



# THE OXFORD ZONING BY-LAW

**ADOPTED: October 7, 1987**

A true copy attest: *Michelle Jenkins*  
\_\_\_\_\_  
Town Clerk

**TOWN OF OXFORD  
ZONING BY-LAWS**

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# **TOWN OF OXFORD ZONING BY-LAWS**

## **CHAPTER I General Provisions**

### **1.0 AUTHORITY**

This By-Law is adopted pursuant to the provisions of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

### **2.0 TITLE AND REPEAL**

- 2.1 This By-Law shall be known, and may be cited, as "The Oxford Zoning By-Law."
- 2.2 All Zoning By-Laws heretofore adopted by the Town of Oxford are hereby repealed.

### **3.0 PURPOSES**

This By-Law is adopted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, clean water, drainage and sewerage, schools, parks and open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution to the environment; to encourage the most appropriate use of land throughout the Town of Oxford including consideration of the most recent Master Plan adopted by the Planning Board and to preserve and increase amenities by the promulgation of regulations to fulfill said purposes.

### **4.0 ESTABLISHMENT OF CONTROLS**

In their interpretation and application, the regulations set by this By-Law within each district shall be held to be minimum requirements adopted for the promotion of the purposes of this By-Law and shall apply with uniformity to each class or kind of structures or uses hereby regulated.

#### **4.1 Types of Control**

The following regulations shall apply in the respective districts: use regulations, including primary and accessory uses; lot requirements, including size, width, and frontage; percentage of land covered by permanent structures; setback requirements for front, side and rear yards; maximum height requirements; and, supplemental regulations.

#### **4.2 New Lots, Uses, and Structures**

In all districts, after the effective date of this By-Law, any new lot, use or structure shall be constructed, developed, and used only in accordance with the regulations specified for each district.

#### **4.3 Existing Lots, Uses and Structures**

In all districts, after the effective date of this By-Law any existing lot, use, or structure which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming, and subject to the regulations of Chapter III, Section 1.0.

#### **4.4 Relationship With Other Restrictions**

The provisions of this By-Law are not intended to interfere with, abrogate, or annul other rules, regulations, or by-laws, provided that where this By-Law is more restrictive, the provisions of this By-Law shall control.

#### **4.5 Exemptions**

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This By-Law shall not apply to any lot, use, or structure exempted from zoning regulations by Chapter 40A of the Massachusetts General Laws or other laws of the Commonwealth of Massachusetts, nor shall it apply to any lot, use, or structure necessary for use and occupancy by the Town of Oxford for public or municipal purposes.

## **5.0 SEVERABILITY**

Should any section or provision of this By-Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the By-Law as a whole, nor the validity of any other section or provision of the By-Law than the one so declared.

## **CHAPTER II District Regulations**

### **1.0 ESTABLISHMENT OF DISTRICTS**

For the purposes of this By-Law, the Town of Oxford is hereby divided into the following Zoning Districts:

	<b><u>District</u></b>	<b><u>Map Symbol</u></b>
	<b><u>Residential</u></b>	
10/03/18	Rural Residential District	R-1
05/06/98	Suburban District	R-2
	Residential District	R-3
	Multi-Family District	R-4
	<b><u>Commercial</u></b>	
10/11/06	North Oxford Business District	NOB
	General Business District	GB
	Office and Professional District	OP
	Highway Interchange District	HI
	Village Business District	VB
	<b><u>Industrial</u></b>	
05/04/11	Light Industrial District	LI
05/03/06	Industrial District	I
	Flood Plain District (Overlay)	FD*
	Robinson Pond Protection District (Overlay)	RPP
05/02/18	Marijuana Overlay District	MOD
	Conservation District	C
05/02/18	And further, to amend the Zoning Map to add the Marijuana Overlay District as described in Chapter XXIII.	

\*Overlay Map - Flood Boundary and Floodway Map

## **2.0 THE ZONING MAP**

The boundaries of the districts in which the Town of Oxford is divided shall be shown upon a map entitled "Official Zoning Map of the Town of Oxford" dated \_\_\_\_\_. The said map and all notations, references, and other data shown thereon is hereby incorporated by reference into this By-Law as if it were fully described herein.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **2.1 Adoption of the Zoning Map**

The official Zoning Map shall be identified by the signatures of members of the Board of Selectmen and Planning Board, and attested by the Town Clerk, and shall bear the seal of the Town with the following legend:

"This is to certify that this is the Official Zoning Map referred to in Chapter II of the Oxford Zoning By-Law duly adopted on \_\_\_\_\_".

## **2.2 Changes in the Zoning Map**

If in accordance with the provisions of this By-Law and Chapter 40A of the Massachusetts General Laws, changes are made in the district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered promptly on said Map after the amendment has been approved by Town Meeting. No changes of any nature shall be made on the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this By-Law. Any unauthorized change, of whatever kind shall be punishable as provided under Chapter XIV.

## **2.3 Rules for Interpretation of District Boundaries**

The district boundary lines shall be shown on the Zoning Map. Where uncertainty exists as to the boundaries of districts, the following rules shall apply:

- 2.3.1 Boundaries indicated as approximately following the center lines of streets, highways, or transmission lines shall be construed to follow such center lines.
- 2.3.2 Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 2.3.3 Boundaries indicated as parallel to or extensions of features such as streets, transmission lines, railroads, and water courses shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.
- 2.3.4 Boundaries indicated as approximately following Town limits shall be construed as following the Town limits.
- 2.3.5 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 2.3.6 Boundaries indicated as following shores lines shall be construed to follow such shore lines, and boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines. Said shore lines and center lines shall be those in existence at the date the Zoning Map is adopted.
- 2.3.7 Where district boundaries divide any lot, the regulations of the district which comprises the largest portion of the lot shall govern the entire lot, unless the Planning Board by special permit, permits the regulations governing any smaller portion of the lot to apply.
- 2.3.8 Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map, or in other circumstances not covered by Subsections 2.2.1 through 2.3.7 above, it shall be the function of the Building Inspector to interpret and apply the Map. Said Officer's decision may be appealed to the Zoning Board of Appeals as provided for in Chapter XV.

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## **3.0 APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this By-Law within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or uses thereby regulated, except as hereinafter provided.

- 3.1 No building or other structure or land shall hereafter be used or occupied, and no

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building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

- 3.2 No building or other structure or land shall hereafter be erected or altered:
  - 3.2.1 To exceed the height or bulk;
  - 3.2.2 To accommodate or house a greater number of families;
  - 3.2.3 To occupy a greater percentage of lot area;
  - 3.2.4 To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner be contrary to the provisions of the By-Law.
- 3.3 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this By-Law shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 3.4 No yard or lot existing at the time of passage of this By-Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this By-Law shall meet at least the minimum requirements established by this By-Law.
- 3.5 Uninhabited structures allowed for public utilities and facilities shall not be subject to the dimensional requirements of this By-Law provided that such structures of a particular facility installation are separated from a street, as defined in this By-Law, and the existing or potential location of neighboring habitable buildings by the height of such structures and radio or television towers are separated from each other by the combined height of the towers.

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## **CHAPTER III Use Regulations**

### **1.0 NON-CONFORMITIES**

This Zoning By-Law and any amendments thereto shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such By-Law required by Section 5 of Massachusetts General Laws, Chapter 40A, but shall apply to any change or substantial extensions of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change of a single or two-family residential structure does not increase the nonconforming nature of said structure. This Section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections 29 through 33, inclusive, of Massachusetts General Laws, Chapter 93, and to Massachusetts General Laws, Chapter 93D.

#### **1.1 Non-Conforming Lots**

1.1.1 Any increase in area, frontage, width, yard or depth requirements shall not apply to a lot for single and two-family residential use if, at the time of recording or endorsement, which ever occurs sooner, the lot:

- (a) was not held in common ownership with any adjoining land;
- (b) conformed to the then existing requirements, and
- (c) has less than the proposed requirements but at least five thousand (5,000) square feet of area and fifty feet of frontage.

1.1.2 Any increase in area, frontage, width, yard or depth requirements shall not apply for a period of three years from its effective date to a lot for single and two family residential use, provided:

- (a) the plan for such lot was recorded or endorsed and such lot was held in common ownership with adjoining land, and
- (b) conformed to the existing zoning requirements as of January 1, 1976, and
- (c) had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements, but
- (d) contained at least seven thousand five hundred (7,500) square feet of area and seventy five (75) feet of frontage.

The provisions of this Section shall not apply to more than three of such adjoining lots held in common ownership.

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#### **1.2 Non-Conforming Uses and Structures**

Any use or structure lawfully in existence or lawfully begun prior to the effective date of adoption of this by-law or amendment thereof and any use or structure allowed by a building permit or special permit issued prior to the first publication of notice of the public hearing on said adoption or amendment that becomes non-conforming by adoption of said by-law or amendment shall be considered pre-existing non-conforming and may be continued as long as it remains otherwise lawful.

1.2.1 A pre-existing non-conforming use may be changed to another non-conforming use upon the grant of a special permit by the Board of Appeals, which shall grant such special permit only if it finds that such change shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

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1.2.2 Except where alteration, reconstruction, extension, or structural change to a single or two-family residential structure would not increase the nonconforming nature of said structure, a non-conforming use or structure shall be altered or extended, only upon the grant of a special permit by the Board of Appeals as set forth below:

1.2.2.1 Where alteration, reconstruction, extension, or structural change to a single or two-family residential structure would increase the nonconforming nature of said structure then the Board of Appeals may grant a special permit for such alteration, reconstruction, extension, or structural change only upon a finding that the proposed alteration, reconstruction, extension, or structural change would not be substantially more detrimental to the neighborhood than the existing nonconformity.

1.2.2.2 For alteration, reconstruction, extension, or structural change to a structure other than a single or two-family residential structure, the Board of Appeals may grant a special permit for such alteration, reconstruction, extension, or change only if it makes the following findings:

- (a) the alteration, reconstruction, extension, or structural change is not more detrimental to the neighborhood than the existing non-conforming structure;
- (b) any extension does not increase the area of the structure(s) or other space occupied by the use, by more than twenty-five (25) percent;
- (c) the alteration, reconstruction, extension, or structural change does not result in the addition of a new non-conforming use or structure;
- (d) the alteration, reconstruction, extension, or structural change does not decrease any nonconforming yard setbacks; and
- (e) the alteration, reconstruction, extension, or structural change meets the regulations of the district in which the use is located.

### **1.3 Abandonment, Destruction, Conversion**

1.3.1 If any non-conforming use, structure or land is changed to become conforming, it shall thereafter conform to the regulations of its district, and the non-conformity may not be resumed.

1.3.2 If any non-conforming use, structure or land is discontinued or abandoned for a period of more than twenty-four (24) consecutive months such land, structure, or use shall not thereafter be used except in conformity with the regulations of the district in which it is located.

1.3.3 In the event that any non-conforming structure or a structure on a non-conforming lot is destroyed or partially destroyed by any means, the structure may be reconstructed to its original size for its original use provided such construction begins within a period of twelve (12) months from the date of destruction, where construction meets the criteria of Section 1.4.1 below.

### **1.4 Construction or Operations under a Building or Special Permit**

Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.4.1 Construction is hereby declared to include the placing of construction materials in permanent position and fastened in a permanent manner.

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**\*NOTE:** In all cases, demolition of an existing structure requires a building permit.

## **2.0 HOME OCCUPATIONS**

Home occupations are permitted in all districts except for Industrial, Light Industrial, Highway Interchange and Conservation Districts if they comply with the conditions set forth below:

### **2.1 Performance Standards**

No home occupation shall be permitted that:

- 2.1.1 Changes the outside appearance and residential character of the existing structures or is visible from the street;
- 2.1.2 May generate traffic, parking, sewerage, water use, or noise in excess of what is normal in the residential neighborhood;
- 2.1.3 May create a hazard to person or property, results in electrical interference, or becomes a nuisance;
- 2.1.4 Results in display or advertising visible from outside the premises other than signs permitted in Chapter XII, or results in exterior storage of materials;
- 2.1.5 Employs more than two non-residents;
- 2.1.6 Uses more than twenty-five (25) percent of the net floor area of the dwelling.

### **2.2 Prohibited Home Occupations**

The following are prohibited home occupations:

- 2.2.1 Animal hospitals;
- 2.2.2 Dancing studios;
- 2.2.3 Nursery schools, not including family day care homes;
- 2.2.4 Private clubs;
- 2.2.5 Kennels;
- 2.2.6 Motor vehicle repair or paint shops;
- 2.2.7 Marijuana Businesses

05/02/18

## **3.0 ACCESSORY USES**

All accessory structures, except where otherwise permitted by this By-Law shall comply with the dimensional requirements for the primary use to which it is accessory. Accessory uses and structures may include, but are not limited to, the following:

- 3.1 Industrial uses in LI and I districts may include a retail factory outlet for the sale of those products produced on the premises, provided that the floor area of such outlet does not exceed twenty-five (25) percent of the total floor area of the primary structure.
- 3.2 Swimming pools and tennis courts are permitted as accessory structures in all districts.  
No pool or court shall be located in any front or side yard setback area, but may be located in the rear yard setback area, provided that no part of the pool or court, including paved areas or accessory structures, excluding fencing, is located within twenty (20) feet of rear property lines. They shall be fenced or otherwise protected against intrusion as required by the State Building Code.
- 3.3 Dish antennas as an accessory use are allowed in any district, if dish antennas shall comply with the following conditions:
  - 3.3.1 They are restricted to rear yards.
  - 3.3.2 They are limited in height to twenty (20) feet in residential districts and to the height limitation of the commercial or industrial district and overlay district where located.
  - 3.3.3 They comply with the yard setback requirements of the district where located.
  - 3.3.4 In commercial or industrial districts, dish antennas are allowed upon the roofs

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of buildings upon submission of plans to the building inspector establishing that the structure is fastened securely in conformance to the requirements of the Massachusetts Building Code.

- 3.4 Uses, accessory to, and whether or not on the same parcel as, scientific research and development or related production permitted as a matter of right, may be permitted upon the grant of a special permit by the Board of Appeals provided the proposed accessory use does not substantially derogate from the public good.

- 3.5 Home occupations are permitted in accessory structures provided they comply with the requirements of Section 2.0 above.

### 3.6 Wind Energy Conversion Systems

Wind Energy Conversion Systems (WECS) are permitted as accessory structures in any district provided the following conditions are met:

- 3.6.1 The WECS shall have an automatic braking or collapsible feature where wind conditions exceed forty (40) miles per hour.

- 3.6.2 All WECS shall have a protective shroud to contain any and all projectiles in the event of system breakage.

- 3.6.3 There is a setback from all lot lines of 1.5 times the height of the tower.

- 3.6.4 Fencing, at least four (4) feet in height shall be required around the base of the WECS designed to prevent intrusion of any person onto the structure's apparatus. A self-locking or self-latching gate shall be required.

- 3.6.5 No WECS shall be erected, used or otherwise enjoyed if said device unreasonably interrupts or disturbs radio or television signal reception.

### 3.7 Solar Energy Conversion System

Solar Energy Conversion Systems are permitted as accessory structures in any district provided the following conditions are met:

- 3.7.1 All solar energy conversion systems shall be designed and located with regard to visual aesthetics and shall comply with requirements of the State Building Code and has a minimal impact on neighborhood property values.

- 3.7.2 If solar conversion systems are mounted on apparatus separate from a principal or accessory structure, said apparatus must comply with all appropriate setback requirements.

- 3.8 Egg-laying chickens and ducks six or under total chickens and ducks combined, are excluded from all districts except upon grant of a license by the Board of Selectmen. All other animals or birds, including egg-laying chickens and ducks, in quantities of seven or over, other than customary household pets, are excluded from all districts except upon grant of a special permit by the Board of Selectmen.

## **3.9 APARTMENTS AND ADDITIONAL LIVING SPACES**

10/5/2022

### **3.9.1 Purpose**

The purpose of this bylaw is to:

- Provide homeowners with a means of obtaining, through tenants in accessory and in-law apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
- Add units to the housing stock to meet the needs of smaller households, both young and old.
- Make housing units available to households who might otherwise have difficulty finding homes within the town.

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- Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory/in-law apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw.
- Legalize conversions to encourage compliance with the State Building Code.

### **3.9.2 Definitions**

**Accessory Apartment:** A self-contained housing unit incorporated within or accessory to a retail, commercial, or professional building complete with its own sleeping, cooking, and sanitary facility, and a separate means of egress with option to rent.

**Additional Living Space:** A living space contained within a single-family dwelling that may contain a kitchen, sanitary facility, and sleeping area. Free passage from the main living area into and about the additional living area shall be permitted without restrictions.

**In-Law Apartment:** A detached self-contained housing unit within a single-family property complete with its own sleeping, cooking, and sanitary facilities with a separate means of egress.

**Building, Attached:** A building having any portion of one or more walls in common or within five feet of an adjacent building.

**Building, Detached:** A building having five feet or more of open space on all sides.

**Dwelling, Single-Family:** A building designed or used exclusively as a residence and including only one dwelling unit.

