regulations, and as provided elsewhere in this by-law.

(4) A use listed in Section 2B is permitted as a right in any district under which it is denoted by the word "Yes." If designated in the Table by the letters "SP." The use may be permitted as a special exception only if the Planning Board so determines and grants a special permit therefore as provided in Section 2C, subject to such restrictions as said Board may establish.

(5) No building, structure or land in any district may be used, erected or designed to be used, in whole or in part, for any use not denoted in Section 2B by the word "Yes," or by the letters "SP" if the Planning Board so determines and grants a special permit therefore, except nonconforming uses which may be continued under the provisions for Section 6 of Chapter 40A of the General Laws.

(6) Where an activity might be classified under more than one of the following uses, the more restrictive classification shall determine permissibility.

B. Table of Use Regulations

	Zones	R-A	I
I. Residential Uses			
a. Detached, Single Family Dwelling .....		Yes	Yes
b. Two-Family or Semi-Detached Dwelling .....		SP	SP
c. Multi-Family .....		No	No
d. Trailer Park or Mobile Home Park .....		No	No
II. Municipal Uses .....		Yes	Yes
III. Religious Uses .....		Yes	Yes
IV. Educational Uses .....		Yes	Yes
V. Recreational Uses			
a. Non-Profit .....		Yes	Yes
b. Profit .....		SP	SP
VI. Agricultural Uses			
a. Farm Uses .....		Yes	Yes
b. Display & Sale at Roadside Stand of Natural Products, the Major Portion of which are raised on Farms of the Town of Rowe .....		Yes	Yes



- c. Greenhouses and Nurseries ..... SP SP
- VII. Commercial Uses
  - a. Professional Office conducted by Resident of Premises in Room or Rooms of Dwelling or Accessory Building with no more than two (2) employees ..... Yes Yes
  - b. A Customary "Home Occupation" conducted by a Resident of Premises in Room or Rooms of Dwelling or Accessory Building with no more than two (2) employees ..... Yes Yes
  - c. Scientific Research or Development as described in Chapter 40A, Section 9 ..... SP SP
  - d. Restaurants, Inns, Hotels, Motels or Tourist Home ..... SP SP
  - e. Print Shop..... SP SP
  - f. Retail Stores..... SP SP
  - g. General Contractors..... SP SP

<b>VIII. Industrial Uses [Art V, Sec 2.B.VIII adopted 11-2-2011 STM; approved by AGO 2-28-2012]</b>		<b>Residential Agriculture (R-A)</b>	<b>Industrial (I)</b>
a. Sawmills		SP	SP
b. Public Utilities			
i) Generating Plants <i>except for Solar Electric Generating Installations</i>		No	SP
ii) Accessory Buildings, Structures & Uses		SP	Yes
iii) Transmission Lines, Substations and Switchyards		SP	Yes
iv) <i>Solar Electric Generating Installations<sup>1,2</sup> (see Section 23)</i>		SP	SP

<sup>1</sup> – Solar Electric Generating Installations of 10kW or less which are an accessory use to a residential or non-residential use are allowed "by right" (Yes).

<sup>2</sup> – Solar Electric Generating Installations greater than 10 kW up to 250 kW occupying no more than one acre that meet the requirements of Section 23 and are located in the Solar Overlay District are allowed by-right (Yes) but are subject to Site Plan Review.

C. Special Permit Guidelines

Special Permits shall be granted only for proposals in compliance with the provisions of this by-law, and of Chapter 40A, General Laws, and upon written determination by the Special Permit Granting Authority that the proposal will not have adverse effects which overbalance its beneficial effects on the Town, as measured by the Purposes of this by-law. The determination shall indicate consideration of each of the following: (a) community and regional needs which are served by the proposal; (b) traffic flow and safety; (c) adequacy of town services; (d) effects on neighborhood character; (e) protection of the natural environment; (f) potential impact on employment and incomes; (g) potential impact on town finances.

D. Variances

Under the provisions of Section 10 of Chapter 40A, General Laws, use variances may be granted by the Board of Appeals.

E. Signs

In the Residential-Agricultural District, signs shall be limited to two (2) in number with an aggregate area of not more than twelve (12) square feet. No signs shall flash or display movement or utilize neon or colored lighting.

**Section 3:** No parcel of land shall be used for the parking or keeping for a period of more than thirty (30) days a total of more than two (2) motor vehicles which are unregistered, incomplete or inoperable if they are visible from any public or private way or from any other parcel of land owned by another in the Town. The term "Motor Vehicle" does not include operable farm equipment. For the purpose of this section "Parcel of Land" as used in the first instance shall mean all land in the Town owned by an individual, individuals or corporation.

**Section 4:** Any building or structure other than a dwelling and including roadside stands, gasoline pumps and accessory buildings hereafter erected shall not be located within twenty (20) feet of any street or highway line.

**Section 5:** Any dwelling hereafter erected shall not be located within sixty (60) feet of any street or highway line.

**Section 6:** Except as provided under Section 2(B) I (b) of this Article, no more than one (1) dwelling unit shall be constructed on any dwelling lot and no existing structure shall be converted for use as a dwelling unit unless a dwelling lot is created in accordance with Section 7 of this Article. A dwelling unit shall be defined as a single unit providing complete, independent living facilities for one or more persons.

**Section 7:** No dwelling unit hereinafter placed in any district shall be located on a lot having less than the minimum requirements set forth below. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth below.

(A) Class A Lot:

A Class A Dwelling Lot shall not be less than four (4) acres and shall have a minimum frontage on a public road of four hundred (400) contiguous feet. In the case of a Class A Lot at the junction of two public roads, the minimum frontage on each such public road shall be four hundred (400) contiguous feet.

- (i) A Class A Lot has none of the following qualities in the area of proposed usage:
  - (a) Bedrock, ledge, hardpan or other impermeable or poorly permeable subsurface layer within six (6) feet of existing surface grade.
  - (b) Seasonal surface water present during the year for a period of 30 days or more, within 100 feet of an area of proposed usage.
  - (c) Ground water within six (6) feet of existing surface grade during any period when percolation tests are permitted.
- (ii) The Soils Map designations of "slight limitation" and "moderate limitation" may be used for reference location of Class A Lots.

(B) Class B Lot:

A Class B Lot is any lot which has in the area of proposed usage one or more of the qualities listed in the definition of a Class A Lot. An in-ground sewage system shall not be permitted in a Class B Lot.

- (i) The Soils Map designation of "severe limitation" may be used for reference location of Class B Lots.

**DEFINITIONS:**

A DWELLING LOT is hereby defined as a continuous parcel of land in one ownership with legally definable boundaries described in a deed recorded in the Franklin County Registry of Deeds or Land Court, which complies with the minimum requirements of this section.

AREA OF PROPOSED USAGE shall mean the location of an in-ground sewage system, the area of such location to be not less than twice the area required for the initial installation of that system.

SOILS MAP shall mean the map on file with the Town Clerk entitled "Soils Limitation for Septic Tank Sewage Disposal" prepared for the Town of Rowe based on U.S. Department of Agricultural Soil Conservation Service Survey.

The classification of all lots on which an approved in-ground sewage system exists at the time of the adoption of this by-law is to be designated as Class A. The classification of any lot designated as Class B may be changed by the

Planning Board to Class A upon presentation to that Board of a certificate from the Board of Health that said lot has an area of proposed usage suitable for the installation of an approved in-ground sewage system.

**Section 8:** No dwelling or other structure shall be constructed closer than thirty (30) feet from the side or rear lines of any lot, nor shall any existing lot be divided so as to leave any building closer than thirty (30) feet from the side or rear lines of any lot.

**Section 9:** In the Residential-Agricultural District, no area shall be occupied or used by a camping trailer or mobile home for a total time in excess of thirty (30) days during any one calendar year except that camping trailers owned by the occupants of the premises and their immediate family may be stored in the rear or side of the yard when not in use. For the purposes of these By-Laws, a mobile home shall mean a dwelling unit built on a chassis, whether on wheels or on a temporary or permanent foundation.