**Primary Residence:** A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

### **3.9.3 Design Standards**

Accessory apartments and in-law apartments shall require a Special Permit issued by the Planning Board in accordance with Table I: Uses Allowed in Residential Districts and Table II: Uses Allowed in Commercial Districts, pursuant to the criteria set forth herein and in Chapter XIV, Section 5.0 of these By-laws. Additional Living Space shall be permitted as accessory to single-family residential use, without requiring a special permit or site plan review, subject to the requirements set forth herein.

The following standards and criteria shall apply:

#### In-Law Apartments –

- The in-law apartment will be a complete, one-bedroom or studio unit separate housekeeping unit that functions as a separate unit from the original unit. The Planning Board, at its discretion, may allow a second bedroom under extenuating circumstances.
- Only one accessory apartment or in-law apartment will be created on a single-family lot.
- The lot in which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.

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- The owner(s) of the residence in which the in-law apartment is located shall occupy at least one of the dwelling units on the premises.
- The in-law apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. Any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform with the single-family character of the neighborhood.
- An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than eight hundred (800) square feet of the existing total residential space. These same dimensional criteria shall apply to an in-law apartment constructed in an existing detached dwelling (such as a garage, barn, or carriage house), or to an in-law apartment constructed as part of a new detached dwelling.
- The in-law apartment shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet.
- At least two off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and one off-street parking space for the in-law apartment. Parking spaces shall be located to the side or the rear of the structure, to the extent feasible.
- For dwellings to be served by on-site septic system, the owner must obtain a Disposal Works Construction Permit from the Board of Health before a special permit can be obtained. This is to ensure that the existing sewage disposal system is adequate, or the Board of Health shall certify adequate provision has been made for the disposal of sewage, waste, and drainage generated.
- The construction of an in-law apartment must be in conformity with the State Building Code requirements.
- The Planning Board shall impose any appropriate conditions to protect public health, safety and welfare.
- The Planning Board may allow reasonable deviation from the foregoing criteria and standards where necessary to install features that facilitate accessibility and mobility.

### Accessory Apartments –

- The apartment shall not be allowed in a building whose principal use is determined by the Planning Board to be incompatible with residential uses (incompatible uses include auto body shops, gas stations, and any other business that uses materials listed as “high hazard” in 780 CMR 306), and if the apartment is allowed, the special permit shall restrict the principal use of the building accordingly.
- Apartments shall be designed so that entrances to the residential and non-residential uses are sufficiently separated to provide security, safety, and privacy to the residents.
- The application shall be accompanied by construction drawings of sufficient detail to allow review and approval by the Building Inspector, Fire Department, and Planning Board.

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- The application shall be accompanied by a site plan submitted in accordance with the requirements of Chapter XV and all parking lot design and construction shall comply with the requirements of Chapter XI.
- The construction of any accessory apartment must be in conformity with the State Building Code requirements.
- The Planning Board shall impose any conditions appropriate to protect public health, safety and welfare, and the character of the neighborhood.

Additional Living Spaces –

- Additional living space shall only be permitted within the interior of a single-family dwelling located in a residential zoning district. The space shall be devoted to private, independent living that could be recognized as space for family members or caretakers.
- The space shall not exceed eight hundred (800) square feet.
- Adding floor space for additional living space must comply to all zoning dimensional requirements.
- Free passage from the main living area into and about the secondary area shall be permitted without restrictions.
- The additional living space can be occupied in conjunction with the primary living space but cannot be offered as conventional rental housing unit.
- The owner of record must occupy the home as his/her principal place of residence.
- There shall be no separate address for the additional space.
- Separate utilities shall not be allowed.
- There shall be only one mailbox for the entire home.
- The exterior look shall remain as a single family.
- The construction of any additional living space shall comply and conform to the Massachusetts State Building Code.

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### **3.9.5 Application Procedure**

- The procedure for the submission and approval of a Special Permit for an accessory apartment or in-law apartment shall be the same as prescribed in Chapter XIV, Section 5.0 (Application Procedures: Special Permits) of the Zoning Bylaw.
- Upon receiving a special permit, said special permit shall be attached to the deed of record of the property by recording said special permit bearing the certification of the Town Clerk that twenty (20) days have elapsed after the special permit has been filed in the office of the Town Clerk and that no appeal has been filed, or if an appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording shall be paid by the owner or applicant.
- A time-stamped copy of the special permit shall be provided to the Planning Board and to the Building Official. In the event of the sale or transfer of the property, one of the dwelling units shall be owner occupied as stipulated in the special permit or the rights granted under the special permit shall terminate.

### **3.9.6 Administration and Enforcement**

- It shall be the duty of the Building Official to administer and enforce the provisions of this Bylaw.
- No dwelling unit shall be constructed or changed in use or configuration pursuant to this bylaw until the Building Official has issued a permit therefor. No permit shall be issued prior to the Planning Board's approval of the Special Permit. No building permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the Town's Bylaws. Any new building or structure or change in configuration of an existing building shall conform to all adopted State and Town laws, bylaws, codes, regulations, and State Building Code Regulations. No dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- The Building Official shall refuse to issue any permit which would result in a violation of any provision of this Section or in violation of the conditions or terms of the special permit granted by the Planning Board.

### **3.9.7 Accessory/In-Law Apartments in Existence Before the Adoption of this Section**

Statement of Intent: To ensure that accessory/in-law apartments or conversions in existence before the adoption of this Accessory/In-Law Apartment By-law are in compliance with the State Building Code Regulations.

Application Procedure: The Planning Board may authorize, under a Special Permit and in conjunction with the Building Inspector, use known as an Accessory/In-Law Apartment. The Board will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code Regulations. The applicant must follow the same application procedure described in this Section.

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### **3.9.8 Conflict With Other Laws**

The provisions of this by-law shall be considered supplemental of existing zoning by-laws. To the extent that a conflict exists between this by-law and others, the more restrictive by-law, or provisions therein, shall apply.

### **3.9.9 Severability**

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

**3.10** Accessory structures 200 square feet of area or less with a maximum eave height of 10 feet used for storage or utility purposes accessory to a primary residential structure are permitted by right in any district. The accessory structure shall comply with the front setback for its residential district, shall have a minimum side and rear setback of no less than 5 feet, and shall be 10 feet from any other structure. Accessory structures that accommodate animals are excluded, from this section.

## **4.0 AUTOMOBILE SERVICE STATIONS**

In addition to the regulations of the district in which they are located, all automobile service stations shall meet the following conditions:

- 4.1 All services except fuel sales and services directly related thereto shall be performed within a completely enclosed building and all dismantled vehicles and parts thereof shall be stored within such a building or screened from adjacent public ways and private ways.
- 4.2 No gasoline island shall be located closer than thirty (30) feet to any street right-of-way.

## **5.0 AUTO WRECKING, JUNK AND SCRAP ESTABLISHMENTS**

In addition to the regulations of the district in which they are located, all auto wrecking, junk and scrap establishments shall meet the following regulations:

- 5.1 No material shall be placed within the front, side or rear yard setback areas. All yard setback areas shall at all times be clean, vacant and maintained in good condition.
- 5.2 All materials and activities not within fully enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height and not exceeding fifteen (15) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. No such fence may be permitted in any yard setback area. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- 5.3 Fire hazards shall be minimized by the segregation of flammable materials and the provision of adequate aisles for escape and firefighting equipment.
- 5.4 No material shall be stored in a pile exceeding the height of the screening fence.
- 5.5 All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage or surface or subsurface drainage into bodies of water.

## **6.0 AUTOMATIC BANK MACHINES**

Automatic bank machines may be allowed as a free-standing structure by grant of a special permit from the Planning Board subject to the conditions stated below. Automatic bank machines attached to a principal building area are allowed by right provided they comply with all pertinent regulations specified elsewhere in this By-Law.

## **TOWN OF OXFORD ZONING BY-LAWS**

- 6.1 Parking, storage and service for the units is screened from adjacent residential property.
- 6.2 Entrances and exits do not substantially increase traffic hazards.
- 6.3 Pedestrian walkways are clearly separated from service areas.

These conditions are in addition to the conditions set forth in Chapter XIV, Section 5.4.

### **7.0 STORAGE OF UNREGISTERED MOTOR VEHICLES**

- 7.1 Not more than two (2) unregistered motor vehicles, assembled or disassembled, shall be kept, stored or allowed to remain on a parcel of land except by a person duly licensed under Massachusetts General Laws, Chapter 140, Section 59, and except as provided in Section 7.2 of this Chapter.
- 7.2 The Board of Selectmen may grant a special permit to keep, store or allow more than two (2) such vehicles to remain on a parcel of land. Each such special permit shall:
  - 7.2.1 Specify the maximum number of such vehicles that may be kept, stored or allowed to remain on such parcel;
  - 7.2.2 Be limited to a reasonable period of time;
  - 7.2.3 Be a personal privilege of the applicant and not a grant attached to and running with the land.
- 7.3 Said Board shall not grant the special permit unless it finds that presence of more than two such vehicles on such parcel:
  - 7.3.1 Will not nullify or substantially derogate from the intent or purpose of this By-Law;
  - 7.3.2 Will not constitute a nuisance;
  - 7.3.3 Will not adversely affect the neighborhood in which such parcel is situated.
- 7.4 The provisions of this Section shall not apply to vehicles which are stored within an enclosed building or designed and used for agricultural purposes.
- 7.5 Chapter 38, Storage of Unregistered Motor Vehicles, of the General By-Law is hereby repealed.

### **8.0 FAST-FOOD AND DRIVE-IN RESTAURANTS**

In addition to the regulations of the district in which they are located, all fast-food and drive-in restaurants shall comply with the following regulations:

- 8.1 Points of vehicular ingress and egress shall be limited to the adjacent major thoroughfares only;
- 8.2 Such restaurants shall be designed and planned to take advantage of and be compatible with natural features of the site and area, and shall not be in conflict with the character of existing structures in areas where a definite land use pattern or architectural style has been established.
- 8.3 Such restaurants shall be screened from abutting residential districts or residential uses by a fence or wall of acceptable design six (6) feet in height; or by a sight-obscuring evergreen hedge which shall be six (6) feet high within two (2) years of planting.
- 8.4 There shall be an area for storage of trash which allows no view of the trash storage from the street, prevents waste from blowing around the site or onto adjacent properties and permits safe, easy removal of trash by truck or hand.

### **10/04/17 9.0 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

Section 9.01      Purpose

## **TOWN OF OXFORD ZONING BY-LAWS**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning By-law, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning By-law. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

### **Section 9.02     Definition**

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business".

### **Section 9.03    Temporary Moratorium**

For the reasons as set forth above and notwithstanding any other provisions of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.

### **05/01/19    10.0    Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Energy Systems**

#### **10.1 Background**

The Town of Oxford ("Town") currently has five approved Large Scale Ground Mounted Solar Energy Systems, commonly referred to as "solar farms", completed or under construction and another two that have been approved and are in the permitting process. Many of these projects have involved large scale clear cutting of trees and ground vegetation and several have been located in close proximity to abutting residential neighborhoods. Oxford has yet to develop zoning specific requirements as to such solar installations. There is an immediate identified need to protect the interests of the Town and its citizens by establishing long term zoning bylaw standards and provisions to ensure that such uses and development will be consistent with the Town's long term planning interests and Master Plan. It is crucial that the Town act now to establish a temporary moratorium on the use of land and the construction of structures related to such large scale ground mounted solar installations and the issuance of building permits in connection with the same.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **10.2 Definition**

For purposes of this By-Law, "Large Scale Ground Mounted Solar Energy System" shall be defined as a solar energy system that is structurally mounted on the ground and is not roof mounted and has a minimum nameplate capacity of 1,000 kW DC or 1 MW.

### **10.3 Temporary Moratorium**

For the reasons as set forth above and notwithstanding any other provisions of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land for the location and operation of any Large Scale Ground Mounted Solar Energy System. The moratorium shall be in effect through the May, 2020 Annual Town Meeting, or until such time as the Town adopts Zoning By-Law amendments that regulate said use, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Large Scale Ground Mounted Solar Energy Systems in the Town, and to make appropriate amendments to the Zoning By-Law.

Notwithstanding any other provisions in the Town of Oxford Zoning By-Law to the contrary, no building permit may be issued for the construction of any Large Scale Ground Mounted Solar Energy System, and to the extent legally permissible, the Planning Board shall not accept any applications for any Large Scale Ground Mounted Solar Energy System during the aforementioned moratorium period. The moratorium shall not apply to Large Scale Ground Mounted Solar Energy System projects for which a Special Permit and Site Plan Review application was received by the Oxford Planning Board prior to March 26, 2019, and subsequently approved.

## **CHAPTER IV**

### **Residential Districts**

#### **1.0 INTENT**

The four (4) residential districts are intended to provide decent, safe, affordable housing for persons of all income levels, to separate uses of different densities in locations which are suitable for high, medium or low density; to insure the provision of public services, attractive communities and environmental quality and to prevent overcrowding, inappropriate intrusions and deterioration of neighborhoods.

#### **1.1 Rural Residential District (R-1)**

The Rural Residential District is intended to promote the following:

- 1.1.1 To preserve and protect water courses and wetlands and to make allowance for the developmental constraints imposed by the soil characteristics found therein;
- 1.1.2 To limit the undue concentration of population;
- 1.1.3 To protect the existing public services from over-utilization;
- 1.1.4 To protect the scenic and aesthetic qualities of the area.

#### **1.2 Suburban District (R-2)**

The Suburban District is intended to promote the following:

- 1.2.1 To provide for low density housing in appropriate locations;
- 1.2.2 To permit community facilities which are compatible with a rural environment;
- 1.2.3 To exclude commercial and industrial uses which are incompatible with a rural environment, and
- 1.2.4 To provide for aesthetic relief, open space and recreational use.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **1.3 Residential District (R-3)**

The Residential District is intended to promote the following:

- 1.3.1 To provide for medium density housing in appropriate locations;
- 1.3.2 To permit community facilities which are compatible with a residential environment;
- 1.3.3 To prevent congestion and overcrowding of land caused by excessive densities;
- 1.3.4 To protect residential areas from changes and intrusions which may cause deterioration;
- 1.3.5 To exclude commercial and industrial uses which are incompatible with a residential environment; and
- 1.3.6 To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.

### **1.4 Multi-Family District (R-4)**

The Multi-Family District is intended to promote the following:

- 1.4.1 To provide for medium density housing in appropriate locations;
- 1.4.2 To promote diversity of housing types and character;
- 1.4.3 To protect residential areas from changes and intrusions which may cause deterioration;
- 1.4.4 To prevent congestion and overcrowding of land caused by excessive densities;
- 1.4.5 To permit a variety of institutional uses which are appropriate for residential neighborhoods and contribute to the community's well-being;
- 1.4.6 To exclude commercial and industrial uses which are incompatible with a residential environment; and
- 1.4.7 To provide for adequate daylight, ventilation, quiet privacy, and recreational opportunity.

## **2.0 DISTRICT USE REGULATIONS**

- 2.1 No building or other structure or land in any residential district shall be used, in whole or in part, for any use not expressly permitted in such district under Table I below.
- 2.2 Those uses permitted only upon the grant of a special permit as provided in Table I may be carried out only upon the grant of a special permit therefor by the special permit granting authority.
- 2.3 Those uses permitted only upon both the grant of a special permit and the approval of a site plan as provided in Table I may be carried out only upon both the grant of a special permit therefor by the special permit granting authority and the approval of a site plan by the Planning Board.
- 2.4 A use listed in Table I is permitted as of right in any district only under which it is denoted by the letter "P". If denoted by the letter "S", a use may be permitted in such district only upon the grant of a special permit by the special permit granting authority. If denoted by the symbol "S\*", a use may be permitted in such district only upon both the grant of a special permit by the special permit granting authority and the approval of a site plan by the Planning Board. If denoted by the symbol "-", a use is not permitted in such district.

**TOWN OF OXFORD  
ZONING BY-LAWS**

**USES ALLOWED IN RESIDENTIAL DISTRICTS  
TABLE I**

<u>USE</u>	<u>DISTRICT</u>			
	R-1	R-2	R-3	R-4
<b><u>AGRICULTURE</u></b>				
Agriculture, horticulture, floriculture and viticulture	P	P	P	P
Roadside stands (for sale of products primarily produced on the land under five (5) acres, on which the facility is located)	P	P	-	-
<b><u>RECREATION</u></b>				
Golf Courses	P	P	S	S*
Outdoor Tennis or Swimming Club	S*	S	S	S*
Day Camps	S*	S	S	S*
Campgrounds with Tent Sites	S*	S*	-	-
Picnic and Outing Areas	S	S	S	S
Hiking, Jogging or Fitness Trails	P	P	P	P
Riding Stables	P	P	-	-
<b><u>RESIDENTIAL</u></b>				
One Family Dwellings Detached	P	P	P	P
Boarding or Lodging Houses for not greater than four (4) paying guests	-	S	S	P
Two Family Dwellings and Duplexes	-	P	P	P
Multiple Family Dwelling	-	S*	S*	P
11/16/05 Cluster Residential Developments	P	P	P	P
05/08/14 Accessory/In-Law Apartments	S	S	S	S
05/05/99 Assisted Living Residence	-	S*	S*	S*
<b><u>INSTITUTIONAL</u></b>				
Municipal Structures or Uses	P	P	P	P
Museums	-	S	P	P
Churches	P	P	P	P
Cemeteries	P	P	-	-
Philanthropic, Historical or Charitable Organizations	-	S	S*	-
<b><u>OTHER</u></b>				
Earth Removal Operations	-	S	S	S
Public Utilities and Facilities	S	S	S	S
Airfields	-	S	-	-
6/25/20 Large Scale Ground Mounted Solar Energy Systems	S*	S*	S*	S*

**Note:** See Chapter XIV, Section 5.0, regarding Special Permit Process.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **CHAPTER V Commercial Districts**

### **1.0 INTENT**

The five (5) commercial districts are intended to cluster businesses with similar functional characteristics in appropriate locations, to serve the needs of Oxford residents for obtaining goods and services and to promote compatible economic development providing employment for the surrounding region and enhancing the tax base of the Town.