**Section 10:** No dwelling in the Town of Rowe shall be occupied by more than one family; one family being defined as one or more persons related by birth, marriage or adoption including minors under the legal guardianship or control of one or more adults or up to four (4) unrelated individuals or a combination of these living together on a premises as a single housekeeping unit.

**Section 11:** Cutting Operations: Every owner, lessee, tenant or occupant of lands of any rights or interests therein, who cuts or permits the cutting of brush, wood or timber on lands which border upon a highway shall dispose of the slash caused by such cutting in such a manner that the same will not remain on the ground within seventy-five (75) feet of the centerline of the highway.

**Section 12:** Earth Removal Operations:

(A) Permit Required:

No soil, loam, sand, gravel, stone or other earth materials shall be removed from any premises within the Town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor issued by the Planning Board.

(B) Exceptions:

The removal of earth material in any of the following operations shall be an exempt operation:

- 1) The removal of less than ten (10) cubic yards of material in the aggregate in any one premises.
- 2) The transfer of less than fifty (50) cubic yards of material from one part of a premises to another part of the same premises.
- 3) The removal of material from land in use by the Town.
- 4) The removal of material necessarily excavated in connection with the lawful construction of a building or structure, or of a street, driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of material does not exceed that actually displaced by the portion of the building, structure, driveway, sidewalk or path below finished grade.

(C) No commercial prospecting for minerals or other underground deposits involving the use of electronic devices, core drilling or excavation shall be permitted on any land in the Town of Rowe unless a special permit has been issued therefor in accordance with Section 18 of this Article.

**Section 13:** No construction, building, exterior or structural alteration to existing construction or building shall be started or made until a permit has been issued therefor by the Town Building Inspector who is hereby authorized to grant such permits consistent with the State Building Code. The Town Building Inspector shall also serve as the Town Zoning Enforcement Officer. The Zoning Enforcement Officer shall have the power to withhold a permit for the construction, alteration or moving of any building or structure if such action would be in violation of these By-Laws. Also, no permit or license shall be granted for a new use of a building, structure or land which would be in violation of these By-Laws. Should the Zoning Enforcement Officer refuse to act on a written complaint of zoning violation, he must give reasons for his failure to do so in writing within fourteen (14) days.

**Section 14:** All sewage and disposal systems shall be installed under the rules and regulations of the Board of Health of the Town of Rowe and in accordance with the State Sanitary Code.

**Section 15:** There shall be a Board of Appeals consisting of five members appointed by the Selectmen. Each member shall serve a three year term and the date of expiration of each term shall be staggered so that the term of two members expires the first year, the term of two members expires the succeeding year and the term of the remaining member on the third year and so on. The Zoning Board of Appeals shall elect a chairman from within its own membership and a clerk each year. A member from the Board can only be removed for cause by the appointing authority and only after written charges have been made and a public hearing has been held. Vacancies in the Board shall be filled in the same manner as appointments. This Board of Appeals shall act in all matters authorized by this By-Law and Chapter 40A of the General Laws including the allowance of zoning variances and exceptions, use variances, and hearing of denials of special permits and licenses, but excluding the granting of special permits which shall be under the jurisdiction of the Planning Board.

**Section 16:** After the issuance of a building permit or a special permit, construction or operations must begin within six (6) months of the date of such permit being granted. If construction or operations have not begun within the time period required, or if construction is not continuing towards completion in as continuous and expeditious manner as reasonable, after the required time period, the construction or operations must conform to any amendment of the By-Law in effect at such time.

**Section 17:** Pre-existing non-conforming structures or uses may be extended or altered when the permit granting authority or special permit granting authority makes a finding as designated by the By-Law that such change, extension or alteration is not substantially more detrimental than the existing non-conforming use is to the neighborhood.

**Section 18:** Special Permits shall only be issued after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application. A special permit application shall be filed with the Planning Board at one of its regular meetings and the applicant is also responsible for transmitting a copy of the application to the Town Clerk forthwith. The effective date of filing is the date the application is filed with the Planning Board. If substantial use or construction has not commenced without good cause within a period of one (1) year from the date of the granting of a special permit, the special permit shall lapse. This time limit includes time required to pursue or await the determination of an appeal.

**Section 19:** The provisions of these regulations shall not apply to any legally existing buildings or structures, nor to any legally existing use of any building or structure or land at the time of passage of these By-Laws. Should any non-conforming uses and/or structures be abandoned or not used for a period of two (2) years or more, such uses and/or structures shall be not revived without special permit.

**Section 20:** The Planning Board and the Board of Appeals shall mail notice of their public hearings to all property owners in the Town.

**Section 21:** No change or amendment of this By-Law shall be adopted except after a public hearing by the Planning Board and then if it is passed by a two-thirds (2/3) vote of a town meeting, subject to the regulations set down in Section 5, Chapter 40A of the General Laws. If such change or amendment is defeated, it may not be reconsidered for two (2) years after such defeat except as otherwise provided by the above law. Amendments or changes of this By-Law may be initiated by the Selectmen, the Zoning Board of Appeals, the Planning Board, petition of ten (10) registered voters or a landowner whose land would be affected by such an amendment, and shall be made in the manner set out by the law cited above.

**Section 22: SITE PLAN REVIEW** *[Art V, Sec 22 adopted 11-2-2011 STM; approved by AGO 2-28-2012]*

Site Plan Review is required for all uses as provided in this bylaw and as described in this Section.

**A. Purpose**

The purpose of Site Plan Review is to ensure that new development is designed in a manner which reasonably protects the environmental resources and scenic qualities of the neighborhood and the Town. Site Plan Review addresses the layout and development of structures, parking, pedestrian facilities, access roads, and other site features and considers the concerns listed below. As a result of this process, a modification of the development

proposal may be required to maximize benefits and minimize impacts. The Planning Board is responsible for Site Plan Review.

The areas of concern are:

- (1) The balance of rights of landowners to use their land, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, traffic, lighting, signage, smoke, fumes, dust, odor, glare, or storm water run-off;
- (2) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- (3) The adequacy of methods to store, handle or dispose of wastes, including hazardous materials, to protect air, groundwater and surface water from pollution;
- (4) The protection of historical, scenic, and natural environmental features on the site under review and in adjacent areas; and
- (5) The adequacy of stormwater management systems to address non-point source pollution.

## **B. Projects Requiring Site Plan Review**

Site Plan review by the Planning Board is required for the following:

- (1) The installation of ground mounted solar electric generating installations greater than 10 kW or occupying more than one (1) acre of land.

For this use, no permit for construction, reconstruction or occupancy shall be given by the Building Inspector except in conformity with a Site Plan approved by the Planning Board.

## **C. Procedure**

Prior to the submission of an application for Site Plan Review, the applicant is encouraged to meet with the Planning Board at a public meeting to discuss the proposed development in general terms. While there are no formal pre-application requirements, the applicant is encouraged to prepare sufficient preliminary site drawings to inform the Planning Board of the proposed development.

- (1) An applicant for Site Plan Review shall submit a Site Plan application in accordance with this section to the Town Clerk. The Town Clerk shall forthwith transmit a copy of the application to the Planning Board. The Town Clerk shall indicate the date on which the Site Plan was received and transmit a copy of the dated application to the applicant. The date of receipt as indicated by the Town Clerk shall be considered to be the date on which the application has been filed with the Planning Board. It shall be the responsibility of the applicant to furnish all supporting documentation with the application and the dated copy received from the Town Clerk does not absolve the applicant from this responsibility.
- (2) The Planning Board shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the plans. The Planning Board has the right to retain a Registered Professional Engineer or other qualified professionals including attorneys, scientists, etc. to advise the Planning Board on any or all aspects of the site plan. The cost of the professional consultant(s) shall be borne by the applicant.
- (3) The Town Clerk shall transmit a copy of the site plan application in a timely fashion to the Conservation Commission, Board of Health, Historical Commission, Building Inspector, Fire Department and other Boards as deemed necessary (e.g. Energy Committee for solar electric generating installations). The Boards, Commissions, and Departments have up to forty-five (45) days to submit recommendations in writing to the Planning Board concerning the items outlined in (a)-(c) below. Failure of any Board, Commission or Department to report within the allotted time shall be interpreted as non-opposition to the submitted site plan.
  - (a) The adequacy of the materials provided by the applicant to describe the site design and potential impacts of the proposed development;

- (b) The expected impacts of the proposed development and its consistency with the provisions of the Bylaws of the Town, the General Laws of Massachusetts, and all applicable rules and regulations of State and Federal agencies; and
  - (c) The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development or to ensure consistency with the Bylaws of the Town or other regulations applicable to the development.
- (4) The Planning Board shall hold a public hearing in accordance with Section 11 of M.G.L. Chapter 40A within sixty-five (65) days of the receipt of an application and shall take final action within ninety (90) days from the time of hearing. The Planning Board's final decision in writing shall consist of one of the following actions based on a simple majority vote:
- (a) Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Bylaw;
  - (b) Approval of the site plan subject to any conditions, modifications, or restrictions as required by the Board which will ensure that the project meets the standards set forth in these Zoning Bylaws; or
  - (c) Denial of the site plan based upon specific findings such as a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning Bylaws.

#### **D. Submission Requirements**

A site plan shall be prepared by a registered Professional Engineer, Landscape Architect, or Architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for narrative. The site plan shall include all data, detail and supporting information as outlined in Appendix A. The Planning Board may waive one or more requirements for submittal as outlined in Appendix A upon written request by the applicant if the small scale or simplicity of the projects warrants such a waiver. Such determination to waive one or more of the requirements shall be in the sole discretion of the Planning Board. Seven (7) copies of the site plan and all supporting documentation shall be provided to the Town Clerk at the time of application.

#### **E. Standards for Review**

The Planning Board shall review the site plan and supporting data taking into consideration the reasonable fulfillment of the following objectives:

- (1) Conformance with the provisions of the Bylaw of the Town, the General Laws of Massachusetts, and all applicable rules and regulations of State and Federal agencies.
- (2) Protection of Town resources and abutting properties by minimizing any undue disturbance from noise, traffic, lighting, hazardous materials, signage, smoke, fumes, dust, odor, glare, or storm water run-off.
- (3) Convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjoining roads, parking areas, sidewalks and properties. Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walkways, control of intersections with vehicular traffic and overall pedestrian safety and convenience.
- (4) Adequacy of the methods to dispose of sewage and refuse and the protection from pollution of surface and ground water. This includes minimizing the erosion of soil both during and after construction.
- (5) Existing and future demands of the project should not exceed the ability of the Town to provide adequate services or infrastructure.
- (6) Provisions for adequate parking, lighting, internal traffic circulation, and off-street loading and unloading of vehicles incidental to the normal operation of the establishment.

- (7) Integration of the proposed site plan development into the existing landscape through design features such as vegetative buffers, and retention of open space and agricultural land.
- (8) Minimization of the area over which existing vegetation is to be removed. Where tree removal is required, special attention is to be given to the planting of replacement trees.
- (9) The setback, area, placement of parking, architectural style, signage, and landscaping of the development with preference given to native species, and how these features protect and reflect the surrounding historic and scenic landscape.
- (10) The potential impact on surface or ground water supplies from any materials, hazardous or otherwise, stored, used or generated on the site and steps taken to protect these resources.
- (11) Provision for adequate drainage and stormwater management to prevent flooding and to protect surface and ground water from pollutants.
- (12) Location of buildings to provide a solar and wind orientation which encourages energy conservation.
- (13) Provision for minimizing light pollution including the use of full cut-off fixtures.
- (14) Adequacy of fire and emergency plans and ease of access for emergency service vehicles and personnel.
- (15) Minimization of impacts to scenic landscapes and historic districts.

#### **F. Enforcement**

- (1) The Planning Board may require the posting of a bond to assure compliance with the plan and stated conditions to its approval, and the Town or Building Inspector may suspend any permit or license when work is not performed as required.
- (2) Site Plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause. This time limit shall be extended to include the time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws.

#### APPENDIX A

##### SITE PLAN CONTENTS

1. Name of project, boundaries, locus map(s) showing site's location in Town, date, north arrow and scale of plan;
2. Name(s) and address(es) of the owner(s) of the land, the developer (if applicable), and/or their designee;
3. Name, title, and address of person(s) who prepared the plan;
4. Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line;
5. All existing lot lines, easements and rights of way;
6. Location of all proposed new lot lines;
7. Location and use of buildings and structures within 300 feet of the site;
8. Location and use of all existing and proposed buildings and structures, including approximate height and floor area;
9. Location of areas subject to Wetland Protection Act, M.G.L. c. 131, section 40; the Watershed Protection Act, M.G.L. c. 92, section 107A; and public drinking water supply recharge areas on site and within 300 feet of the property line, and the location on site of any Priority Habitat Areas mapped by the Natural Heritage and Endangered Species program;
10. The location and a description of all proposed septic systems, sewer connections, water supplies, storm drainage systems, utilities and other waste-disposal methods;
11. Location and date of all registered "perc" and "deep hole" tests on the site;
12. Existing and proposed topography at a two-foot contour intervals for the proposed grading and landscape plan;
13. U.S.G.S. topography for the site and within 300 feet of the property line;

14. Location of proposed public and private ways on the site;
15. Location and size of proposed parking and loading areas, driveways, walkways, access and egress points to the public way;
16. The location and a description of any proposed open space or recreation areas;
17. The location of existing permanently protected open space on the site or on abutting properties;
18. Size and location of existing and proposed sign(s);
19. Location, type of fixture, and height of any proposed lighting;
20. Surface drainage strategy that prevents increased drainage off-site or pollution;
21. Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings using non-invasive species with a preference given to native species;
22. Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;
23. A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
24. 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;
25. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
26. Estimated average daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within the site; and
27. Noise levels expected to occur at the boundary of the property.

**Section 23: SOLAR ELECTRIC GENERATING INSTALLATIONS** *[Art V, Sec 23 adopted 11-2-2011 STM; approved by AGO 2-28-2012]*

**A. Purpose**

The purpose of this bylaw is to facilitate the creation of new Large-Scale Ground-Mounted Solar Electric Installations (see Section 23B. Definitions) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair and/or removal of Large-Scale Ground-Mounted Solar Electric Installations greater than 10 kW.

**(1) Applicability**

This section applies to Large-Scale Ground-Mounted Solar Electric Generating Installations greater than 10 kW. Smaller scale (10 kW or less) ground mounted solar electric generating installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this section, but require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other provisions of Rowe's Zoning Bylaws such as setback requirements.

Large-Scale Ground-Mounted Solar Electric Generating Installations greater than 10 kW up to 250 kW that occupy no more than 1 acre of land proposed to be constructed in the Solar Electric Overlay District are allowed As-of-Right but are subject to Site Plan Review (see Section 22) and the requirements of this section.

Large-Scale Ground-Mounted Solar Electric Generating Installations which require a Special Permit and Site Plan Review in accordance with the Zoning Bylaws of the Town of Rowe in addition to meeting the requirements of this section are as follows:

- (a) an installation greater than 10 kW up to 250 kW located outside of the Solar Overlay District; and
- (b) an installation larger than 250 kW or an installation occupying more than 1 acre of land on one or more adjacent parcels in common ownership (including those separated by a roadway) inside or outside the Solar Electric Overlay District.



This section also pertains to physical modifications that materially alter the type, configuration, or size of Large-Scale Ground-Mounted Solar Electric Generating Installations or related equipment.

All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

## B. Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with the local zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector.

**Building Inspector:** The individual designated by Article VI, Section 3 of the Rowe Bylaws and charged with the enforcement of the Zoning Bylaws.

**Building Permit:** A construction permit issued by the authorized Building Inspector. The building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar electric installations.

**Designated Location:** The Solar Electric Overlay District(s) as designated by the Town of Rowe are shown on the Official Zoning Map dated September 13, 2011, in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Rowe Town Clerk.