10/03/18

#### **1.1 Village Business District (VB)**

The Village Business District is intended to promote the following:

- 1.1.1 To perpetuate the distinctive historical character and identity of Oxford Center;
- 1.1.2 To permit a harmonious mixture of housing, retail and service establishments and community facilities;
- 1.1.3 To preserve and protect an invaluable community resource, the unique historic character surrounding Oxford Center;
- 1.1.4 To minimize the proliferation and hazards of highway commercial activities

#### **1.2 General Business District (GB)**

The General Business District is intended to promote the following:

- 1.2.1 To provide for a full range of retail, service and office uses in appropriate locations along well-travelled thoroughfares;
- 1.2.2 To minimize the nuisance factors of highway commercial activity;
- 1.2.3 To encourage the clustering of commercial establishments; and
- 1.2.4 To promote stable commercial development.

#### **1.3 Office and Professional District (OP)**

The Office and Professional District is intended to promote the following:

- 1.3.1 To provide for offices and selected services in appropriate locations, protected from other incompatible uses;
- 1.3.2 To encourage the clustering of professional offices and related services in well-designed, self-contained office parks; and
- 1.3.3 To minimize the proliferation and hazards of highway commercial activity.

#### **1.4 Highway Interchange District (HI)**

The Highway Interchange District is intended to promote the following:

- 1.4.1 To promote economic development activity around the highway interchange of I-395 at Sutton Avenue;
- 1.4.2 To encourage well-designed shopping malls, professional offices and related services; and
- 1.4.3 To provide highway-oriented services to passing motorists.

10/03/18

#### **1.5 North Oxford Business District (NOB)**

The North Oxford Business District is intended to promote the following:

- 1.5.1 To perpetuate the distinctive character and identity of the North Oxford Center;
- 1.5.2 To permit a harmonious mixture of housing, retail and service establishments and community facilities; and
- 1.5.3 To minimize the proliferation and hazards of highway commercial activity.

#### **1.6 North Oxford Business District (NOB)**

The North Oxford Business District is intended to promote the following:

- 1.6.1 To perpetuate the distinctive character and identity of the North Oxford Center;
- 1.6.2 To permit a harmonious mixture of housing, retail and service establishments and community facilities; and

## **TOWN OF OXFORD ZONING BY-LAWS**

1.6.3 To minimize the proliferation and hazards of highway commercial activity.

### **2.0 DISTRICT USE REGULATIONS**

- 2.1 No building or other structure or land in any commercial district shall be used, in whole or in part, for any use not expressly permitted in such district under Table II below.
- 2.2 Those uses permitted only upon the grant of a special permit as provided in Table II may be carried out only upon the grant of a special permit therefor by the special permit granting authority.
- 2.3 Those uses permitted only upon both the grant of a special permit and the approval of a site plan as provided in Table II may be carried out only upon both the grant of a special permit therefor by the special permit granting authority and the approval of a site plan by the Planning Board.
- 2.4 A use listed in Table II is permitted as right in any district only under which it is denoted by the letter "P". If denoted by the letter "S", a use may be permitted in such district only upon the grant of a special permit by the special permit granting authority. If denoted by the symbol "S\*", a use may be permitted in such district only upon both the grant of a special permit by the special permit granting authority and the approval of a site plan by the Planning Board. If denoted by the symbol " - ", a use is not permitted in such district.

**TOWN OF OXFORD  
ZONING BY-LAWS**

10/03/18

**USES ALLOWED IN COMMERCIAL DISTRICTS  
TABLE II**

ESTABLISHMENT	DISTRICT				
	NOB	GB	OP	HI	VB
<b>COMMERCIAL</b>					
Wholesale Trade	-	P	-	-	-
Building Materials Dealers, Hardware Stores	P	P	-	S	-
Lumber Dealers	-	P	-	S	-
Retail Nurseries, Lawn and Garden Supply Stores	-	P	-	-	-
Mobile Home Dealers	-	P	-	-	-
General Merchandise Stores such as department stores and variety stores	P	P	-	P	S*
Food Stores	P	P	-	P	P
Automotive Dealers and Gasoline Service Stations	-	P	-	S	-
Auto and Home Supply Stores	-	P	-	P	-
Apparel and Accessories Stores	P	P	-	P	P
Furniture, Home Furnishings and Equipment Stores	P	P	-	P	P
Eating Places, except Fast Foods and Drive-In Restaurants	P	P	P	P	S*
Fast Foods and Drive-In Restaurants	-	P	S	S*	-
Drinking Places for consumption of alcohol on site	-	P	-	S*	-
Miscellaneous Retail Stores	P	P	-	P	P
Fuel and Ice Dealers	-	P	-	-	-
All Finance, Insurance and Real Estate Establishments	P	P	P	P	P
Free-Standing Automatic Bank Machines	S	S	S	S	S*
Hotels, Motels and Country Inns	S	P	S	P	S*
Personal Services, such as laundries, beauty and barber shops	P	P	-	-	P
Photographic Studios	P	P	-	P	P
Commercial Darkroom	-	-	-	-	-
Funeral Service and Crematories	-	P	-	-	P
<b>BUSINESS SERVICES</b>					
Automobile Renting and Leasing Services without Drivers	-	P	-	-	-
Parking Lots and Structures	P	P	P	P	P
Auto Repair Shops	-	P	-	S*	-
Automotive Services, such as car washes and towing services	-	P	-	S	-
Miscellaneous Repair Services	P	P	-	-	S
Motion Picture Theaters	-	P	-	P	-
Amusement and Recreation Services, including only dance studios and schools, bowling alleys and billiard parlors, athletic clubs and indoor tennis courts	P	P	S	P	P
Health Services, including offices of physicians, dentists, osteopaths, other health practitioners, outpatient care facilities and health and allied services	P	P	P	S	P
Nursing and Personal Care Facilities such as nursing homes and rest homes	-	P	-	-	S*
Hospitals	-	P	-	-	-

**TOWN OF OXFORD  
ZONING BY-LAWS**

Medical and Dental Laboratories	-	P	P	S	-
Legal Services	P	P	P	-	P
Individual and Family Social Services including psychological and counselling services	P	P	P	-	P
Job Training and Vocational Rehabilitation Services	P	P	P	-	P
Child Day Care Services for more than six (6) children	P	P	S	S	P
Residential Care	-	S	-	-	-
Other Social Service Agencies	P	P	P	-	P
Engineering, architectural accounting and bookkeeping, psychological and counseling services	P	P	P	P	P
Non-commercial, scientific and research organizations	S	S	S	S	S*
Veterinary Services	-	P	-	-	S*
Kennels	-	P	-	S	-
Planned Shopping Center or Mall	-	P	-	P	-
Office Buildings	P	P	P	P	P
Auto Wrecking, Junk and Scrap Establishments	-	S*	-	-	-
<b>AGRICULTURE</b>					
Agriculture, Horticulture, Floriculture and Viticulture on parcels of more than five (5) acres	P	P	P	P	P
<b>RECREATION</b>					
Hiking, Jogging or Fitness Trails	-	P	P	P	-
<b>RESIDENTIAL</b>					
One Family Detached Dwellings	-	-	-	-	P
Boarding or Lodging Houses for not greater than four (4) paying guests	S	-	-	-	S
Two Family Dwellings and Duplexes	-	-	-	-	S
Multiple Family Dwellings	-	-	-	-	S
Accessory Apartments	S	S	-	-	S
Multi-use Residential/Commercial	-	-	-	-	S
<b>INSTITUTIONAL</b>					
Non-Profit Educational Facilities	P	P	P	P	P
For Profit Educational Facilities	P	P	P	P	P
Museums, Art Galleries, Botanical and Zoological Gardens	P	P	P	P	P
Churches	P	P	P	P	P
Cemeteries	-	P	-	-	-
Philanthropic, Historical or Charitable Organizations	P	P	P	P	P
Private Clubs, Business Associations, Professional Membership Organizations, Labor Unions	P	P	P	P	P
Organizations having a civic, social, fraternal, political, religious or charitable purpose	P	P	P	P	P
Public Utilities and Facilities	S	S	S	S	S*
Large Scale Ground Mounted Solar Energy Systems	S*	S*	S*	S*	S*

# TOWN OF OXFORD ZONING BY-LAWS

OTHER ACTIVITIES					
All other non-industrial uses found consistent with the Intent of this Chapter	-	S*	S*	S*	S*

**Note:** See Chapter XIV, Section 5.0, regarding Special Permit Process.

10/13/93

## CHAPTER VI Industrial Districts

### 1.0 INTENT

The two industrial districts are intended to provide land with physical qualities suitable for development that can attract new industries to Oxford and cause little damage to the environment; to locate industries close to existing highways and rail lines to minimize traffic impacts on residential neighborhoods; and to separate industries from other land uses to allow industries to operate free from unwanted intrusions.

#### 1.1 Industrial District (I)

The Industrial District is intended to promote the following:

- 1.1.1 To cluster industrial development in selected locations;
- 1.1.2 To provide for light and heavy industries and to separate them from other less intensive uses; and
- 1.1.3 To minimize the hazards and nuisances resulting from the operation of industries.

#### 1.2 Light Industrial District (LI)

The Light Industrial District is intended to promote the following:

- 1.2.1 To cluster light industrial development in selected, appropriate locations;
- 1.2.2 To promote sites for light industry separated from incompatible land uses; and
- 1.2.3 To minimize the hazards and nuisance resulting from the operation of light industries.

### 2.0 DISTRICT USE REGULATIONS

2.1 No building or other structure or land in any industrial district shall be used, in whole or in part, for any use not permitted in such district. The Planning Board shall determine, through the Site Plan Review process, whether a particular proposed use fits in the general categories described in Table III below.

2.2 A use listed in Table III is permitted, subject to Site Plan Review, in any district only under which it is denoted by the letter "P". If denoted by the letter "S\*", a use may be permitted in such district only upon the grant of a special permit by the special permit granting authority and approval by the Planning Board in the Site Plan Review process. If denoted by the symbol "-", a use is not permitted in such district.

**TOWN OF OXFORD  
ZONING BY-LAWS**

**USES ALLOWED IN INDUSTRIAL DISTRICTS  
TABLE III**

<u>ESTABLISHMENT</u>	<u>DISTRICT</u>	
	<u>LI</u>	<u>I</u>
<b><u>"EXTRACTIVE" INDUSTRIES</u></b> such as earth removal, quarries mining, etc.	S*	S*
<b><u>"SMOKESTACK" INDUSTRIES</u></b> large scale facilities such as steel mills, foundries, power generation, petroleum refineries, paper mills, saw mills, rock crushing, food processing, etc.	-	S*
<b><u>"MANUFACTURING" INDUSTRIES</u></b> Manufacturing Industries those firms that specialize in the conversion of refined raw materials into or the manufacture of products or components	-	P
Accessory Manufacturing Activities those conversion or manufacturing activities that are accessory to a primary function such as assembly, fabrication, or distribution of a product	P	P
<b><u>"TRANSPORTATION" INDUSTRIES</u></b> Freight and Trucking Terminals Wholesale Distribution Facilities Accessory Warehouse and Distribution	-	S*
<b><u>"ASSEMBLY &amp; FABRICATION" INDUSTRIES</u></b> Heavy products - those finished products that require rail or large truck transport such as automobiles, truck bodies, and construction components (structural members, precast concrete, etc.)	-	P
Light Products - those finished products that are more easily transported such as personal computers and related electronic products, plastic and light metal or glass products, and clothing or related products	P	P

# **TOWN OF OXFORD ZONING BY-LAWS**

## **USES ALLOWED IN INDUSTRIAL DISTRICTS**

TABLE III

- 2 -

<u>ESTABLISHMENT</u>	<u>DISTRICT</u>	
	LI	I
<u>OFFICE FACILITIES</u>		
Accessory Offices	P	P
Office Buildings for large users that generate primarily commuter rather than consumer traffic (e.g. an Insurance Company rather than an Insurance Agent, a medical research facility rather than a doctor's office)	P	-
<u>"RECYCLING" INDUSTRIES</u>		
Auto Wrecking, Junk and Scrap Establishments	S*	S*
Recycling Centers for Plastic, Paper and Glass	S*	S*
Hazardous Waste Facilities	-	S*
Refuse Treatment and Disposal Facilities	-	S*
<u>"MISCELLANEOUS" ACTIVITIES</u>		
Retail Activities of Products Produced on Site	P	P
Job Training and Vocational Services	P	P
Churches	P	P
6/25/2020	Large Scale Ground Mounted Solar Energy Systems	S*
5/4/2022	Large Scale Battery Energy Storage Systems	S*
10/19/94	All other non-residential uses found consistent with the Intent of this Chapter	S*
5/5/2021	<u>"COMMERCIAL" INDUSTRIES</u>	
	Hotels, Motels and Country Inns	S*

Note: See Chapter XIV, Section 5.0, regarding Special Permit Process.

05/04/11  
05/03/23

## CHAPTER VII

### Flood Plain District

### **FLOOD PLAIN OVERLAY DISTRICT**

## 1.0 PURPOSE

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

# **TOWN OF OXFORD ZONING BY-LAWS**

- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions; and
- 6) Reduce damage to public and private property resulting from flooding waters.

## **2.0 DEFINITIONS**

For the purpose of this Chapter only, the following phrases shall have the following meanings:

**DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**FLOODWAY**. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**NEW CONSTRUCTION**. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, bylaw, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

**ONE HUNDRED YEAR FLOOD** is the flood having one (1) percent chance of being equaled or exceeded in any given year.

**RECREATIONAL VEHICLE** means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and

## **TOWN OF OXFORD ZONING BY-LAWS**

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - see **FLOODWAY**.

**SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH.

**START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL IMPROVEMENT** includes any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored before the damage occurred.

**SUBSTANTIAL REPAIR OF A FOUNDATION.** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

**VARIANCE** means a grant of relief by a community from the terms of a flood plain management regulation.

**VIOLATION** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

**ZONES, FLOOD**

**ZONE A** means an area of special flood hazard without water surface elevations determined

## **TOWN OF OXFORD ZONING BY-LAWS**

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

### **3.0 OVERLAY**

The flood plain district is an overlay district superimposed over underlying districts. All of the provisions of other sections of this By-Law applicable to the land and structures in the underlying districts shall continue to so apply except when such provisions conflict with the provisions of this Floodplain Overlay District Section; in case of such conflict, the provisions of this Floodplain Overlay District Section shall control.

### **4.0 FLOODWAY MAP**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Oxford designated as Zone A, AE, AH, AO, or A99 on the Worcester County Flood Insurance Rate Map (FIRM) dated June 21, 2023 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1% -chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

### **5.0 FLOODPLAIN ADMINISTRATOR**

The Town hereby designates the position of Fire Chief/Emergency Management Director to be the official floodplain administrator.

### **6.0 FLOODWAY DATA**

- 6.0 In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 6.1 In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase

## **TOWN OF OXFORD ZONING BY-LAWS**

in flood levels within the community during the occurrence of the base flood discharge.

### **7.0 REGULATIONS**

- 7.1 A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or filling, drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- 7.2 In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- 7.3 Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 7.4 All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that: (a) Such proposals minimize flood damage, (b) Public utilities and facilities are located & constructed so as to minimize flood damage, (c) Adequate drainage is provided.
- 7.5 When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- 7.6 In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

### **8.0 VARIANCES TO BUILDING CODE FLOODPLAIN STANDARDS**

- 8.1 The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.
- 8.2 The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
- 8.3 Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

### **9.0 VARIANCES TO LOCAL ZONING BYLAWS RELATED TO COMMUNITY COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

- (1) Good and sufficient cause and exceptional non-financial hardship exist;
- (2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud;

## **TOWN OF OXFORD ZONING BY-LAWS**

- (3) or victimization of the public; and
- (4) the variance is the minimum action necessary to afford relief.

### **10.0 WATERCOURSE ALTERATIONS OR RELOCATIONS IN RIVERINE AREAS**

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

### **11.0 REQUIREMENTS TO SUBMIT NEW TECHNICAL DATA**

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s).

Notification shall be submitted to:

- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

### **12.0 REFERENCE TO EXISTING REGULATIONS**

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

12.1 The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

12.2 Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

### **13.0 ABROGATION AND GREATER RESTRICTION**

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, bylaws or codes.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **14.0 DISCLAIMER OF LIABILITY**

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

## **15.0 SEVERABILITY**

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

## **16.0 ENFORCEMENT**

### **16.1 Building Code Enforcement**

- i. The Building Inspector is responsible for the enforcement of the Building Code.
- ii. The specific administration and enforcement is detailed in the Town of Oxford Zoning Bylaw Chapter XIV.