**Large-Scale Ground-Mounted Solar Electric Generating Installation:** A solar electric system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity greater than 10 kW.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

**Site Plan Review:** Review by the Planning Board to determine conformance with the local Zoning Bylaws.

**Site Plan Review Authority:** For purposes of this bylaw, the Planning Board is the Site Plan Review Authority.

**Solar Photovoltaic Array:** An arrangement of solar photovoltaic panels.

## C. General Requirements for all Large Scale Solar Ground-Mounted Solar Electric Generating Installations

The following requirements are common to all Large-Scale Ground-Mounted Solar Electric installations.

### (1) Compliance with Laws, Bylaws and Regulations

The construction and operation of all Large-Scale Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

### (2) Building Permit and Building Inspection

No Large-Scale Ground-Mounted Solar Electric Installations shall be constructed, installed or modified as provided in this section without first obtaining a building permit and paying of any required fees.

## D. Site Plan Review

Large-Scale Ground-Mounted Solar Electric Installations shall undergo Site Plan Review (see Section 22) by the Planning Board prior to construction, installation or modification as provided in this section.

### (1) General

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

**(2) Required Documents**

The project proponent shall provide the following documents in addition to or in coordination with those required for Site Plan Review (see Section 22):

(a) A site plan showing:

- i. Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- iii. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- iv. Locations of floodplains or inundation areas for moderate or high hazard dams;
- v. Locations of local or National Historic Districts;
- vi. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
- vii. Blueprints or drawings of the solar electric 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;
- viii. One or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- ix. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- x. Name, address, and contact information for proposed system installer;
- xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- xii. The name, contact information and signature of any agents representing the project proponent; and
- xiii. Documentation of actual or prospective access and control of the project site;
- xiv. Provision of water including that needed for fire protection; and
- xv. Existing trees 6" caliper or larger and shrubs.

(b) An operation and maintenance plan (see Section 23F.);

(c) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

(d) Proof of liability insurance;

(e) Description of financial surety that satisfies Section 23L;

(f) Sight line representation. A site line representation shall be drawn from that portion of any public road within 300 feet that would have the clearest view of the proposed facility, and the closest facade of each residential building (viewpoint) within 300 feet of the highest point (visible point) of the solar electric generating installation. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings; and

(g) Existing (before condition) and proposed (after condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet. Each of the existing condition photographs shall have the proposed solar electric generating installation superimposed on it to show what will be seen from public roads if the solar electric generating installation is built.

**E. Site Control**

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

**F. Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Generating Installation, which shall include measures for maintaining safe access to the

installation, storm water and vegetation controls, as well as general procedures for operational maintenance of the installation.

#### **G. Utility Notification**

No Large-Scale Ground-Mounted Solar Electric Generating Installations shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation owner or operator's intent to install an interconnected facility. Off-grid systems shall be exempt from this requirement.

#### **H. Dimension and Height Requirements**

##### **(1) Setbacks**

For Large-Scale Ground-Mounted Solar Electric Generating Installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall not be less than 50 feet.
- (b) Side yard. Each side yard shall have a depth of at least 50 feet.
- (c) Rear yard. The rear yard depth shall not be less than 50 feet.

The required setback areas should not be included in the 1 acre maximum calculation for By-Right solar electric generating installations (see Section 23A.).

##### **(2) Appurtenant Structures**

All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Generating Installations shall be subject to regulations concerning the bulk and height of structures, lot area, and setbacks as specified in Section 23H., 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 screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

##### **(3) Height of Structures**

The height of any structure associated with a Large-Scale Ground-Mounted Solar Electric Generating Installation shall not exceed 35 feet.

#### **I. Design and Performance Standards**

##### **(1) Lighting**

Lighting of solar electric 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. Lighting of the solar electric 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 Electric Generating Installations shall comply with Rowe's sign bylaw, Article V. Section 2E.. A sign consistent with Article V. Section 2E shall be required to identify the owner and provide a 24-hour emergency contact phone number.

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

##### **(3) Utility Connections**

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

##### **(4) Roads**

Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

(5) **Control of Vegetation**

Herbicides may not be used to control vegetation at the solar electric installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array are possible alternatives.

(6) **Hazardous Materials**

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

(7) **Noise**

Sound or noise levels may not exceed 50 dBA, at the boundary of the property.

(8) **Visual Impacts**

The solar electric generating installation shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to screen abutting residential properties whether developed or not. Siting shall be such that the view of the solar electric generating installation from other areas of Town shall be as minimal as possible.

**J. Safety and Environmental Standards**

(1) **Emergency Services**

The Large-Scale Ground-Mounted Solar Electric Generating Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric 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, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

**K. Monitoring, Maintenance and Reporting**

(1) **Solar Electric Generating Installation Conditions**

The Large-Scale Ground-Mounted Solar Electric Generating Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric generating installation and any access road(s).

(2) **Modifications**

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

(3) **Annual Reporting**

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The Annual Report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

## L. Abandonment or Decommissioning

### (1) Removal Requirements

Any Large-Scale Ground-Mounted Solar Electric Generating Installation which has reached the end of its useful life or has been abandoned consistent with Section 23L.(2) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all Large-Scale Ground-Mounted Solar Electric Generating 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 Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

### (2) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric 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 Electric Generating Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground-Mounted Solar Electric Generating Installation. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

### (3) Financial Surety

Proponents of Large-Scale Ground-Mounted Solar Electric Generating Installations shall provide a form of surety, either through an escrow account, bond or other form of surety approved by the Planning Board, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

## ARTICLE VI INSPECTION OF BUILDINGS

**Section 1:** The provisions of these regulations shall relate to the construction, alteration and maintenance of buildings and other structures within the limits of the Town of Rowe and the purpose and intent of such regulations shall be the prevention of fire and the preservation of life and health in accordance with Chapter 143 of the General Laws and other applicable laws.

**Section 2:** It shall not be lawful to construct, alter, remove, demolish or change the class of occupancy of any building or structure without first filing with the Town Building Inspector an application in writing and obtaining a permit. An application for a permit shall be submitted in such form as the Building Inspector may prescribe and shall be made by the owner or his duly authorized representative. In existing buildings, minor, non-structural repairs may be made without filing an application or obtaining a permit. In existing buildings, minor, non-structural repairs may be made without filing an application or obtaining a permit.

**Section 3:** The Town Building Inspector shall be appointed yearly by the Selectmen. He shall also serve as the Zoning Enforcement Officer. He shall enforce all laws and regulations relating to compliance with zoning ordinances, to the construction, alteration, repair, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided. He shall inspect all building operations within the Town, and shall have the right of entry at reasonable hours. He shall require that types and methods of construction shall be in accordance with the State Building Code. The Town Building Inspector shall also be responsible for the inspection of all public buildings in accordance with the State Building Code, and on completion of such inspection shall issue certificates of inspection which shall be posted in such public buildings. *[Underlined text adopted 5-9-2011 ATM Art 27]*

**Section 4:** The Building Inspector shall act upon all applications for a permit without unreasonable or unnecessary delay. In the event that he does not act on an application for a permit within sixty (60) days after the filing of such proper application for a permit, the applicant shall be notified as to the reason for the delay and be informed as to the date when such action will be taken.

**Section 5:** Upon notice of an unsafe building, the Building Inspector shall proceed in accordance with the provisions of Sections 6 to 14 of Chapter 143 of the General Laws.

## ARTICLE VII MISCELLANEOUS

**Section 1:** No owner or person having the care of any sheep, swine, horses, oxen, cows or other grazing animals or fowl shall permit or suffer any such animal or animals to go at large unattended or to graze on any street, lane, highway or other public place within the Town.

**Section 2:** No female dog shall be allowed to run or be at large in any street or other public place in town while in season.

**Section 3:** No person shall keep any dog which by biting, howling, damaging public or private property or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person.

**Section 4:** No person shall coast or slide upon any sled, board or other contrivance upon any sidewalk, street or highway in the Town without the approval of the Selectmen.

**Section 5:** No person shall, by the sounding of horns, blowing of whistles, or by any other means make or cause to be made any unnecessary noise in the Town which disturbs the peace and quiet of the neighborhood.

**Section 6:** No minor under the age of fifteen years of age shall discharge any firearm or air rifle or BB gun within the town limits unless such minor is at the time accompanied by an adult 21 years of age or older.

**Section 7:** No person shall discard any refuse, animal or vegetable matter, rubbish or any other filth along any public way in Town.

**Section 8:** No person shall discard any container originally used for refrigerative purposes unless the door or doors have been removed from such container.

**Section 9:** After a reasonable attempt to notify the owner the Road Superintendent may, for the purpose of removing or plowing snow, or removing ice from any public way, remove or cause to be removed to some convenient place any vehicle which interferes with such work, and any expense incurred in the removal of such vehicle shall be borne by the owner of such vehicle.

**Section 10:** By vote of the Town Meeting all Town roads have been declared Scenic Roads under Section 15C of Chapter 40 of the General Laws. Therefore, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof except with the prior written consent of the Planning Board after a public hearing duly advertised twice in a newspaper of general circulation in the area as to time, date, place and purpose of said hearing, the last publication to occur at least seven (7) days prior to such hearing.

**Section 11:** Every household shall separate waste materials before depositing them for disposal under recycling regulations determined by the Board of Health.

ARTICLE VIII  
ENFORCEMENT

**Section 1:** Except as otherwise noted, the Selectmen shall enforce these By-Laws.

Section 2: Noncriminal Disposition *[Art VIII, Sec 2 adopted 5-10-2010 ATM; approved by AGO 10-18-2010]*

- (A) Rowe Bylaw Article VII, Section 3, pertaining to dog nuisances, may be enforced in the method provided in MGL c.40, §21D.
- (B) For purposes of this Bylaw, the “enforcing person” shall mean any police officer of the Town of Rowe, the Dog Officer, his or her designees, and such other officials as the Board of Selectmen may from time to time designate. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.
- (C) Notwithstanding any other provisions of this article, when enforced pursuant to the noncriminal disposition procedures of MGL c.40, §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by by-law, rule or regulation:

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

- (D) Each day a violation exists shall constitute a separate violation.

# TOWN OF ROWE – RULES and REGULATIONS

## PLANNING BOARD

### Rules and Regulations

April 1969 – Revised 1972, 1979

### SUBDIVISION REGULATIONS ADOPTED UNDER CHAPTER 41, Sections 81A to 81GG INCLUSIVE

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Note: For the purpose of these regulations a subdivision is defined as the division of a tract or parcel of land into two or more lots in such a manner as to require the provision of one or more streets or ways for the purpose of sale or development of the lots within said tract or parcel of land.

The Planning Board shall not consider any plan submitted to it unless the owner of the property and/or his representative is present at the submission of the preliminary plan, at the hearing on the definitive plan and all plans thought not requiring approval.

#### **Section 1:** General requirements for the subdivision of land.

The subdivider shall observe the following general requirements and principles of land subdivisions.

1. No street shall be less than fifty feet (50') wide. Greater widths may be required depending on the contemplated use.
2. As far as practicable all proposed streets shall be continuous and in alignment with existing streets.
3. Where future development of adjoining land is possible, streets shall extend to the property line to provide for future road continuation.
4. Turn-arounds with a least a sixty-five foot (65') radius will be required on roads that dead-end within a subdivision.
5. Street lines at intersections shall be joined by curves, thirty foot (30') radius, sufficiently large to permit safe vehicular traffic. Tangent distances shall be shown on the definitive plan and will be considered as lot frontage in complying with the zoning bylaws.
6. No land shall be divided for residential use if it is of such character that it cannot be used for building purposes without danger to health or cannot meet requirements of the building code.
7. The Board may require that suitable areas be set aside for park, beach areas and/or playgrounds.
8. In general the Board will require that the construction of roads be completed within twenty-four (24) months of the approval of the plan.
9. A variance of the general requirements may be permitted when in the opinion of the board topography or other considerations necessitate such variation.

#### **Section 2:** Re-Subdivisions

Procedure for re-subdivision shall follow in all respects the regulations outlined for new subdivisions.

#### **Section 3:** Procedure for the preparation and filing of Preliminary Plans.

A subdivider making a subdivision as above defined shall prepare a preliminary plan and file two copies with the Planning Board at least ten (10) days before the preliminary hearing.



The preliminary plan shall be drawn to a scale not smaller than one inch equals on hundred feet (1" equals 100') and shall show the following:

1. Name and address of record owner, subdivider and surveyor.
2. Outline of property with names of owners of abutting tracts of land in their proper location and assessors' map numbers if available.
3. North point, date and scale.
4. Location of all structures.
5. Lot line with approximate dimensions and areas which shall conform to zoning by-laws.
6. Location of all swamp, marsh and lowland.
7. Public areas proposed if any.
8. Name of proposed streets shall continue abutting street names or if new names are required, they shall not duplicate present street names within the town and must be approved by the Selectmen.
9. All ways, private or public, and easements or right-of-ways of any nature, bordering on, abutting, or included within the proposed subdivision shall be delineated on both the preliminary and definitive plans, excepting utility easements within existing or proposed ways.

**Section 4:** Procedure for preparation and filing of Definitive Plans.

The definitive plan consisting of a cloth tracing and two copies, as well as two copies of the road profiles and application forms along with a \$10.00 filing fee, shall be filed with the Planning Board at least twelve days prior to the definitive hearing.

The Planning Board shall make a decision on the definitive plan within sixty (60) days after such submission. Failure of the Board to take final action within 60 days shall be deemed an approval thereof.

The final plan shall meet the requirements of the Registry of Deeds and Land Court for urban property except that the error of closure shall not exceed one in ten thousand (1:10,000) and shall conform to the approved preliminary plan and any modification thereof required.

The drawing shall be at a scale adequate to show details clearly. Final plan and road profiles shall show in addition to the requirements for a preliminary plan the following:

- a) Sufficient data to determine readily the location, bearing and lengths of all lines on the plan and to reproduce the same on the ground.
- b) The location of all existing permanent monuments shall be shown by symbols required by the Land Court. Before the Board will release a final plan the subdivider or developer will be required to set sufficient new permanent points in and around the subdivision and indicate them on the final plan with appropriate symbols so that all lines may be readily reproduced.
- c) A properly executed surveyor's certificate in accordance with the form shown in Appendix A.

**Section 5:** Profiles

Longitudinal profiles shall be shown at the center line, edge of pavement and edge of right-of-way. Cross section profiles shall be given every 100' at center line, edge of pavement, edge of right-of-way and 25' beyond. These profiles shall be drawn to a horizontal scale of one inch equals forty feet (1" equals 40') and a vertical scale of one inch equals four feet (1" equals 4') showing existing grades and final grades after road construction. Profile plans must be signed by the owner of the property.

1. Permanent bench marks shall be established and indicated on the profile plan.
2. The final profile of the new road shall not exceed a grade of ten (10) percent.

3. Provision for road drainage shall be shown on the profile plan.

**Section 6:** Construction of Ways.

1. Before final approval of a plan, the Planning Board shall determine the time within which the way or ways shown on the plan shall be constructed in compliance with subsections 2 through 5 of this section and shall require the applicant to execute the following agreement.

AGREEMENT

Planning Board  
Rowe, Massachusetts  
Date \_\_\_\_\_

Gentlemen:

The undersigned applicant hereby covenants and agrees with the Town of Rowe:

1. That no lot shown on the applicant's plan bearing Rowe Planning Board No. \_\_\_\_\_ shall be conveyed or built upon until the ways and municipal services shown on said plan are constructed in accordance with the provisions of subsections 2 through 5 of this section.
2. That said applicant will complete said ways so as to comply with provisions of subsections 2 through 5 of this section within \_\_\_\_\_ months of the final approval of said plot by the Board.

That said applicant further agrees to record this instrument as part of but not attached to said plan.

This agreement shall be binding upon the heirs, executor, administrators and assigns—successors and assigns—of the undersigned.

\_\_\_\_\_  
Applicant

COMMONWEALTH OF MASSACHUSETTS  
Franklin, ss.  
Date \_\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_ and gave oath to the truth of the statements as made herein.