### **16.2 Wetlands Protection Act Enforcement**

- i. Violations of the Wetlands Protection Act (WPA), M.G.L. Chapter 131, Section 40, Regulations 310 CMR 10.00 and Orders of Conditions, are the responsibility of the Conservation Commission as outlined in WPA Regulations and the Department of Environmental Protection (DEP) Wetlands Enforcement Manual.
- ii. The Conservation Commission will issue a Notice of Violation for minor violations that have little or no impact on resource areas, or a violation that is an isolated event. Such Notice of Violation shall require the violator to stop activity that is in violation and/or restore any impacted resource area.
- iii. For severe violations that are harmful to resource areas or violations that were not corrected by a Notice of Violation, the Conservation Commission will issue an Enforcement Order ordering the property owner or violator to cease and desist activity that is in violation and restore resource areas.
- iv. For instances where an Enforcement Order is not adhered to, the Conservation Commission can pursue civil lawsuit in Superior Court with Board of Selectmen approval.

## **CHAPTER VIII Airport District (deleted)**

10/11/06

# **TOWN OF OXFORD ZONING BY-LAWS**

## **CHAPTER IX Conservation District**

### **1.0 INTENT**

The Conservation District is intended to promote the following:

- 1.1 To preserve in a natural state areas necessary for flood control and storage in the Hodges Village Flood Basin;
- 1.2 To preserve and protect fish, aquatic organisms, wildlife and vegetation which inhabit these areas;
- 1.3 To provide for aesthetic relief, open space and recreational uses compatible with conservation purposes; and
- 1.4 To protect the water quality of the French River and associated aquifers from negative impacts of urbanization.

### **2.0 DISTRICT REGULATIONS**

Only the uses listed below shall be permitted in the Conservation District.

#### **2.1 Uses Permitted by Right:**

- 2.1.1 Passive recreation uses such as hiking, fishing, nature study, horseback riding and cross-country skiing;
- 2.1.2 Public or private conservation areas for the conservation of open space, water, soil and wildlife resources;
- 2.1.3 Public parks and recreation areas for ballfields, picnic sites, tennis courts and similar activities;
- 2.1.4 Municipal buildings or purposes;
- 2.1.5 Forestry management and harvesting of lumber;
- 2.1.6 Structures required by state and federal agencies in fulfillment of legitimate public purposes.
- 2.1.7 Public utility facilities subject to site plan approval by the Planning Board.

## **CHAPTER X Dimensional Requirements**

### **1.0 APPLICABILITY**

All buildings hereafter erected in any district shall be located upon a lot which complies with the requirements specified in the Table of Dimensional Requirements and subject to the further provisions of this Chapter.

#### **1.1 Exemptions**

Exemptions to these requirements for non-conforming lots for single and two-family residential use as mandated by M.G.L., Chapter 40A, Section 6, are included in this By-Law as Chapter III, Section 1.1.

### **2.0 EXCEPTIONS TO MAXIMUM HEIGHT REQUIREMENTS**

The maximum height requirements shall not apply to spires, belfries, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy nor shall these requirements apply to windmills or municipal structures.

### **3.0 YARD REQUIREMENTS**

No structure shall be placed in the front, side or rear yard setback area or road right-of-way except where specifically permitted below or in other sections of this By-Law.

- 3.1 More than one principal building may be permitted on a single lot for multi-family, commercial or industrial use, if otherwise permitted in the district (but such categories

## **TOWN OF OXFORD ZONING BY-LAWS**

may not be combined on the same lot, for example multi-family and industrial uses, unless permitted elsewhere in this By-Law), provided that:

- 3.1.1 Side yard requirements of this By-Law shall be provided for each structure;
- 3.1.2 A site plan is approved by the Planning Board in accordance with Chapter XV of this By-Law.
- 3.1.3 Ways shall be constructed according to the Planning Board's Subdivision Control Rules and Regulations.
- 3.2 Corner and through lots shall observe front yard setback requirements from each street lot line.
- 3.3 No accessory building shall be erected in any required yard setback and no accessory building shall be erected within five (5) feet of any other building.
- 3.4 Eaves, cornices, chimneys, balconies, fire escapes and unenclosed steps and porches may project into the specified yard setback areas of a lot, but not by more than three (3) feet.

05/01/97    4.0 **LARGE LOT FRONTAGE REDUCTION**

A minimum frontage of fifty (50) feet shall be permitted in any residential district provided: the lot size is at least one hundred seventy thousand (170,000) square feet or greater; no part of the lot between the front line of the principal building and street line is less than fifty (50) feet in width; and the frontage of any two reduced frontage lots so created shall be separated by at least one normal frontage lot. All other dimensional requirements of the district in which the lot is located shall apply.

11/16/05    5.0 **MULTI-FAMILY DWELLINGS**

Multi-family dwellings are permitted by right in an R-4 district and by grant of a special permit by the Planning Board in R-2 and R-3 districts. Multi-family dwelling developments shall comply with the following regulations:

**5.1 Conventional Developments**

- 5.1.1 If more than one (1) multi-family structure is to be placed on a single lot, the requirements of Section 3.1 shall be met.
- 5.1.2 Except for minimum lot size, each lot shall comply with the dimensional requirements of the district where the use is located.
- 5.1.3 The minimum lot size shall be fifteen thousand (15,000) square feet per dwelling unit.
- 5.1.4 Each building shall contain no more than five (5) dwelling units.
- 5.1.5 Not more than ten (10) percent of all of the dwelling units in the buildings on any one lot shall contain more than two bedrooms.
- 5.1.6 All multi-family developments must be connected to a public water supply unless the developer can demonstrate that sufficient quantity and quality exist.
- 5.1.7 All multi-family developments must have a perimeter buffer strip of fifty (50) feet from all property lines.
- 5.1.8 No buildings for residential occupancy shall be placed within fifty (50) feet of one another.

**5.2 Local Initiative Developments**

In order to encourage the creation of "affordable" housing units and provide an alternative to the Comprehensive Permit process allowed by M.G.L. c.40B, the Planning Board may, by the grant of a special permit, allow a greater number of dwelling units on a site than otherwise allowed by this Chapter by making exceptions from the above restrictions to allow a greater density than otherwise allowed by section 5.1.3, to allow a greater number of units in one building than otherwise allowed by section 5.1.4, to allow a closer building spacing than otherwise allowed by

## **TOWN OF OXFORD ZONING BY-LAWS**

section 5.1.8 and to allow a greater building height than otherwise allowed by Table IV of this Chapter provided, however, that the total resulting number of units created shall not exceed eight (8) units per gross acre of the multi-family site. Said special permit shall be for a Local Initiative Development that may only be granted with the following conditions:

- 5.2.1 At least ten (10) percent of the total units allowed, but in no case not less than fifty (50) percent of the increase in the number of units over what would otherwise be allowed, shall be set aside and restricted in perpetuity as Local Initiative Units in the manner provided in 760 CMR 45.
- 5.2.2 The approved building height and spacing receives prior written approval of the Fire Department documenting its ability to provide proper fire protection and emergency services.
- 5.2.3 The development is on a site served by both the public water system and the public sewer system.
- 5.2.4 The Local Initiative Units are distributed throughout the development and are indistinguishable from market rate units by external appearance.
- 5.2.5 The applicant agrees to pay all costs incurred for third party peer review of the special permit and site plan application, the cost of the Town's application to the state for approval of the development under 760 CMR 45, and the cost of establishing any required arrangements for initial rental or sale of Local Initiative Units.
- 5.2.6 No building permits may be issued until: (1) the owner of the site has executed and recorded a regulatory agreement with the Town, consistent with the requirements of 760 CMR 45, in a form approved by the Planning Board and Town Counsel; (2) the Local Initiative Units have received state approval under 760 CMR 45 for inclusion in the Subsidized Housing Inventory for the Town; and (3) the use restriction required under 760 CMR 45 has been recorded.

10/16/91    6.0 **TWO-FAMILY DWELLINGS**

- 6.1 Where two-family dwellings and duplexes are permitted by right, the required minimum lot size shall be increased by an additional fifty (50) percent of the size required for single family homes in the applicable zoning district.
- 6.2 Upon the grant of a Special Permit by the Planning Board, an existing duplex on a lot which meets the above-described requirements may be divided into two (2) attached single family dwellings to provide an alternative form of ownership.
  - 6.2.1 For the purposes of this section, an attached single family dwelling is defined as a residential dwelling unit other than a mobile home, designed for and occupied by one family only and which is separated from another attached single family dwelling by a common party wall that meets the requirements of the State Building Code for fire resistance and structural stability.
  - 6.2.2 The Planning Board may only grant the Special Permit to create attached single family dwellings if each resultant lot has at least fifty (50) percent of the area frontage, and width required for a new duplex lot in the applicable zoning district and each resultant dwelling is served by a separate water service or source of water, a separate sewer connection or means for wastewater disposal, and a separate driveway (unless a common driveway is authorized by a separate Special Permit).
  - 6.2.3 Except for a zero side yard setback along the common party wall, the resultant lot containing the attached single family dwelling shall be governed by the setbacks which are in effect in the applicable zoning district.

## TOWN OF OXFORD ZONING BY-LAWS

### 7.0 MINIMUM FRONTAGE REQUIRED

Every building hereafter erected in any district shall be located on a lot that meets the minimum frontage requirement set forth in Table IV. Such frontage shall be located on a street as defined in Chapter XVI.

### 8.0 REGULARITY FACTOR

No building permit or certificate of occupancy shall be issued for any new construction on a lot which has a regularity factor of less than .40. The regularity factor shall be determined by the formula:

$$R = 16 A/P^2$$

Where R = Regularity Factor  
A = Land Area in Square Feet  
P = Perimeter in Feet  
2 = P-squared

- 8.1 That part of the lot area in excess of the required lot area may be excluded from the Regularity Formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.
- 8.2 The Regularity Formula shall not apply to lots of record as of the date of adoption of this section.

05/05/99 9.0 ASSISTED LIVING RESIDENCE

An Assisted Living Residence, as defined by M.G.L. Chapter 19D, is allowed by grant of a special permit from the Planning Board in R-2, R-3 and R-4 zoning districts. Minimum lot size shall be fifteen thousand (15,000) square feet per dwelling unit. Applications for a special permit for an Assisted Living Residence shall include all the information required by M.G.L. Chapter 19D for initial certification and a site plan which meets the requirements of Chapter XV, Site Plan Review, of this by-law. If a proposed Assisted Living Residence is for a site not currently served by the public water supply, the application shall include evidence of an agreement to extend the public water supply to the site for domestic use and fire protection.

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05/05/93  
05/06/98  
10/3/18

**TABLE IV  
DIMENSIONAL REQUIREMENTS**

<u>DISTRICT</u>	<u>LOT REQUIREMENTS</u>				<u>YARD SETBACK</u>			
	Minimum Size (Sq Ft) (D)*	Minimum Width (Feet)	Minimum Frontage (Feet) (A)	Maximum Coverage (Percent)	Front Yard (Ft) (D)	Side Yard (Ft) (D)	Rear Yard (Ft)	Maximum Height (Ft)
R-1 Rural Residential	60,000	175	175	10	50	20	40	35
R-2 Suburban	40,000	150	150	20	50	20	25	35
R-3 Residential	20,000	125	125	30	25	15	20	35
R-4 Multi-Family (C)	20,000	100	30	50	20	25	35	
VB Village Business	(B)	(B)	(B)		20	5	5	35
NOB North Oxford Business	(B)	20	20		(E)	5	5	50
GB General Business	(B)	20	20		(E)	5	5	35
OP Office and Professional	(B)	150	150	30	50	15	50	35
HI Highway Interchange	60,000	250	250	50	50	20	20	50
LI Light Industrial	40,000	90	90	65	25	20	20	50
I Industrial	40,000	90	90	65	25	20	20	50

\* See following footnotes A-E.

**FOOTNOTES**

05/05/93 (A) A lot which conforms to all other requirements and which is on a turning radius of two hundred (200) feet or less may have a minimum frontage of fifty (50) percent of that otherwise required.

05/05/93 (B) The minimum lot size shall be determined by the Planning Board through the Site Plan Review process on the basis of the minimum width, maximum coverage, yard setback requirements, parking and other provisions of this By-Law. No use of land shall be allowed unless the Planning Board makes a finding that the proposed use is on a lot of sufficient size to meet the requirements of the Zoning By-Law and will not create unnecessary off site impacts.

05/05/93 (C) A free-standing fifty (50) foot buffer zone shall be maintained from any lot in residential use in addition to the yard setback requirements otherwise required.

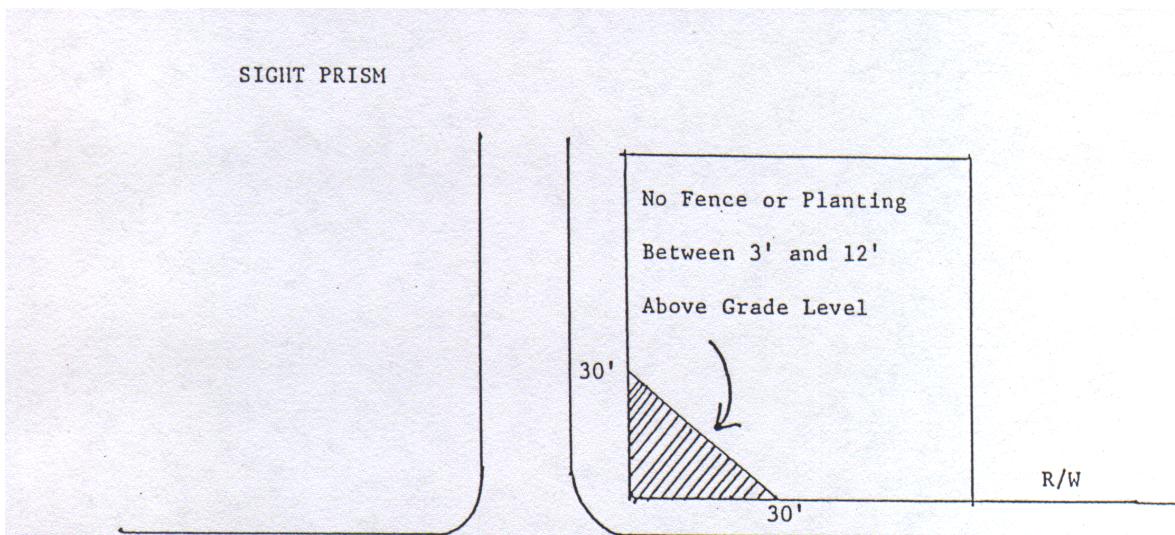
05/05/93 (D) Sight Prism to be maintained: visibility at intersecting streets not to be impaired by any vegetation or material obstruction placed within a prism extending thirty (30) feet in either direction and above three (3) feet or below twelve (12) feet measured from grade level.

05/05/93 (E) The front yard setback shall be at least fifty (50) feet from the centerline of the street right-of-way. For corner lots this setback will apply to that street face of the building which contains the main entrance the other street face of the building shall meet the minimum required side yard setback.

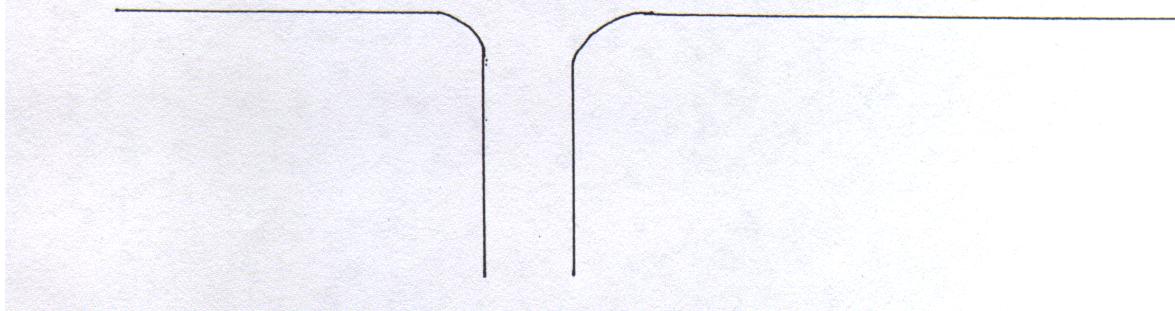
(SMALL ILLUSTRATION)

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SIGHT PRISM



CARTWAY



# TOWN OF OXFORD ZONING BY-LAWS

## CHAPTER XI Motor Vehicle Access, Parking and Loading

### 05/21/01 1.0 MOTOR VEHICLE ACCESS

The intent of this Chapter is to provide safe and convenient access for servicing, fire protection, traffic circulation and required off-street parking and loading. Unless otherwise required by a State Highway Access Permit, driveways shall meet the following dimensional requirements.