\_\_\_\_\_  
Notary Public  
My commissions expires \_\_\_\_\_

2. To secure the performance of the foregoing agreement, the Board shall require the applicant to:

Furnish a proper bond or a deposit of money or negotiable securities sufficient in the opinion of the Planning Board to secure performance of said agreement. Any bond so furnished shall be executed by the applicant as principal and a surety company authorized to do business in Massachusetts as surety. The penal sum of any bond or amount of any deposit held may from time to time be reduced by the Planning Board and the obligations of any party to said agreement released in whole or in part. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town upon failure of the performance for which such bond or deposit was given to the extent of the reasonable cost to the Town for carrying out the terms of said agreement in completing the construction of said ways.

3. All trees, stumps, brush and debris shall be cleared from within the limits of construction of the proposed roads and disposed of as directed by the Planning Board.

- 4. A twenty foot paved roadway with five foot hardened shoulders shall be constructed in accordance with the following rules:
  - a) The roadway shall be centered in the middle of the layout.
  - b) A minimum of eighteen inches (18") of good gravel shall be used for a base for the full width of twenty feet (20') installed and compacted in two (2) nine inch (9") layers.
  - c) The roads shall be constructed to the grades approved on the profile plans submitted with the definitive plan and shall be true in cross section.
  - d) Drainage—Approved highway catch basins shall be constructed as shown on plans. The Board may require additional drainage and/ or base materials where necessary.
  - e) Highway guard rails, guard fence or guard posts shall be constructed where required by the Board.
  - f) At this point in the construction the subdivider shall request in writing approval of the Planning Board so that the roads may be released for building construction.
  
- 5. Blacktop shall be applied to the twenty-foot roadway after compaction in any of the following methods:
  - a) A type "1" hot mix surface two inches (2") thick after being rolled.
  - b) Other types of road surface of equal or better grade may be approved.

APPENDIX A

A properly executed surveyor's or registered engineer's certificate shall read as follows:

<p>I hereby certify that this plan was made in accordance with Rowe Planning Board instructions and that the permanent points shown on the plan are in existence on the ground.</p> <p>_____</p> <p style="text-align: center;">Surveyor or Engineer</p> <p>_____</p> <p style="text-align: center;">Date</p>
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# Board of Selectmen

## Rules and Regulations

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### CADASTRAL MAPS *[Jan 12, 1988]*

Any individual asking to use the cadastral maps must register with the clerk. Foresters and/or Loggers using the maps are to be informed that they **MAY NOT TRESPASS** upon any land without first receiving permission from the landowner.

### DELIVERY/PICK-UP of MAIL AT POST OFFICE *[Feb 13, 1990]*

1. No vehicle may drive or park on the grass or paved sidewalk at any time.
2. Transportation of mail inside the building must be done in a gurney or by hand; no dragging of mail.

### DRIVEWAYS AND CULVERTS

The construction of driveways and the installation of culverts must be approved by the Highway Superintendent and be constructed at the owner's expense.

### POLITICAL SIGNS ON TOWN PROPERTY *[May 4, 2006]*

Political signs are not allowed on any town property.

### TOWN TENTS AND TOWN PROPERTY *[Revised June 22, 2010]*

Residents may borrow town tents, and some folding chairs and tables. Items shall be reserved through the Town Coordinator, and appropriate paperwork filled out. Town functions will preempt use for private functions. Townspersons are responsible for putting up and taking down tent(s). Tent(s) must be dry when taken down. Although there is no fee to borrow items, donations to a fund to purchase new tents are graciously accepted. A completed *Agreement for Borrowing/Using Town Property* shall be required to borrow/use town property. Form is available from the Town Coordinator, or her designee.

### USE OF TOWN FACILITIES *[Oct 23, 1990; Revised June 22, 1010]*

The Board of Selectmen will permit use of the Town Hall and Gracy House facilities for meetings and other gatherings of non-profit organizations providing a member of the organization who is also a town resident will assume responsibility for said use. The Board of Selectmen may, at their discretion, permit use of the Town Hall and Gracy House facilities by a "for profit" organization, association or club, but reserves the right to charge a fee and/or require a deposit. The buildings in general and any rooms used must be left as found, heat turned down to 60 degrees, all doors and windows closed and locked and lights turned off. In the event of a conflict in scheduling, meetings of town committees, boards, commissions, and other governmental bodies will take precedence. NO SMOKING is permitted at any time in the buildings. No dogs are permitted in the buildings.

Scheduling for both facilities will be done through the Town Coordinator, or her designee.

### USE OF TOWN GREEN and/or GAZEBO *[April 17, 1990; Revised June 22, 2010]*

All persons requesting use of the Town Green and/or Gazebo shall submit a completed *Agreement for Borrowing/Using Town Property* form to the Town Coordinator for approval. A deposit of \$25.00 will be required for the use of the Town Green (involving a need for policing the area) by non-residents. Deposit is to be paid to the Treasurer and is refundable after the area has been satisfactorily restored to order.

## Board of Health Rules and Regulations

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### MESSAGE AND GIVING OF VAPOR BATHS [Oct 24, 2000]

1. No person(s) shall practice massage, or conduct an establishment for the giving of vapor baths for hire or reward, or advertise or hold himself (herself) out as being engaged in the business of massage or the giving of said baths without first receiving a license from the Board of Health.
2. Each applicant for a license to practice massage or to conduct an establishment for the giving of vapor baths shall be over 21 years of age, a citizen of the United States and of good moral character.
3. Each applicant shall file with the Board of Health an application form approved by the Board and three letters of recommendation.
4. Each applicant shall present to the Board of Health satisfactory evidence (as deemed by the Board) of his or her training and experience.
5. Licensees shall not employ diathermy equipment, short wave, electrical equipment, the e-ray, the ultra ray or any mechanical device except with a written, signed order from a licensed physician. These orders are to be kept in a permanent file.
6. Premises used as an establishment for the practice of massage or the business of giving vapor baths shall be approved by the Board of Health or its agents and shall be open to inspection by the Board of Health at all times in accordance with Massachusetts General Laws, Chapter 140, Section 51.
7. Licenses to practice massage or to give vapor baths shall expire on December 31<sup>st</sup> following the date of issue.
8. The Board of Health may suspend or revoke any licenses to practice massage or to give vapor baths, granted by it, for any such cause as it deems sufficient and without a hearing.]
9. No license for Massage and Vapor Baths shall be granted until a certificate of health signed by a physician has been filed with the Board of Health, *annually* signifying that the person applying has been examined and found to be free of contagious disease; the examination shall include a TB test. Results of the TB test must be submitted with the application.

### SEWAGE DISPOSAL SYSTEMS

#### **Percolation Tests**

Percolation tests for the purpose of construction of a new in-ground sewage system shall be performed between March 1<sup>st</sup> and May 31<sup>st</sup>. Requests for percolation tests shall be made to the Board of Health no later than May 15<sup>th</sup>. The Town will not pay for any percolation test. This is the responsibility of the landowner.

In order to successfully pass a percolation test the following conditions must be met: [See Rowe By-Law Art V, Sec 7]

- a) There must be no bedrock, ledge, hardpan or other impermeable or poorly permeable subsurface layer within six (6) feet of the existing surface grade.
- b) There must be no seasonal surface water present during the year for a period of thirty (30) days or more, within one hundred (100) feet of the area of proposed usage.
- c) There shall be no ground water within six (6) feet of the existing grade.

- d) The subsurface soil shall absorb water at an average rate of not less than one (1) inch in thirty (30) minutes for a total of not less than three (3) inches in ninety (90) minutes.

One member of the Board of Health shall observe the performance of a percolation test conducted by the Health Agent/Sanitarian.

All percolation tests performed in the Town of Rowe prior to May 1, 1986 are valid ONLY if results conform to the present standards.

**Septage Pumper/Hauler Permit** (Annual) [NEW]

All persons pumping and/or hauling septage in the Town of Rowe must obtain an annual permit from the Rowe Board of Health.

**Septic System Installer's Permit** (Annual) [Adopted by BOH Sept 14, 2005]

All individuals requesting a Septic System Installer's Permit shall provide the following:

- a) Proof of passing a Title 5 Installer's Course, OR
- b) Provide two (2) written references from other Massachusetts towns where the applicant holds a current license, AND
- c) Proof of current Massachusetts Hoister's License

*NOTE: Installers licensed before January 1, 2002, that held a current license granted by the Board of Health at that time, were granted "grandfathered" installer status.*

**Sewage System Construction**

Upon written request, a permit for the construction or reconstruction of a subsurface sewage system must be obtained prior to the construction of the system. A permit will only be issued upon completion of a satisfactory percolation test in accordance with State Title 5 Code, Town By-Laws and local Board of Health policy, and will require an approved design, specific to the estimated usage, engineered by the Town's Health Agent/Sanitarian. Approved designs for Sewage Disposal Systems may also be engineered by a qualified Registered Sanitarian or professional engineer.

Construction permits are valid for two (2) years.

In-ground sewage systems shall be located at least one hundred (100) feet from any well, or any other source of potable water, and greater than seventy-five (75) feet from any property boundary line.

One member of the Board of Health, and the Health Agent/Sanitarian, shall observe the performance of a percolation test conducted by a qualified Registered Sanitarian or professional engineer.

**SOLID WASTE DISPOSAL**

**Mandatory Recycling Regulations**

In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories:

- 1. glass and cans
- 2. paper
- 3. other waste

(Further ordinances as to sorting into various categories may be made from time to time as disposal and recycling regulations change.)

If no separation takes place, waste material shall not be accepted at the disposal location. Repeat offenders shall suffer a fine of \$50.00 for each subsequent offense.

### **Regulations for Town Refuse Garden**

Refuse Garden use is for the use of Home Owners and Residents in the Town of Rowe Only.

Stickers for the Refuse Gardens are required for entry and disposal of waste. These stickers will be provided by the Board of Health Office annually. The sticker must be displayed on the vehicle.

Stickers will only be given to Rowe Taxpayers who have a classified HOME, stickers will not be given to land owners and out building property owners.

A fine of \$100.00 shall be charged to any person or persons trespassing at the Town Refuse Garden and Dump facilities. Any non-resident is considered a trespasser.

The Stickers are the property of the Town and must be returned if a person is no longer a homeowner.

Evidence of improper use of a Rowe Refuse Garden sticker or the dumping facilities will result in the revocation of the refuse garden sticker and a fine of \$50.00.

White goods (household appliances) shall be placed in the designated area in an upright position.

Article VII, Section 8 of the Rowe Town By-Laws: "No person shall discard any container originally used for refrigeration purposes unless the door or doors have been removed from such container."

The compactor is for household/domestic trash - recyclable materials must be disposed of properly.

No hazardous materials may be discarded at any place or time at the facility.

### **WELLS AND POTABLE WATER**

Before a building permit can be issued for a residential dwelling the Building Inspector must receive certification that a suitable source of potable water is available at the construction site. A suitable source of potable water is one that has sufficient flow for the intended use, and has been tested by an approved testing facility to the following Board of Health specifications:

- Total coliform – no more than 1 per 100 milliliters
- Fecal coliform – none detectable

All drilled wells shall be drilled by an approved well driller licensed by the Commonwealth of Massachusetts.

All shallow wells, springs or other sources of potable water shall be constructed in accordance with a design which has been approved by the Town's Health Agent/Sanitarian.

The construction/drilling of all sources of potable water shall be logged and filed with the Board of Health. ♦

## Building, Wiring, Plumbing, Gas and Woodstove Permits Information

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Applications for all permits must be obtained from the Franklin County Cooperative Inspection Program. Please visit their website at [www.fccip.org](http://www.fccip.org) for application instructions, or contact them at 413-772-2026.

Reminder...a Building Permit is required for the installation of any solid fuel burning appliance (wood or coal stove or furnace).



## Park Commission Rules and Regulations

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1. The Park will be open daily for the use of Rowe residents and landowners. Entrance passes will be provided by the Park Commission.
2. The Lifeguard has complete authority over the beach area.
3. No watercraft in excess of 10 horsepower shall be permitted on Pelham Lake.
4. Domestic animals must always be under control.
5. Camping and fires permitted at designated spots only. BE SURE ALL FIRES ARE COMPLETELY OUT BEFORE LEAVING THEM.
6. Hunting and trapping are prohibited in game sanctuary.
7. All persons using the several areas which make up the Park must observe all regulations set up by the Park Commission and comply with all requests and/or orders made or given by the Commissioners, attendants, lifeguards, or any other person in charge of the respective areas.
8. These regulations are subject in whole or in part to changes, additions or deletions at any time as deemed necessary by the Commissioners.

[Also see RESOLUTION *Concerning Official Policies Governing the Operation of Pelham Lake Park*, Pg 27]

### **Pelham Lake Park Snowmobile Regulations** [Adopted by Park Commission Oct 5, 2006]

1. All snowmobilers must obey MGL Chap 90B, *Motorboats and Other Vessels*, §§ 22 through 35, Code of Massachusetts Regulations 323 CMR 3.00 *The Use of Recreational Vehicles and Snow Vehicles* pertaining to snowmobiling on public and private property, and must adhere to all rules pertaining to snowmobiling in state parks.
2. Maximum speed limit is 20 miles per hour on all trails within the Park Property and on Pelham Lake.
3. Trails open for snowmobile use are list as followed: Davis Mine Loop Trail to the bridge that crosses Davis Mine Brook, Sabrina Rice Trail, Williams Trail, Sibley Trail, Percy Brown Trail, and Old Kings' Highway Trail. Snowmobiles are prohibited on all other trails in the park.
4. All sub-surface soil must be completely frozen and there must be a minimum 8 inch snow base (packed snow) before snowmobiles are allowed into the Park. The Park Ranger will monitor snow conditions throughout the season and will post closed signs according to the conditions.
5. Snowmobiles are not allowed to leave the groomed surfaces of the land trails at anytime.
6. Snowmobiles are only allowed on the non-groomed surfaces of Pelham Lake. (Groomed surfaces on the lake are for non-motorized use only).
7. All snowmobilers will yield the right-of-way to any persons walking, running, snowshoeing, or cross country skiing, and will reduce their snowmobile speed to 10 mph in their presence.
8. The Park Commission has the right to revoke these privileges at anytime due to abuse of the rules. ♦

## Rowe Elementary School Rules for Use

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In order that the school be made available to as many sponsored groups as possible, some coordination of its use has to be maintained by the school administration. Any group wishing to use the facilities must be sponsored by a Rowe Resident. In addition, to insure proper use of school facilities and equipment, groups are asked to comply with the following building policies:

Any party desiring use of school facilities at any time should complete an application (available from the school or school committee members) requesting its use. The application should be submitted to the Rowe School Principal's office during normal school hours. If arrangements have not been made by Friday, the building cannot be used during the weekend. Keys for the school (as needed) may be obtained from the office of the Principal or designee after application approval during normal school hours. After-use keys should be left in the School Secretary's office.

The school is owned and operated by the School Department of the Town of Rowe. Considerable expense and effort has been made over the years to erect, equip and maintain this facility. Organizations using the school must do so using good judgment at all times, and leave the facilities in the same condition as they were found. The School Department cannot accept responsibility for any damage caused to the building or its contents not covered by insurance. This shall be a condition of use by any organization. If it is a money making organization or if the kitchen is used, a \$10.00 fee will be charged.