- 1.1 Driveways which provide access to any use other than single family detached dwelling shall have a throat width of not less than twelve (12) feet for one-way access and not less than twenty-four (24) feet nor greater than thirty (30) feet for two-way access.
- 1.2 No driveway shall be closer than five (5) feet to the side or rear property line.
- 1.3 Any portion of an entrance or exit driveway to a parking or loading area for a non-residential use shall not be closer than one hundred seventy five (175) feet on an arterial street and one hundred (100) feet on other streets from intersecting streets. If the lot width is insufficient to provide for the required distance, access shall be as far from the intersection as the lot and other provisions of this By-Law will permit. The distance in which access is prohibited shall be measured from the tangent of the curb return of the intersection street cartway to the tangent of the curb return of the driveway.
- 1.4 If two or more driveways of the same lot enter a public street right-of-way, the distance between the entrances of the driveways shall be at least fifty (50) feet for arterial streets and twenty (20) feet for collector and local streets.
- 1.5 Common driveways serving two (2) or more lots may be allowed upon the granting of a Special Permit by the Planning Board, provided that

1. the plans for the proposed common driveway are submitted in accordance with the submission requirements of the Town of Oxford Subdivision Control Rules and Regulations for a Definitive Subdivision Plan, as may be in effect from time to time;
2. the common driveway is designed in accordance with the requirements adopted by the Planning Board and contained in that section of its Subdivision Control Rules and Regulations governing Common Driveways; and
3. the common driveway is described in a duly recorded easement and governed by a duly recorded covenant or ownership agreement covering maintenance, use and repair.

No occupancy permit for any use served by a common driveway shall be issued until the Planning Board certifies in writing that the driveway has been completed in accordance with the provision of the Special Permit.

No common driveway created in accordance with this provision shall be maintained by the Town or considered a public way for frontage purposes.

### 2.0 OFF-STREET PARKING AND LOADING REGULATIONS

All off-street parking and loading space shall be provided and maintained for each structure and use hereafter established, erected, altered or extended in accordance with the provisions of this Chapter.

#### 2.1 Use

All required off-street parking spaces shall be used solely for the parking of motor vehicles by residents, visitors, patrons or employees. There shall be no sale, repair or storage of vehicles within off-street parking areas.

#### 2.2 Setback Requirements

A driveway may be included in the front and side yard setbacks, but parking shall not

## **TOWN OF OXFORD ZONING BY-LAWS**

be allowed in the front yard setback (except for single and two-family dwellings).

### **2.3 Location**

All required parking spaces shall be located on the same or abutting lot as the use they serve or when practical difficulties prevent such location or the public safety or convenience would be better served, they may be located within three hundred (300) feet from the premises they are intended to serve if the following conditions are met:

- 2.3.1 That the property is in the same possession, either by deed, easement or long-term lease assuring the use of the required parking spaces.
- 2.3.2 Means of pedestrian access is available so that pedestrians are not required to traverse property owned by another except where public sidewalks may provide the access.
- 2.3.3 Such separated parking space does not cause unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrian or vehicular traffic.

### **2.4 Change in Requirements**

Whenever there is a change of use or enlargement of a structure which increases the parking and loading requirements for the use or structure, there shall be provided parking and loading spaces required for the entire structure or use, unless the increase in units of measurement specified in Section 3.0 amounts to less than twenty-five (25) percent, whether such increases occur at one time or in successive stages.

## **3.0 REQUIRED OFF-STREET PARKING SPACES**

All uses and structures shall provide off-street parking spaces in an amount equal to or greater than the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use. When computation is based on the number of employees, the number employed during the largest work shift shall be used.

05/05/2021

### **3.1 On-Street Parking Off-Set**

For non-residential uses in the Village Business District, legal on-street parking spaces may be counted towards satisfying off-street parking requirements, provided the following requirements are met:

- 3.1.1 The parking spaces are located along the building lot frontage on the same side of the street. For corner lots, the adjoining street may also be used as part of the calculation. A parking space split between a property boundary may count as a full parking space for the purposes of this section.
- 3.1.2 Unmarked on-street parking spaces shall be calculated at a length of 20' per space provided there are no obstructions or impediments (ex. bump outs, fire hydrants, driveway aprons), and shall be at least 20' away from all curb-cuts, street corners and crosswalks.
- 3.1.3 At no time may on-street handicap parking spaces be counted.
- 3.1.4 All on-street parking spaces counted towards off-street parking requirements must be and remain available for public use.

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<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
<b><u>Residential Uses</u></b>	
a. Structure with less than four dwelling units.	2 per dwelling unit
b. Structures with four or more dwelling units. 1.5 per dwelling unit	
c. Public elderly housing 1.25 per unit with 0 or 1 bedrooms	1.50 per unit with 2 or more bedrooms
<b><u>Commercial Uses</u></b>	
a. All retail and service 1 per 250 square feet of establishments except retail and service floor area those specified below <u>plus</u> 1 per employee	
b. Eating and drinking establishments except maximum design capacity <u>or</u> for fast food and drive-in restaurants	1 per 4 patrons based on 1 per 150 square feet gross floor area whichever is greater
c. Fast food and drive-in 1 per 40 square feet gross restaurants floor area	
d. Hotels, motels, country inns, rooming and lodgings houses and group dwellings	1 per room <u>plus</u> 1 per 4 lounges and meeting rooms based on maximum design capacity
e. Medical, veterinary and dental offices	5 per doctor or dentist
f. Shopping center or mall	1 per 250 square feet gross leasable area
g. Convenience grocery 1 per 100 square feet store gross floor area	
h. Drive-up service such as a bank or car wash 1 per employee <u>plus</u> 5 off-street waiting spaces	leading to and 1 beyond each service stall
i. Commercial and trade schools	1 per 400 square feet gross floor area
j. Auto service station	1 per employee <u>plus</u> 4 per service stall
k. Furniture stores, contractor's equipment, farm equipment and feed sales, mobile homes and motor vehicle sales	1 per 400 square feet gross floor area <u>plus</u> 1 per 3000 square feet outside sales area

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<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
1. Amusement enterprises, including bowling alleys, billiard tables, pinball 1 per employee machines, video games, tennis and racquetball courts	4 per alley, table or court, 1 per machine or game <u>plus</u>
m. Other recreational uses	1 per 4 patrons based on maximum capacity of facility
n. Funeral parlor	1 per 4 patron seats <u>plus</u> 1 per each funeral vehicle <u>plus</u> 1 per employee
<b><u>Industrial</u></b>	
a. All industrial uses	1 per 1.5 employees <u>plus</u> 1 per except those specified each company vehicle <u>plus</u> 1 below
	per each 25 required spaces for visitors
b. Auto wrecking, junk and scrap establishments	10,000 square feet of storage 1 per employee <u>plus</u> 1 per area
c. Freight and trucking terminals, wholesale distribution and warehouses, moving and storage, parcel delivery	1 per employee <u>plus</u> 1 per each company vehicle
<b><u>Public and Quasi-Public Uses</u></b>	
a. Places of public assembly, including churches, auditoriums, meeting rooms and theaters	1 per 4 seats with fixed seats otherwise 1 per 4 patrons based on maximum capacity
b. Hospitals	1 per bed
c. Convalescent, nursing and rest homes	1 per 5 beds
d. Library, museum, gallery or historic site	1 per 800 square feet gross floor area <u>plus</u> 1 per employee
e. Schools	1 per employee <u>plus</u>
Elementary - Junior High	1 per class room
High School	1 per 10 students
Higher Education	1 per 4 students
f. Clubs and Lodges	1 per 3 persons based on maximum capacity
g. Day or Nursery School	1 per teacher/employee <u>plus</u> 1 per 6 students

# **TOWN OF OXFORD ZONING BY-LAWS**

## **4.0 DESIGN**

Parking areas shall be arranged to provide an adequate, safe and convenient arrangement of roadways, driveways, off-street parking and loading spaces and pedestrian facilities. Parking areas containing more than five (5) parking spaces shall meet the dimensional standards specified in Sections 4.1 and 4.2. Parking plans shall be submitted sufficient for the Building Inspector to determine if the proposed layout properly complies with these standards.

### **4.1 Dimensions**

All parking spaces shall meet the minimum geometric standards prescribed in Tables IV and IV(A). No portion of any parking space shall intrude into the required aisle width. Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle. Spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

### **4.2 Compact Car Parking**

Reduced dimensions for compact cars may be provided if the stalls comply with the dimensions prescribed in Table IV(A). Such spaces shall be well marked and easily distinguished from standard spaces. The maximum number of such stalls shall not exceed thirty (30) percent of the total number of stalls for general public use or fifty (50) percent for employees and commuter facilities.

## **5.0 CONSTRUCTION**

All access driveways and off-street parking and loading areas shall be paved with asphalt, concrete or other similar hard surface material with all parking spaces designated with a four (4) inch white or yellow stripe painted the entire length of each space. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.

## **6.0 LANDSCAPING**

All parking areas shall be properly screened and landscaped to protect adjacent property from undesirable effects of parking lots and to preserve the appearance and character of the surrounding neighborhoods.

- 6.1 The entire front setback area, except for driveways, shall be landscaped and there shall be a landscaped strip at least five (5) feet in width from other property lines.
- 6.2 Excluding the area required by Section 6.1 above, the landscaped area within the parking lot shall not be less than three (3) percent of the surface area of the parking lot, except for parking lots with two bays or less of single rows, no interior landscaping shall be required.
- 6.3 A minimum of one (1) tree shall be provided within the landscaped areas for each ten (10) parking spaces. Existing trees and natural vegetation shall be retained wherever practicable.

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**TABLE IV**

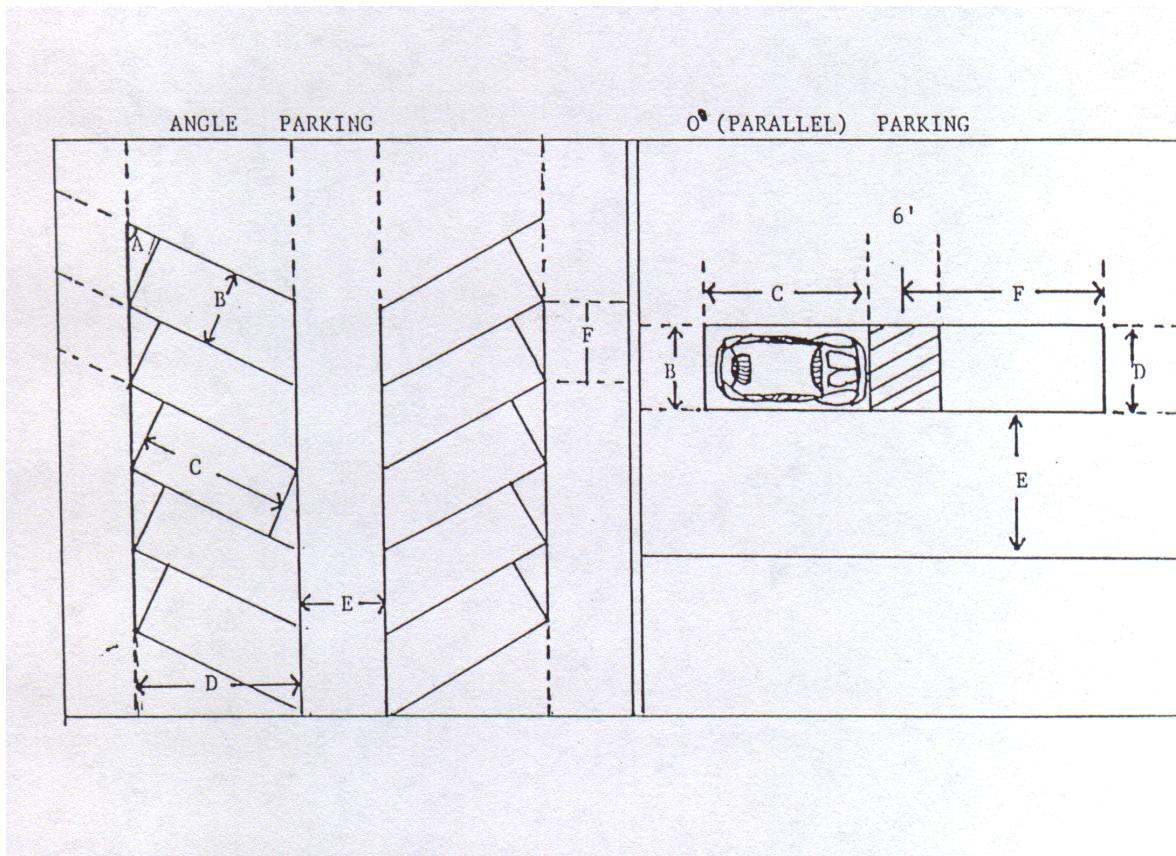
**Minimum Off-Street Parking Area Dimensions**

Parking Angle Per Car	Stall Width	Stall Length	Stall to Curb	Aisle Width**	Curb Length
<u>A</u> 0	<u>B</u> 8.0	<u>C</u> 20.0	<u>D</u> 8.0	<u>E</u> 12.0	<u>F</u> 23
30	9.0	19.0	17.3	11.0	18
45	9.0	19.0	19.8	13.0	12.7
60	9.0	19.0	21.0	18.0	10.4
90	9.0	19.0	19.0	24.0*	9.0

\*Two-way circulation

\*\*Minimum width of traffic aisles for two-way traffic shall be twenty-four (24) feet.

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**TABLE IV(A)**

**Minimum Off-Street Parking Area Dimensions  
Compact Cars**

Parking Angle Per Car	Stall Width	Stall Length	Stall to Curb	Aisle Width**	Curb Length
<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
0	8.0	16.0	8.0	12.0	20
30	8.0	16.0	14.9	10.0	16
45	8.0	16.0	17.0	11.0	11.3
60	8.0	16.0	17.9	14.2	9.2
90	8.0	16.0	16.0	22.0	8.0

\*Two-way circulation

\*\*Minimum width of traffic aisles for two-way traffic shall be twenty (20) feet.

- 6.4 Any landscaped area shall be bordered by a permanent curb six (6) inches high to restrict the destruction of landscaped areas by vehicles.
- 6.5 Raised islands shall be installed at the ends of all parking bays abutting an aisle or driveway and landscaped with grass, trees or shrubs and may be combined with crushed stone.
- 6.6 Where a parking area is located adjacent to a residential dwelling, there shall be provided along the lot line a continuous solid fence, masonry wall or evergreen plantings to a height adequate to prevent direct light from automobile headlights being cast on the dwelling.
- 6.7 Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. The lighting shall be directed so as not to produce objectionable glare on adjacent property or streets.

**7.0 LOADING REGULATIONS**

For all non-residential uses involving the distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of streets and alleys.

- 7.1 All loading and delivery facilities shall be located either at the side or rear of buildings they are designed to serve, but not closer than ten (10) feet from a public right of way and five (5) feet from any other lot line.
- 7.2 Each required space shall be at least twelve (12) feet in width, fifty (50) feet in length and have a vertical clearance of at least fourteen (14) feet.

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**7.3 Required Loading Spaces**

	<b>At which first berth is required</b>	<b>At which second berth is required</b>
Industrial	5,000	40,000
Commercial		
Wholesale,		
Service	10,000	40,000
Retail	10,000	20,000
Commercial		
Recreation	10,000	100,000
Restaurant	10,000	25,000
Office Building, Hotel, Funeral		
Home	10,000	100,000
Institutional	10,000	100,000
Public Buildings	10,000	100,000

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10/16/13  
10/03/18

**CHAPTER XII  
Signs**

**1.0 PURPOSE**

It is the purpose of this Chapter to protect the public health, safety, general welfare, and orderly development of the Town by regulating signs that obstruct traffic visibility, that pose a danger through disrepair and threat of collapse, and that disrupt the aesthetic environment of the Town of Oxford. This Chapter regulates any device intended to convey a message that may be viewed by the public from any street. This Chapter shall not regulate traffic and directional signs, or any sign installed or required by the Town of Oxford, the Commonwealth of Massachusetts, the United States of America, or any unit of these respective governments.

**2.0 DEFINITIONS:**

- 2.1 "Accessory Sign": Any sign that, with respect to the premises upon which it is erected, advertises or indicates one or more of the following: the person occupying the premises or the business transacted on the premises or the sale or letting of the premises or any part thereof and which contains no other advertising matter.
- 2.2 "Ground Sign": Signs supported by one or more uprights or braces that are in or upon the ground.
- 2.3 "Wall Sign": Signs attached to and erected parallel to the face of the outside wall of any building.
- 2.4 "Projecting Sign": Signs erected perpendicular to the wall of a building.
- 2.5 "Window Sign": Signs placed inside or upon a window facing the exterior of any building.
- 2.6 "Animated Sign": Any sign or part of a sign which changes physical location by any movement or rotation, or emission of light.
- 2.7 "Manual Changeable Sign": A sign in which the characters are changed manually without electronic assistance.
- 2.8 "Electronic Message Board Sign": A sign with a fixed or changing display/message that includes alphabetic, pictographic, or symbolic informational content that is composed of a series of lights or electrically illuminated segments that may be changed through electronic/computer means. A time and/or temperature sign shall not be considered an electronic message board sign.
- 2.9 "Illumination, External": The illumination of a sign by a light source based outside the sign directed at the sign.
- 2.10 "Illumination, Internal": The illumination of a sign by a light source from within the enclosed area of the sign itself.
- 2.11 "Non-Accessory Sign": Any billboard, sign or other advertising device which advertises or publicizes an activity not conducted on the premises upon which such sign is maintained.
- 2.12 "Sign": A structure, display or device that is arranged, intended or used as an advertisement, identification, description or direction.
- 2.13 "Sign, Area of": The area enclosed by one continuous line, connecting the extreme points or edges of a sign and including all ornamental attachments but not the supporting structure of the sign. Only one (1) side of a double sided sign and both sides of a V-shaped sign shall be counted.
- 2.14 "Window Electronic Message Board Sign": Any Electronic Message Board Sign that is placed inside or upon a window facing the exterior of the building.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **3.0 GENERAL REQUIREMENTS**

- 3.1 No sign shall contain any moving, blinking, flashing or animated lights or visible or moving parts, except for changeable message signs as described in Section 5.5.
- 3.2 External illumination of a sign may only be by a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign. No illumination shall be permitted which casts glare onto any residential district or onto any portion of a way so as to create a traffic hazard.
- 3.3 No sign shall be placed within or projecting over a public way or sidewalk except as herein permitted.
- 3.4 Signs shall not be erected or maintained on any location which will unduly obstruct traffic visibility or reduce visibility at entrances, exits and intersections.
- 3.5 Any sign hereafter erected shall conform to the provisions of this By-Law and the provisions of the Building Code and any other applicable by-law or regulation within the Town of Oxford.