No school equipment may be used with the exception of the Park Commission's use of the movie projector with the acceptance of full financial responsibility. Any changes to this policy regarding usage will be decided by the principal. A letter will be sent immediately after the use if the building is left in unsatisfactory condition and permission for future use will be contingent upon past experiences. ♦

# Rowe Town Library Regulations

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The Trustees of the Rowe Town Library advise that the following rules and regulations are effective:

1. Each borrower is held responsible for all books drawn on his/her card.
2. All injuries to books beyond reasonable wear, and all losses shall be made good to the satisfaction of the librarian.
3. The above rules are also applicable to all other materials which a borrower may draw on his card; i.e., records, puzzles, etc.
4. Massachusetts General Laws, Chapter 266, Sections 99A and 100 shall be enforced by the Rowe Town Library:

**Section 99A:** Whoever willfully conceals on his person or among his belongings any library materials or property and removes said library materials or property, if the value of the property stolen exceeds two hundred and fifty dollars, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both; or, if the value of the property stolen does not exceed two hundred and fifty dollars, shall be punished by imprisonment in jail for not more than one year or by a fine of not less than one hundred nor more than one thousand dollars, or both, and ordered to pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board of said library.

Any person who has properly charged out any library materials or property, and who, upon neglect to return the same within the time required and specified in the by-laws, rules or regulations of the library owning the property, after receiving notice from the librarian or other proper custodian of the property that the same is overdue, shall willfully fail to return the same within thirty days from the date of such notice shall pay a fine of not less than one hundred nor more than five hundred dollars and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by said governing board. Each piece of library property shall be considered a separate offense.

The giving of a false identification or fictitious name, address or place of employment with the intent to deceive, or borrowing or attempting to borrow any library material or property by: the use of a library card issued to another without the other's consent; the use of a library card knowing that it is revoked, canceled or expired; or, the use of a library card knowing that it is falsely made, counterfeit or materially altered shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

The willful alteration or destruction of library ownership records, electronic or catalog records retained apart from or applied directly to the library materials or property shall be punished by imprisonment in the state prison for not more than five years or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both, and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board having jurisdiction.

**Section 100:** Whoever willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates or destroys any library material or property, shall make restitution in full replacement value of the library materials or property, and, in addition, shall be punished by imprisonment in a house of correction for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both.

A law enforcement officer may arrest without warrant any person he has probable cause to believe has violated the provisions of section ninety-nine A and this section. The statement of an employee or agent of the library, eighteen years of age or older, that a person has violated the provisions of said section ninety-nine A and this section shall constitute probable cause for arrest by a law enforcement officer authorized to make an arrest in such jurisdiction. The activation of an electronic anti-theft device shall constitute probable cause for believing that a person has violated the provisions of this section.

A library shall prepare posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of said section ninety-nine A and this section. ♦

## Chapter 487 of the Acts of 2004

### AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ROWE.

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*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** A holder of an elected office in the town of Rowe may be recalled therefrom by the registered voters of the town as provided in this act.

**SECTION 2.** Twenty-five registered voters of the town of Rowe may file with the town clerk a recall affidavit, using either a blank recall affidavit as prepared by the town clerk or an affidavit substantially similar thereto, containing the name and position of the officer whose recall is sought and a statement of the grounds for the recall. Upon certification of the required signatures, the clerk shall forthwith deliver to the first named voter on the affidavit copies of the petition blanks addressed to the board of selectmen demanding the recall, copies of which printed forms the clerk shall keep available. The blanks shall be issued by the clerk with the signature and official seal of the clerk attached thereto. They shall be dated, shall contain the names of the first 25 registered voters whose names appear on the recall affidavit, the name and position of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition shall be returned and filed with the clerk within 21 days after the filing of the affidavit and shall have been signed by at least 20 per cent of the registered voters of the town as of the date of the affidavit was filed with the clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The clerk shall, within 72 hours of receipt thereof, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

**SECTION 3.** If the petition shall be found and certified by the town clerk to be sufficient, the clerk shall submit the same with his certificate to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the officer sought to be recalled. If the officer does not resign within 5 days after receipt of the notice, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called; but if any other town election is scheduled to occur within 100 days after the days of the certificate, the board shall postpone the holding of the recall election to the date of the other election, and the question of recall shall appear on the ballot of the other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** Any officer sought to be removed may be a candidate to succeed himself and, unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall be in accordance with laws relating to elections unless otherwise provided in this act.

**SECTION 5.** The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 7. If recalled, the incumbent shall be considered removed. If the successor fails to qualify within 10 days after receiving notification of his election, the office shall be considered vacant.

**SECTION 6.** 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)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x) may vote for either of the propositions. Under the propositions shall appear the word "Candidates" and the directions to voters required by [section 42 of chapter 54](#) of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, then candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots cast for candidates to fill the potential vacancy shall not be counted.

**SECTION 7.** A recall petition shall not be filed against an officer within 6 months after the officer takes office, nor in the last 6 months of the term, nor in the case of an officer subject to recall election and recalled thereby, until at least 6 months after the election at which the recall was submitted to the voters of the town has elapsed.

**SECTION 8.** No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within 1 year after the recall or resignation. *Approved January 6, 2005.*

**RESOLUTION**  
**Concerning Official Policies Governing the Operation of Pelham Lake Park**  
**Adopted by Town Meeting Vote - October 25, 2000**

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Resolved:

That in order to establish continuity and guidance for the future of Rowe's Town Park the town hereby adopts the following policies:

1. All lands previously acquired for Park Purposes shall be under the control of the Rowe Park Commission and shall be known as Pelham Lake Park. If any **additional** parcels are henceforth acquired by the town for **park purposes** they shall be:
  - a. If contiguous to Pelham Lake Park, incorporated into said Pelham Lake Park,
  - b. If not contiguous to Pelham Lake Park, they shall be as designated by the town meeting vote.
2. That those parcels of land, donated by Percy W. Brown, shall be governed in accordance with his written wishes, as contained in his 1955 deed to the Town of Rowe *as Trustee in Trust for the benefit of the people of Rowe*, and as further defined herein.
3. That those parcels acquired by the Town after the 1955 donation by Percy Brown, where the town vote specifically stipulated that the parcel would be subject to the same or similar terms as the Brown deed will continue to be so governed in the future.
4. That those parcels acquired by the Town after the 1955 donation by Percy Brown, where there is no stipulation in the recorded vote concerning the Brown Covenants or other restrictions, would be governed by the Park Commission as provided by the laws of the Commonwealth and/or town by-laws.
5. That the Park Commission, as created by town meeting vote on January 6, 1956, shall administer and operate Pelham Lake Park in accordance with the Brown provisions, where applicable, and the provisions of Chapter 45, Mass. General Laws. They may issue reasonable rules and regulations for such administration and operation and shall maintain boundary maps and trail maps for the information of the townspeople.
6. That the guiding principles for the administration and operation of Pelham Lake Park shall be respect for all townspeople and their rights to enjoy their park, and respect for the environment, the waters, the land, the forest, and the wildlife. In accordance with the Brown Covenants and traditional usage the park is not a "tree farm", but a town park, ***"forever held in trust for the benefit of the people of Rowe"***.
7. Recreation and peaceful enjoyment for Rowe townspeople shall be considered as the primary objective for administration of Pelham Lake Park. Those portions maintained as the town forest in its natural wild state, may be used and enjoyed by the townspeople and their guests, for its solitude, natural beauty and vistas. Such uses may include hiking, horseback-riding, skiing, viewing of birds/wildlife and other such passive purposes. Uses such as motorized vehicles shall be prohibited except for limited specific areas when so designated by the Park Commission. Maintenance staff may utilize powered machinery as needed and authorized by the Park Commission.
8. The Game Sanctuary and other provisions of the Brown deed covenants shall continue to be maintained upon those specific parcels where it applies:

a. The original Brown gift parcels	475 acres
b. The Sibley-vonReuss-Chenberg parcels	231 acres
c. The Gingras parcel	2 acres
d. The Stanford parcel	<u>45 acres</u>
Total	753 acres

## Facts about Rowe...

- Myrifield Plantation

Voters at the March 3, 1974 Annual Town Meeting voted to recognize “MYRIFIELD PLANTATION” as the community from 1762 to February 9, 1785, at which time the town was incorporated as the Town of Rowe.

- Town Tree

At the March 3, 1974 Annual Town Meeting townspeople voted to designate the SUGAR MAPLE as the Rowe Town Tree, and that sugar maples planted as part of the Town’s celebration of the national Bicentennial Celebration in 1976 be known as “Bicentennial Maples.”

[see next page]