## **4.0 SIGNS NOT PERMITTED**

It shall be unlawful to erect or maintain:

- 4.1 Non-accessory signs, except that public, civic and non-profit organizations may erect non-accessory sign(s) upon the grant of a special permit by the Zoning Board of Appeals.
- 4.2 Ground, wall or projecting signs whose content relates in any way to "Brand Names" of products sold on the premises.
- 4.3 Signs projecting above the roof of a building.
- 4.4 Exterior signs with more than two (2) faces.
- 4.5 Exterior signs of neon-type or gas-illuminated tube type.
- 4.6 Signs which are portable or otherwise capable of being readily moved from one location to another and having no permanent or in-ground supporting structures or braces.
- 4.7 Signs attached to trees, utility poles or other unapproved supporting structures.
- 4.8 Signs that blink, flash or are animated by lighting in any fashion, except for changeable message signs as described in Section 5.5.
- 4.9 Balloons, streamers, pennants, or pinwheels, except those temporarily displayed as part of a special sale, promotion, or community event. For the purposes of this subsection, "temporarily" means no more than thirty (30) days in any calendar year.
- 4.10 Signs not specifically permitted by this By-Law shall not be allowed.

## **5.0 SIGN REQUIREMENTS**

The following signs are permitted in the districts specified in Section 6.0 provided they comply with the following requirements unless otherwise stated:

### **5.1 Ground Signs**

Signs supported by one or more uprights or braces that are in or upon the ground shall comply with the following:

- 5.1.1 Maximum height of fifteen (15) feet;
- 5.1.2 Maximum area of thirty-two (32) square feet
- 5.1.3 Minimum setback of fifteen (15) feet from the front lot line or ten (10) feet from any other lot line, or the zoning district setback requirements of Chapter X, Table IV, Dimensional Requirements, whichever is less restrictive.
- 5.1.4 Minimum clear space except for necessary structural supports of not less than thirty (30) inches between the ground and the lowest part of the sign.

### **5.2 Wall Signs**

Signs attached to and erected parallel to the face of the outside wall of any building shall comply with the following:

## TOWN OF OXFORD ZONING BY-LAWS

5.2.1 Shall not project above the roof or parapet line nor extend beyond any wall of the building;

5.2.2 All parts of the sign shall be within twelve (12) inches of its supporting wall;

5.2.3 The sign area shall not exceed ten (10) percent of the area of the first story of the front facade of the building or thirty-two (32) square feet, whichever is smaller

### 5.3 **Projecting Signs**

Signs erected perpendicular to the wall of a building shall comply with the following:

5.3.1 Shall not project horizontally greater than five (5) feet from the building;

5.3.2 Shall have a maximum area of sixteen (16) square feet;

5.3.3 Shall be erected at a height not less than eight (8) feet nor more than fifteen (15) feet from the ground or sidewalk but not project above any part of the roof or parapet line.

### 5.4 **Window Signs**

Signs placed inside or upon a window facing the exterior of any building shall comply with the following:

5.4.1 Shall have an area not to exceed thirty (30) percent of the window glass.

5.4.2 Electronic Message Board Signs placed inside a window shall be allowed in the General Business and Industrial Zoning Districts, but shall be limited to a size of five (5%) of the window glazing area, or three (3) square feet, whichever is less.

### 5.5 **Animated and Changeable Message Signs** shall comply with the following:

5.5.1 Changeable signs, manually activated, are permitted in all business and industrial zones.

5.5.2 Electronic Message Board Signs are prohibited in the Village Business and all residential Zoning Districts.

5.5.3 Animated, Changeable signs, electronically activated, other than electronic window message board signs as specified in Section 5.4.2 are allowed upon the grant of a Special Permit by the Zoning Board of Appeals in all business and industrial zones, except the Village Business District where they are prohibited. Elements to be reviewed and regulated in allowing a Special Permit shall include, but not be limited to the following:

5.5.3.1 The intensity of illumination and or animation, especially as it may impact the use or quiet enjoyment of surrounding properties.

5.5.3.2 The frequency of changing message text, especially as it may have an impact on traffic safety. In addressing this issue, the Zoning Board of Appeals may review sight distances and speed limits on surrounding roads.

5.5.3.3 The size of the electronic changeable sign. The size of an electronic changeable message sign shall not exceed one half the allowable square footage of a non-electronic changeable message sign.

### 5.6 **Illuminated Signs**

5.6.1 No sign shall be illuminated except during the hours of operation of the business to which the sign refers, or until 10:00 p.m., whichever is later.

5.6.2 Electric signs shall display the Underwriter's Laboratory approval seal, or shall display the manufacturer's name and the voltage and amperage used.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **6.0 PERMITTED ACCESSORY SIGNS**

- 6.1 The following signs are permitted in any district without a permit:
  - 6.1.1 Signs and professional name plates denoting the name and address of the occupants of the premises, which signs shall not exceed two (2) square feet in area.
  - 6.1.2 Signs advertising the lease, sale or rental of the premises upon which the sign is located, which signs shall not exceed ten (10) square feet in area.
  - 6.1.3 Signs denoting the architect, engineer or contractor placed on the premises where construction, repair or renovation is in progress, which signs shall not exceed ten (10) square feet in area.
  - 6.1.4 Legal notices, identification information or directional signs erected by governmental bodies.
  - 6.1.5 Flags and insignia of any government, except when displayed in connection with commercial promotion.
  - 6.1.6 Public signs, such as community information signs, and signs indicating scenic or historical points of interest.
  - 6.1.7 Not more than three (3) instruction signs, such as signs directing and guiding traffic, parking and loading on private property.
  - 6.1.8 Signs warning trespassers or announcing property as posted.
  - 6.1.9 Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, handicapped access or other notices related to public health and safety.
  - 6.1.10 Temporary signs including banners and pendants for a period of not more than thirty (30) days not to exceed thirty-two (32) square feet in area advertising special civic or cultural events, special decorative displays used for holidays or nonpartisan civic purposes or the opening of a new store, business or profession.
  - 6.1.11 Temporary signs for political advertising shall be permitted for a period not to exceed forty-five (45) days prior to the election or vote advocated by such signs; such signs shall not exceed thirty-two (32) square feet in area and shall be removed within five (5) days after the election or vote.
- 6.2 The following signs are permitted in any residential district upon issuance of a sign permit by the Building Inspector:
  - 6.2.1 Home occupation or home profession signs not to exceed six (6) square feet in area. Such signs shall be non-illuminated and may be a wall, ground or window sign.
  - 6.2.2 One sign in connection with a lawfully maintained non-conforming use which sign shall not exceed ten (10) square feet in area.
  - 6.2.3 One ground sign for identification purposes at any public entrance to a subdivision or multi-family development.
  - 6.2.4 One identification sign for each community facility, public utility, church or non-profit institution and two bulletin or announcement boards.
- 6.3 The following signs shall be permitted in any commercial or industrial district upon issuance of a sign permit by the Building Inspector unless otherwise noted in other sections of this Chapter:
  - 6.3.1 Any sign permitted in the residential districts subject to the same provisions.
  - 6.3.2 Each lot with a building put to commercial or industrial use shall have not more than one ground sign. Each separate business is also entitled to either one wall sign or one projecting sign or one window sign or one Electronic Message Board Sign. Any Electronic Message Board Sign shall comply with the special permit requirements of Section 5.5 or if a Window Electronic Message Board Sign, the requirements of Section 5.4.2. Where three or more

## **TOWN OF OXFORD ZONING BY-LAWS**

tenants occupy one building the maximum area of a ground sign shall be thirty-two (32) square feet and each tenant may share equally in the allowed sign area.

- 6.3.3 Wall murals or signs painted on a building may be permitted by grant of a special permit from the Zoning Board of Appeals.
- 6.3.4 One additional sign used as a directory for the occupants of a building may be affixed at each public entrance to a building which sign shall not exceed an area determined on the basis of one square foot for each occupant with the total area not exceeding eight (8) square feet.
- 6.3.5 Where a group of three or more business buildings are built as a plaza or shopping center an additional ground sign is permitted displaying only the plaza or center name.
- 6.3.6 Where an industrial area is removed from a public way by an access road one additional ground sign with a maximum sign area of sixty-four (64) square feet is permitted within view of said public way displaying the name of the industrial area and the occupants located therein.
- 6.3.7 For a gasoline service station, not more than one ground sign to advertise the brand of gasoline sold, such sign to have a maximum area of thirty-two (32) square feet and a maximum height of thirty (30) feet to the top of the sign.
- 6.3.8 Where a lot put to commercial or industrial use contains frontage on two or more public ways there is permitted one additional ground sign meeting the provisions of Section 5.1.

### **6.4 Signs in the Village Business District**

Whenever an application for a sign permit is filed for the erection of a sign in the Village Business District said application shall be subject to the review of the Historical Commission as well as the required approval of the Building Inspector. The Building Inspector shall forward a copy of the sign application to the Historical Commission which shall have fifteen (15) working days to submit their comments and recommendations to the Building Inspector. The Historical Commission shall consider the proposed design, arrangement, texture, materials, color, lighting, placement and appropriateness of the proposed sign in relation to other signs and other structures in the District. The Historical Commission shall recommend to the applicant and Building Inspector such modifications it determines necessary to preserve the integrity and historic character of said Districts and the Building Inspector shall consider these recommendations in the final disposition of the application.

### **6.5 Signs of greater number, size or height, other than Electronic Message Board Signs shall be permitted in any commercial or any industrial district, other than the Village Business District, upon grant of a special permit by the Zoning Board of Appeals provided the following conditions are met:**

- 6.5.1 For buildings with wall signs setback more than the minimum required distance from a roadway, the size of the sign is no larger than necessary to allow the same legibility from the proposed setback distance as a sign of thirty-two (32) square feet at a distance of 15 feet from the roadway.
- 6.5.2 For ground signs and wall signs on buildings abutting Route 395 or Route 20, the size of the sign is no larger than necessary to allow safe reading by passersby at the average speed traveled without causing a distraction.
- 6.5.3 The application for such special permit includes elevation drawings, location plans, details, and supporting documentation reasonable to support a finding that the proposed arrangement will not result in an unsafe condition on roadways, distract drivers from traffic control devices, result in an adverse visual impact on the neighborhood, or cause a nuisance to a neighboring residential area by virtue

# **TOWN OF OXFORD ZONING BY-LAWS**

of illumination. Unless the Zoning Board of Appeals makes such a finding, no such special permit shall be issued.

## **7.0 ADMINISTRATION AND ENFORCEMENT**

### **7.1 Permits**

No sign unless herein excepted shall be erected, constructed, structurally altered or relocated without first filing with the Building Inspector an application in writing and obtaining a sign permit. The Building Inspector shall within thirty (30) working days of the date of the submission of the application approve or deny the application or refer it back to the applicant when insufficient information has been furnished. All signs which are electrically illuminated require a separate Electrical permit and an inspection.

### **7.2 Plan Specification**

Every application for a sign permit shall be accompanied by a plan or plans in sufficient detail to determine if the requirements of this Chapter have been met. Such information shall include: the location of the sign in relation to the face of the building or lot lines, the dimensions of the wall surface to which it is to be attached, if applicable, the dimensions of the sign including the maximum and minimum height and the construction materials, details of fastening or securing, manner of illuminating and the wording to be carried on the sign.

### **7.3 Changes Not Requiring A Permit**

- 7.3.1 The changing of the advertising copy or message of a sign.
- 7.3.2 The repair or maintenance of a sign.

### **7.4 Permit Fees**

A permit fee shall be paid to the Building Inspector for each sign permit issued under this Chapter, such fees to be established and changed from time to time by the Building Inspector subject to approval by the Board of Selectmen; however, no fee shall be charged for putting a non-conforming sign into conformance with the provisions of this Article. For electrical signs, electrical permit fees shall be charged in addition to sign permit fees. Fees may be waived by the Building Inspector for churches and non-profit schools and institutions.

### **7.5 Enforcement & Maintenance**

- 7.5.1 Every sign shall be maintained in good structural condition at all times. No person shall allow any sign to remain on any premises owned or controlled by him in a dangerous or defective condition.
- 7.5.2 The Building Inspector shall inspect and shall have the authority to order the repair, alteration or removal of a sign which constitutes a hazard to the public health and safety by reason of improper maintenance or dilapidation.
- 7.5.3 The Building Inspector shall serve a written notice by certified mail describing the violation to the owner, tenant or lessee of the property on which the sign is located. Said notice shall direct that the violation be brought into compliance or that the sign be removed within thirty (30) days from the date of receipt of the notice.
- 7.5.4 Any person placing or maintaining any such sign structure contrary to the provisions of this Chapter, this By-Law and the provisions of the Building Code and any other applicable by-law or regulation within the Town of Oxford shall be punishable by a fine not exceeding \$25 for each day during which such structure is placed or maintained contrary to such provisions after thirty days' notice to be brought into compliance in accordance with §7.5.3.

05/01/19

### **7.6 Abandoned Signs**

Any sign that is located upon property which becomes vacant and is unoccupied

## **TOWN OF OXFORD ZONING BY-LAWS**

for a period of six (6) months shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the premises. Violations of abandoned signs are subject to the enforcement provisions of Section 7.5 of this Chapter. The provisions of this Chapter shall thereafter apply to any premises where a sign has been deemed to be abandoned.

### **7.7 Non-Conforming Signs**

Any sign not conforming to the terms of this Chapter is hereby declared a non-conforming sign and may not be enlarged or structurally altered unless such sign conforms to the requirements of this Chapter. Upon the cessation of a particular use on a parcel of real property, the owner thereof shall within thirty (30) days of such cessation remove all non-conforming signs.

7.7.1 Any sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement cost of the sign shall not be repaired, re-built or altered except to conform to the requirements of this Chapter.

## **CHAPTER XIII Cluster Development**

05/05/2021

### **1.0 PURPOSE**

The purpose of this Chapter is to provide voluntary and alternative zoning provisions that will encourage the permanent preservation of open space for recreation and conservation purposes, promote economic subdivision layout in harmony with natural features, allow for originality in total subdivision and individual site design and allow for efficient provision of public services while maintaining the density limitations of the various residential districts, establish or enhance wildlife corridors by connecting open spaces, and encourage the creation of “affordable housing” units.

### **2.0 GENERAL PROVISIONS**

- 2.1 A Cluster Development shall mean a single-family residential development in which the house lots are clustered together into one or more groups (each group made up of as many as six lots) which groups are separated from other groups and adjacent properties by Common Open Land.
- 2.2 Common Open Land shall mean that portion of the Cluster Development Site which is not devoted to dwellings, accessory uses, roads, or other development and is set aside for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.
- 2.3 Except as provided in Section 4.2 of this Chapter, Cluster Developments shall be permitted by right in any residential district upon approval of a definitive subdivision plan in accordance with prevailing rules and regulations and a Site Plan in accordance with the provisions of Chapter XV of this By-Law and the additional requirements of this Chapter.
- 2.4 All land not used for building lots (including roadways and utilities) shall be placed in permanent open space in accordance with this bylaw but not less than 30% of the total parcel area.

### **3.0 ADDITIONAL GENERAL REQUIREMENTS**

The following standards shall be used as additional general requirements in the subdivision approval and site plan review process for all Cluster Developments:

- 3.1 The development shall be made up of reduced size house lots for detached single-family dwellings and lawful accessory uses only.

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- 3.2 The minimum land required for a Cluster Development shall be four (4) acres and the parcels making up the Cluster Development Site shall be held in single ownership or control at the time of applications for subdivision and site plan approvals.
- 3.3 Each resulting lot shall have adequate access on a public or private way.
- 3.4 Each resulting lot shall be of a size and shape to provide a building site that shall be in harmony with the natural terrain and other features of the land.
- 3.5 There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking.
- 3.6 The site plan shall be drawn at a scale of one inch equals twenty (20) feet and shall include an "existing conditions plan" which shall:
  - 3.6.1 identify the location and extent of all resources defined by the Wetlands Protection Act, M.G.L. c.131, §40 as certified by the Conservation Commission;
  - 3.6.2 show the parcel topography at 2 feet contour intervals and identify the location of all areas of steep (i.e. 15% or greater) slope;
  - 3.6.3 identify the location and species of significant trees, the location, extent and type of the various plant growth (e.g. grass or brush), and the location of ledge outcrops;
  - 3.6.4 identify the location of soil testing sites and the results of said tests;
  - 3.6.5 identify the location and type of all abutting land uses within 100 feet of the parcel boundaries; and
  - 3.6.6 identify existing road access to the parcel and sight distances.
- 3.7 The site plan shall show the location of: all proposed dwellings including possible expansions thereto (such as garages), all proposed parking spaces, all proposed water supplies, all proposed septic systems, and all proposed clearing and grading required to achieve the above.
- 3.8 Each structure shall be integrated into the existing landscape on the property.
- 3.9 Lots shall be laid out and designed, to the greatest extent feasible, to preserve and protect historic and archaeologic sites, farmland, wooded stream corridors, forested areas and large trees, scenic views particularly as seen from public roads, ridgelines and hilltops.

### **4.0 DIMENSIONAL AND DENSITY REQUIREMENTS**

#### **4.1 By-Right Cluster Developments**

- 4.1.1 The maximum number of house lots for detached single-family dwellings that may be allowed within a Cluster Development shall not exceed the number that could result from a standard subdivision of the land, whether through the ANR process (M.G.L. c.41 §81-P) or the subdivision process (M.G.L. c.41 §81-U). If the Cluster Development Site has sufficient frontage to allow its division into lots without subdivision approval (ANR lots), the maximum number of lots in the Cluster Development will be determined by the Planning Board based on a plan that shows lots of sufficient frontage and area to comply with the normally applicable requirements of the underlying zoning district. Otherwise, the maximum number of lots will be determined by multiplying the Net Developable Area of the site expressed in square feet by a development efficiency factor of 0.7 and dividing by the minimum lot size normally allowed in the underlying zoning district, the result to be rounded down to the nearest whole number. For the purposes of this calculation, the Net Developable Area of the Cluster Development Site shall be the total area of the Cluster Development Site, excluding the area of land within the site having a slope equal to or greater than 15%, and excluding the area of land within the site classified as a resource area under the Wetlands Protection Act M.G.L. c.131 §40, and excluding the area of land within easements, and excluding any area of land used to calculate the maximum number of lots on the basis of ANR lots.

## **TOWN OF OXFORD ZONING BY-LAWS**

- 4.1.2 The minimum lot size in a Cluster Development shall be 50% of that size normally required in the underlying zoning district, but not less than fifteen thousand (15,000) square feet and shall include only land defined as Net Developable Area in section 4.1.1 above.
- 4.1.3 The minimum lot frontage and lot width in a cluster development shall be 100 feet except on a cul-de-sac where the lot frontage may be as little as 75 feet.
- 4.1.4 The minimum front, rear, and side yard setbacks of the underlying zoning district shall apply within the Cluster Development.
- 4.1.5 The resulting reduced size lots shall be of an arrangement and shape to provide building sites that shall be in harmony with the natural terrain and other features of the land and to assure that the purpose of this Chapter is met.
- 4.1.6 The board may waive or modify any dimensional requirement or housing type upon a finding that such waiver or modification is consistent with the overall purpose and goals of the Oxford Master Plan.

### **4.2 Local Initiative Cluster Developments**

In order to encourage the creation of “affordable” housing units and provide an alternative to the Comprehensive Permit process allowed by M.G.L. c.40B, the Planning Board may, by the grant of a special permit, allow a greater number of dwelling units in a Cluster Development than otherwise allowed by this Chapter by making exceptions from the above restrictions to allow a greater density than otherwise allowed by section 4.1.1, to allow a smaller lot size than otherwise allowed by section 4.1.2 and section 4.1.3, and to allow lesser setbacks than otherwise allowed by section 4.1.4 of this Chapter provided, however, that the total resulting number of units created shall not exceed the gross area of the Cluster Development Site divided by the gross lot size normally required in the underlying zoning district. Such special permit shall be for a Local Initiative Cluster Development that may only be granted with the following conditions:

- 4.2.1 At least ten (10) percent of the total units allowed, but no less than fifty (50) percent of the increase in the number of units over what would otherwise be allowed, shall be set aside and restricted in perpetuity as Local Initiative Units in the manner provided in 760 CMR 56.
- 4.2.2 The approved building spacing receives prior written approval of the Fire Department documenting its ability to provide proper fire protection and emergency services.
- 4.2.3 The Cluster Development Site is served by the public water supply system.
- 4.2.4 The Local Initiative Units are distributed throughout the development and are indistinguishable from market rate units by external appearance.
- 4.2.5 The applicant agrees to pay all costs incurred for third party peer review of the special permit application, the cost of the Town’s application to the state for approval of the development under 760 CMR 56, and the cost of establishing any required arrangements for initial rental or sale of Local Initiative Units.
- 4.2.6 No building permits may be issued until: (1) the owner of the Site has executed and recorded a regulatory agreement with the Town, consistent with the requirements of 760 CMR 56, in a form approved by the Planning Board and Town Counsel; (2) the Local Initiative Units have received state approval under 760 CMR 56 for inclusion in the Subsidized Housing Inventory for the Town; and (3) the use restriction required under 760 CMR 56 has been recorded.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **5.0 COMMON OPEN LAND REQUIREMENTS**

5.1 Within each Cluster Development there shall be provided an amount of Common Open Land to be preserved and maintained in essentially its natural condition for its scenic value or for conservation of natural resources or to be used for recreation or agricultural uses. At least 70% of Common Open Land shall be retained in contiguous areas unless approved by the Planning Board.

5.2 The total area of the Common Open Land within the Cluster Development shall equal or exceed the sum of the area by which the individual lots are reduced below the minimum lot size normally allowed in the zoning district plus the area of land not included in Net Developable Area as defined in section 4.1.1 above except as allowed in section 4.2.

5.3 A portion of the Common Open Land left in a natural or landscaped condition with a minimum width of fifty (50) feet shall be used as a buffer to separate all residential structures and accessory buildings within the Cluster Development from adjacent properties and to separate the several clusters of residential structures and accessory buildings.

5.4 Further subdivision of Common Open Land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to specified recreation, conservation, or agricultural uses may be erected on the Common Open Land but shall not exceed 5% coverage of the developable portion of the Common Open Land.

5.5 The Planning Board may permit up to three (3) percent of the open space area to be paved or built upon for structures accessory to the dedicated use of open space (i.e. pedestrian walks, bicycle paths, playgrounds, farm-related structures).

### **6.0 COMMON OPEN LAND OWNERSHIP**

6.1 All land not devoted to buildings, lots, roads and other development shall be permanently protected as common open space for recreation, conservation, forestry or agricultural uses which preserve the land in essentially its natural condition, by the following methods:

6.1.1 The land shall be owned by a Community Association, and a permanent conservation easement or deed restriction must be conveyed to the Town, with Town approval, or to a non-profit trust or conservation organization whose principal purpose is to conserve farmland or open space. All common open land shall be conveyed to one or a combination of the following, subject to a restriction of the type described in M.G.L. Chapter 184, Sections 31-33:

1. A community association owned or to be owned by the owners of lots within the development (if such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity);
2. A non-profit organization, the principal purpose of which is the conservation or preservation of open space.

6.1.2 The Town, at no cost, and be accepted by it for a park or open space use (such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting). However, if the parcel is subject to M.G.L. c.61A farmland owners are not required to convey the part of their property that is to become permanent agricultural open space, if they convey to the Town or its designee a permanent agricultural preservation restriction on such land prohibiting its future development in accordance with Section 5.4.

6.2 In any case, when the Common Open Land is not conveyed to the Town, a restriction, enforceable by the Town, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its intended purpose,

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including maintenance of its appearance and cleanliness, and the proper maintenance of drainage, utilities, and the like located within such land.

## **7.0 COMMUNITY ASSOCIATION**

- 7.1 A non-profit, incorporated community association shall be established, requiring membership of each lot owner in the Cluster Development. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement or covenant shall be submitted with the special permit/site plan approval application guaranteeing continuing maintenance of such common utilities, land, and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board and shall be recorded with the Worcester District Registry of Deeds.
- 7.2 Such agreements or covenants shall provide that if the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed against the properties within the development.

## **8.0 STORMWATER MANAGEMENT**

The Planning Board shall encourage the use of non-structural stormwater management techniques and other drainage systems that reduce impervious surfaces and enable infiltration where appropriate to the maximum extent practicable. Stormwater management systems serving the cluster subdivision may be located within the required common open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.

## **9.0 PROCEDURES AND PRE-APPLICATION REVIEW**

- 9.1 To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a “concept” or “sketch” plan and preliminary subdivision plan of the proposal for review by the Planning Board prior to the formal applications for subdivision and site plan approvals. Such plans shall show sufficient information to allow the Board to reasonably consider the proposal and allow comment from other Town officials.
- 9.2 Applications for By-Right Cluster Developments shall be considered in accordance with the procedures specified in Chapter XV §5.0 and the Planning Board’s Rules and Regulations for the Subdivision of Land. Local Initiative Cluster Developments shall be considered under the same procedures and under Chapter XIV §5.0. No site plan approval for Cluster Development shall be granted unless the application is found to conform to the requirements of Chapter XV §3.0 and §4.0 as modified by §3.0 of this Chapter and, when apt, no special permit for a Local Initiative Cluster Development shall be granted except in conformance with Chapter XIV §5.4. The combined application shall be accompanied by fifteen (15) copies of the Site Plan for the proposed Cluster Development including one reduced version of the plan on 11"x 17" paper and at least three (3) copies of all required supporting documentation.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **CHAPTER XIV Administration and Enforcement**

### **1.0 ADMINISTRATION**

It shall be the duty of the Building Inspector to administer and enforce the provisions of this By-Law. In case of death, disability, absence or inability to act of the Building Inspector, the Assistant Building Inspector shall perform and have all of the powers and duties of the Building Inspector.

#### **1.1 Permits Required**

No land or structure shall be changed in use and no structure shall be erected, altered, demolished or moved until the Building Inspector shall have issued a building permit certifying that the plans and intended use of land, buildings and other structures are in conformity with this By-Law. No such permit shall be effective until a copy thereof has been filed by the Building Inspector with the Town Clerk. The Building Inspector shall forward to the Planning Board a copy of each permit within fourteen (14) days after it has been issued by him. Any permit issued shall become invalid unless the construction authorized by it shall have commenced within six (6) months after its issuance. What constitutes construction is defined in Chapter III, Section 1.4.1.

**1.2** Each application for a building permit shall be accompanied by such plan or plans drawn to scale and showing the dimensions of the lot to be built upon and such other information as may be deemed necessary by the Building Inspector to determine compliance with the provision of this By-Law.

#### **1.3 Occupancy Permit**

It shall be unlawful to occupy any structure or lot for which a building permit is required herein without the owner applying for and receiving from the Building Inspector an occupancy permit. The Building Inspector shall take action within ten (10) business days of receipt of an application for an occupancy permit. Failure of the Building Inspector to act within ten (10) business days shall be considered approval.

#### **1.4 Temporary Occupancy Permit**

A temporary occupancy permit may be issued by the Building Inspector pending the completion of a structure to allow for partial occupancy. The permit shall be valid only until such time as the action for which the building permit was issued is complete or for a period of six (6) months after issuance, whichever is less. Upon expiration, the applicant shall apply for a permanent occupancy permit or if the action remains incomplete, may apply for one additional temporary occupancy permit.

#### **1.5 Fees**

Fees for building and occupancy permits shall be established as set forth in Chapter Fifty of the General By-Laws of the Town of Oxford. Fees for variances, appeals and special permits shall be set by the Zoning Board of Appeals, Planning Board and Board of Selectmen and set forth in their Rules and Regulations.

### **2.0 VIOLATIONS AND PENALTIES**

#### **2.1 Complaints Regarding Violations**

Whenever a violation of this By-Law occurs or is alleged to have occurred, any person may request in writing that the Building Inspector enforce this By-Law against any person allegedly in violation of the same. The Building Inspector shall record such complaints and immediately investigate and, if he declines to act, he shall respond within fourteen (14) days in writing to the party requesting such enforcement of any action or refusal to act and the reasons therefor.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **2.2 Notice of Violation**

If the Building Inspector finds that any provision of this By-Law has been violated, he shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it, whereupon such violation shall be immediately corrected, unless such person files an appeal of the order of the Building Inspector in the manner provided by this By-Law. Any person who has been served with such an order and ceases any work or other activity shall not leave any structure or lot in such a condition as to be a hazard or menace to the public health, safety or general welfare.

10/7/20

### **2.3 Penalties**

If after written notice a violation of this By-Law continues, the Building Inspector shall institute appropriate legal proceedings to enforce the provisions of this By-Law or to restrain any violation thereof or both. Whoever violates any provision of this By-Law or lawful order of the Building Inspector or fails to take constructive action to rectify any such violation shall be subject, to a fine of three hundred dollars (\$300.00) per offense. Each day that a violation continues shall constitute a separate offense.

## **3.0 ZONING BOARD OF APPEALS**

The Zoning Board of Appeals, heretofore established under the Zoning By-Law adopted by the Town at the special town meeting held on December 28, 1956 shall also act as the Zoning Board of Appeals under this By-Law. The Zoning Board of Appeals shall be the Permit Granting Authority (PGA).

### **3.1 Membership**

The Zoning Board of Appeals shall consist of five (5) members and three (3) associate members who shall be appointed by the Board of Selectmen for terms of such length and so arranged that the term of one member and one associate member shall expire each year. Adoption of this By-Law shall not affect the membership of the Zoning Board of Appeals in office at the time of such adoption.

### **3.2 Proceedings**

The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this By-Law and shall file a copy of said rules with the Town Clerk. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or in his absence the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official action; all of which shall be a public record and be immediately filed in the office of the Board.

### **3.3 The Zoning Board of Appeals shall be authorized:**

3.3.1 To hear and decide appeals by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Massachusetts General Laws, Chapter 40A, the Central Massachusetts Regional Planning Commission or by any person including an officer of a Board of the Town or of an abutting City or Town aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A or of this By-Law.

3.3.2 To hear and decide applications for special permits as provided for in this By-Law, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.

3.3.3 To grant upon appeal or upon petition with respect to particular land or

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structures a variance from the dimensional requirements of this By-Law, but not including variance for use.

3.3.4 In exercising the powers granted by this Section, the Zoning Board of Appeals may make orders or decisions, reverse or affirm in whole or in part or modify any order or decision and to that end shall have all the power of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

## **4.0 APPLICATION PROCEDURES: APPEALS AND VARIANCES**

### **4.1 Submission**

All petitions for a variance and appeals to the Zoning Board of Appeals, acting as Permit Granting Authority (PGA), shall be submitted to the Town Clerk in writing with an original and fifteen (15) copies. The Town Clerk shall forthwith transmit one copy to both the Planning Board and Building Inspector, and in the case of an appeal, to the officer or board whose order or decision is being appealed and five (5) copies to the Board of Appeals.

### **4.2 Appeals**

Appeals to the Zoning Board of Appeals must be filed within thirty (30) days from the date or order or decision which is being appealed specifying the grounds thereof.

### **4.3 Variance**

In order to grant a variance from the requirements of this By-Law, the Zoning Board of Appeals must find that all of the following conditions have been met:

- (a) There are unique circumstances relating to the soil conditions, shape or topography of such land or structures, that
- (b) Especially affect such land or structures but do not generally affect the zoning district in which it is located, and that
- (c) A literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise, but not of a personal nature, to the petitioner or appellant, and that
- (d) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purposes of this By-Law.

The Zoning Board of Appeals may request opinions from other Town boards or officials of its choosing. In addition, conditions, safeguards and limitations of time and use may be imposed, including the continued existence of any particular structures, but excluding any condition, safeguards or limitations based upon continued ownership. If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance such rights shall lapse, provided, however, that the Zoning Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided further that the application for such extension is filed with such Zoning Board of Appeals prior to the expiration of such one (1) year period. If the Zoning Board of Appeals does not grant such extension within thirty (30) days of the date of applications therefore, and upon the expiration of the original one (1) year period, such rights may be re-established only after notice and a new hearing pursuant to the provisions of this Section.

### **4.4 Notices, Public Hearings and Votes**

The Zoning Board of Appeals shall hold a hearing on any appeal or petition for a variance transmitted to it by the Town Clerk within sixty-five (65) days from the transmittal to the Board of such appeal or petition. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town once in each of

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two (2) successive weeks; the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing. In all cases notice to parties in interest or specific boards or other agencies shall be sent by mail, postage prepaid. "Parties in Interest" as used in the Section shall mean the petitioner or appellant, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred (300) feet of the property line all as they appear on the most recent applicable tax list, not notwithstanding that the land of any such owners is located in another town, the Planning Board of every abutting Town. The required publications and notices shall contain the name of the petitioner, a description of the area of premises, street address or other adequate identification of the petition, the date and place of the public hearing, the subject matter of the hearing and the nature of action or relief required, in accordance with Massachusetts General Laws, Chapter 40A, Section 11.

4.4.1 The concurring vote of four (4) members of the Board shall be necessary to reverse any order or decision of any administrative official or to grant a variance. The decision of the Board shall be made within seventy-five (75) days after the date of the filing of an appeal or petition. Failure of the Board to act within seventy-five (75) days shall be deemed to be the grant of the relief or petition sought, subject to an applicable judicial appeal.

### **5.0 APPLICATION PROCEDURES: SPECIAL PERMITS**

#### **5.1 Special Permit Granting Authority (SPGA)**

Unless specifically indicated elsewhere in this By-Law, the Planning Board shall be the Special Permit Granting Authority (SPGA).

#### **5.2 Submission**

Applications for special permits over which the Zoning Board of Appeals exercises original jurisdiction shall be filed by the applicant with the Town Clerk who shall forthwith transmit a copy thereof to the Zoning Board of Appeals. Applications for special permits over which the Planning Board or Board of Selectmen exercise original jurisdiction shall be filed with the SPGA (a copy of which shall forthwith be given to the Town Clerk by the applicant). All applications shall comply with the rules adopted by the SPGA relative to the procedures for submission and approval of such permits.

#### **5.3 Notices, Public Hearings and Votes**

The SPGA shall hold a hearing within sixty-five (65) calendar days after the filing of an application with the SPGA. The SPGA shall act within ninety (90) calendar days following said hearing for which notice has been given by publication or posting and by mailing to all parties in interest, according to the procedure specified in Section 4.4 above. Failure by the SPGA to take final action upon an application for a special permit within said ninety (90) calendar day period following the date of public hearing shall be deemed to be a grant of the permit applied for. Special permits shall require a vote of at least four (4) members of the Board of Selectmen and Zoning Board of Appeals and a concurring two-thirds (2/3) vote of the Planning Board. The rights authorized by a special permit shall lapse after two (2) years of such decision if a substantial use has not commenced as allowed by the special permit.

#### **5.4 Decision Criteria**

Special permits may be issued only for uses which are in harmony with the general purpose and intent of this By-Law and shall be subject to general or specific provisions set forth herein. In addition, conditions, safeguards and limitations on time and use may be imposed by the SPGA when issuing a special permit. In granting the special permit, the SPGA shall determine if the following conditions have been met:

## TOWN OF OXFORD ZONING BY-LAWS

- 5.4.1 The site is an appropriate location for the use or structure;
- 5.4.2 The soils are suitable for on-site sewerage disposal if public sewers are unavailable;
- 5.4.3 An adequate water supply can be provided;
- 5.4.4 The use as developed will not adversely affect the neighborhood;
- 5.4.5 There will be no nuisance or serious hazard to vehicles or pedestrians.

10/08/97 6.0 **APPLICABILITY**

No special permit or variance shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and that no appeal has been filed or if an appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant. *If, except for good cause, a substantial use of a special permit has not been made, or in the case of a special permit for construction, construction has not begun, within one year of the date that the Town Clerk certifies that no appeal has been filed or if an appeal has been filed, that it has been dismissed or denied, the special permit shall lapse. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, such rights shall lapse, in accordance with the provision of M.G. L. Chapter 40A, Section 10.*

### 7.0 **REPETITIVE PETITIONS**

In order for an appeal, application or petition which has been unfavorably acted upon by the SPGA or PGA to be acted favorably upon within two (2) years of the final unfavorable action, all but one member of the Planning Board must consent thereto provided notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered. The SPGA or PGA must then find, by a concurring vote of four (4) members of the Board of Selectmen or Zoning Board of Appeals, or a concurring two-thirds (2/3) vote of the Planning Board, specific and material changes in the conditions upon which the previous unfavorable action was based and describe such changes in the record of its proceedings.

#### 7.1 **Withdrawal of Petitions and Applications**

Any petition for a variance or application for a special permit which has been transmitted to the PGA or SPGA may be withdrawn, without prejudice by the petitioner prior to the publication of the notice of public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the SPGA or PGA.

10/07/09

## CHAPTER XV Site Plan Review

### 1.0 **PURPOSE**

The purpose of this Chapter is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics and community values in the Town. Site plan review is further intended to ensure that the design and layout of developments specified in Section 2.0 will conform to storm water management requirements and will not result in a detriment to the neighborhood or environment.

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## **2.0 PROJECTS REQUIRING SITE PLAN REVIEW**

An approved site plan shall be on file with the Town Clerk prior to any of the following developments:

- 2.1 The construction or reconstruction of any parking area, loading area, or access way governed by Chapter XI of this By-Law, except for single family detached or two family dwellings.
- 2.2 Any construction, reconstruction, exterior alterations or additions to any building, fence, wall or other structures in the Village Business District.
- 2.3 The construction of a multi-family building or a development involving the location of two or more primary uses or structures on a single lot, including but not limited to apartment complexes, shopping centers and industrial parks.
- 2.4 A use that requires a special permit designated by S\* in Tables I or II; all uses listed in Table III; and any use where site plan review is required in Table IV.
- 2.5 Where a change in use results in no new exterior construction or change in parking lot size, the Board may waive requirements of Section 3.0 and allow the Town Engineer/Planner to review the proposed use and either approve it or refer it to the Board for further review

## **3.0 CONTENTS**

3.1 Site plans shall be drawn to a scale of 1" - 20' with a maximum sheet size of 24" x 36" and shall contain the following written or graphic information:

- 3.1.1 The name of the proposed development, the name and address of the person(s) submitting the application and of the owner(s) of the property, if different; all property boundaries and their dimensions and bearings; abutting street rights-of-way; and a graphic scale, a locus map and north arrow.
- 3.1.2 Key map at a scale of 1" - 400' showing streets and roads, buildings and motor vehicle access within 500' from the exterior boundary of the lot.
- 3.1.3 All existing and proposed buildings, wetlands, surface waters and areas subject to the 100 year flood; existing and proposed contour elevations at contour intervals of five (5) feet, except in areas where slope is less than three (3) percent, contour intervals of two (2) feet shall be required.
- 3.1.4 All existing and proposed driveways and points of motor vehicle access to the property, parking spaces, loading areas and computations to indicate compliance with the parking and loading requirements of this By-Law.
- 3.1.5 Provisions for screening, surfacing, lighting and landscaping to integrate the proposed development into the existing landscape and to screen objectionable features from neighbors.
- 3.1.6 Location of the front, side and rear yard setback areas and buffer yards required by this By-Law and the zoning district boundaries on or adjacent to the lot.
- 3.1.7 Provisions for sewage, solid waste disposal and drainage, measures proposed to prevent pollution of surface or ground water, soil erosion, increased runoff, changes in ground water level and flooding.
- 3.1.8 Utilities and municipal services necessary, including proposed connections and exterior appurtenances such as curb inlets, poles, fire alarm boxes and hydrants.

3.2 Site plans shall be accompanied by a traffic report presenting the projected

## **TOWN OF OXFORD ZONING BY-LAWS**

vehicular traffic flow patterns to and from the site and the projected number of motor vehicle trips to and from the site for an average day and for peak hours and a drainage report demonstrating drainage system design in conformance with the Planning Board's subdivision rules and regulations and storm water management requirements.

- 3.3 For new construction in the Village Business District, the applicant shall submit design renderings of the proposed building. All structures shall be of quality design and construction and shall be compatible with the neighborhood and the Town as to design characteristics. Buildings should be carefully designed to reflect contextual New England elements which might include complimentary materials and other traditional New England stylistic features.

### **4.0 CRITERIA FOR EVALUATION**

The Planning Board shall approve a site plan only upon its determination that all criteria presented below have been met, to the fullest extent feasible to protect the public health, safety and welfare.

- 4.1 Access to each structure for fire and service equipment is provided;
- 4.2 Utilities, drainage and erosion control are provided to maintain environmental quality. The applicant shall demonstrate, by submission of an existing infrastructure capacity plan, that the proposed infrastructure, including parking, roadways, traffic, stormwater, water for domestic and fire protection and septic/sewer, can accommodate the proposed use;
- 4.3 In or abutting Residential Zoning Districts and the Village Business Zoning District, effective use is made of topography, landscaping, relationship of buildings to the environment and parking placement to maintain the character of the neighborhood;
- 4.4 Parking and loading requirements of Chapter XI have been met;
- 4.5 Traffic impacts on abutting residential neighborhoods are acceptable and the convenience and safety of vehicular and pedestrian movements in relation to adjacent streets and intersections are protected; and
- 4.6 All other requirements of this Zoning By-Law have been satisfied.
- 4.7 The Planning Board may withhold approval until it is satisfied that all other relevant Town Boards and Departments have approved the proposed infrastructure. If the applicant has met the requirements of 4.0, the Board shall not withhold its approval.

### **5.0 PROCEDURES**

- 5.1 An applicant for site plan review shall file with the Planning Board seven (7) copies of the site plan. Unless waived by the Planning Board, the site plan shall be prepared by a registered engineer, architect or landscape architect.
- 5.2 Within five (5) days of the Planning Board meeting, at which the Site Plan application was received, the Planning Board shall submit a copy to the Board of Selectmen, Board of Health, Conservation Commission, Building Inspector, DPW Director, Safety Officer and other agents, as the Planning Board elects for their comments. The boards or person receiving these copies shall have up to thirty (30) days from the date of receipt to submit their reports to the Planning Board but, if they find that insufficient information has been presented they shall so report, and the Planning Board may withhold approval until the additional information is provided..
- 5.3 If the Planning Board determines that said site plan complies with the purpose, specifications and criteria of this By-Law, it shall approve the site plan. If the site plan does not comply with this Chapter, it shall be disapproved or approved with conditions or modifications which will bring about compliance. Any construction, reconstruction, alteration or addition shall be carried on only in conformity with the

## **TOWN OF OXFORD ZONING BY-LAWS**

site plan approved by the Planning Board.

5.4 When a site plan is required for a special permit application, to the extent possible, procedures shall be combined and requirements for special permits shall govern for time periods, notices, public hearings and votes. If a site plan is required for a special permit, to be issued by the Zoning Board of Appeals or Board of Selectmen, the Planning Board shall forward its recommendations to such Board within thirty (30) days of receipt.

5.5 When a special permit is not required, the Planning Board shall, within forty-five (45) days of receipt of a site plan at a meeting of the Board, take final action on said plan. A majority vote, when a quorum is present, shall constitute approval. Failure to act within this period shall constitute approval. At the applicant's written request to the Planning Board, the Board may extend the time periods in this Section to a mutually agreeable date. The applicant shall be notified within sixty (60) days from the date of submittal to the Planning Board of the Board's decision. A copy of the Planning Board's decision shall be filed with the Town Clerk.

5.6 The Planning Board, upon written request of the applicant, may waive any of the requirements of Section 3.0 where the project involves relatively simple development plans or the reuse of pre-existing buildings, access and parking facilities.

### **6.0 BASIC REQUIREMENTS**

6.1 Notwithstanding anything contained in this By-Law to the contrary, no building permit shall be issued for, and no person shall undertake, any use or improvement subject to this Chapter unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this Chapter, and unless such application has been approved by the Planning Board.

6.2 No occupancy permit shall be granted by the Building Inspector until the Planning Board has received, reviewed and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Inspector, or have been secured by a proper bond, covenant or third party agreement.

6.3 Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board, subject to conditions for completion of work imposed by the Planning Board.

6.4 If a project for which site plan approval has been granted has not been started in accordance with site plan conditions within one year from the date of approval, said approval shall lapse. The Planning Board, in consultation with other Departments and officials, will determine if a project has been started in accordance with site plan conditions. Their decision may be appealed to the Zoning Board of Appeals in accordance with Chapter XIV, Section 4.2 of the Zoning By-Law.

### **CHAPTER XVI Definitions**

#### **1.0 LANGUAGE INTERPRETATIONS**

For the purposes of this By-Law, certain terms and words used herein shall be interpreted as follows:

1.1 The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

1.2 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

1.3 The words "shall" and "must" are mandatory; the words "may" and "should" are

# TOWN OF OXFORD ZONING BY-LAWS

permissive.

- 1.4 The words "used" or "occupied" include the words "intended, designed, maintained or arranged to be used or occupied."
- 1.5 The word "lot" includes the words "plot" or "parcel."

## 2.0 **DEFINITIONS**

The following words and phrases shall have the meaning given in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

**Accessory Apartment:** A separate complete housekeeping unit that is substantially contained within the structure of a single family unit but can be isolated from it.

5/03/06

**Accessory Use or Structure:** A use or structure on the same lot as an allowed principal use or structure that is of a nature customarily incidental to and subordinate, both in size and intensity, to the principal use or structure.

**Airfield:** All facilities for the storage, maintenance, take-off and landing of motorized aircraft, and related accessory services such as restaurants, gift shops, and flight instruction programs.

**Aisle:** A corridor used for access within a parking lot by motor vehicles to the parking spaces.

**Alteration:** Any change in the total floor area, use, adaptability or external appearance of an existing structure.

**Animal Hospital:** A building used by a veterinarian for the treatment, housing and boarding of small domestic animals such as dogs, cats, rabbits, birds and fowl.

**Automobile Service Station:** The use of land and structures engaged in the retail sale of gasoline, oil, batteries, tires and other motor vehicle accessories and/or for the servicing of motor vehicles including repairs and body work.

**Auto Wrecking, Junk and Scrap Establishment:** Any land or structure used primarily for the collection, storage and sale of any material which has been used, salvaged, scrapped or reclaimed including the dismantlement, storage and salvage of three or more unregistered, inoperative vehicles.

5/04/05

**Buffer:** An area located between buildings, uses, or activities that is either left in an undisturbed state or, if warranted and required by the reviewing authority, designed, graded and landscaped to lessen or absorb the effects of light, sound, dust, noise, vibration, and odors from one on the other.

**Building:** Any structure having a roof designed or used for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

**Boarding or Lodging House:** Any building in which rooms for living purposes, with or without meals, are rented for compensation to no more than four (4) guests with the owner resident on the premises.

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

**Building Setback Line:** The line within a lot defining the required minimum setback distance between any structure and the adjacent street line.

**Cartway:** That portion of a road right-of-way which is paved exclusive of curbs.

**Center Line:** A line running parallel to and equidistant from both sides of a street.

**Cluster Development:** A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property or other groups of lots within the development by intervening common land.

**Convalescent, Nursing or Rest Home:** Any institution licensed as a nursing, convalescent or rest home or charitable home for the aged by the Department of Public Health pursuant to Massachusetts General Laws, Chapter 111, Section 71.

**Curb Return:** A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

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**Day Care Center:** Any facility operated on a regular basis, licensed by the Commonwealth of Massachusetts, which receives no more than six (6) children for non-residential custody and care during part or all of the day separate from their parents.

**Duplex:** A two family home in which both dwelling units are part of the same structure and are located side by side and separated by a party wall.

**Dwelling:** A building designed for human living quarters.

**Dwelling, Attached:** Both side walls of all except the dwelling units at the ends of the building are party walls.

**Dwelling, Multiple Family:** A residential building designed for or occupied by three or more families.

**Dwelling, Single Family Detached:** A residential dwelling unit other than a mobile home, designed for and occupied by one family only and having no roof, wall or floor in common with any other dwelling unit.

**Dwelling, Two Family:** A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement:** An interest in land owned by another that entitles its holder to a specific limited use; i.e., utilities, etc. (See: Right of Way.)

**Extension:** An addition to the floor area of an existing structure, an increase in the size of a structure or an increase in that portion of a lot occupied by an existing use; an enlargement.

**Family Day Care Home:** Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

**Frontage:** That portion of a lot contiguous with a street or street right of way line and providing access thereto. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this Chapter. A lot shall only be deemed to have frontage along any street to which it has both legal and physical access.

**Gross Floor Area:** The sum of the gross usable area of all floors of a building measured from the face of the exterior walls. Retail and service floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services including display areas for goods but not including office space or storage areas.

**Gross Leaseable Area:** The gross floor area of a building but not including space occupied by mechanical equipment, space related to the operation and maintenance of the building and areas such as stairwells, lobbies and bathrooms for common or public usage.

**Height:** The vertical distance of a structure measured from the mean level of the ground surrounding the structure to its highest point, regardless of roof design.

**Home Occupation:** That accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling.

**Job Training and Vocational Services:** Services related to workforce development including but not limited to job training, job placement, vocational/career exploration, work skills building, job development and retention, and career counseling. Service facilities may include but are not limited to conference rooms, breakout rooms, facilities for video-conferencing, and facilities for lodging and food services for training attendees and instructors only.

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**Kennel:** A lot with structures or pens in which three (3) or more dogs, cats or other household pets that are more than six (6) months old are boarded, bred or sold.

**Lot:** A parcel in identical ownership throughout, bounded by other parcels of land or streets.

**Corner Lot:** A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than one hundred (100) feet.

**Interior Lot:** A lot with only one frontage on a street.

**Through Lot:** A lot with front and rear street frontage.

**Lot Line:** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Front Lot Line:** The line separating the lot from the street right-of-way.

**Side Lot Lines:** Any lines which are not front or rear lot lines.

**Rear Lot Line:** The line parallel to or within forty-five (45) degrees of being parallel to a street line which defines the rear of the lot.

10/30/01 **Lot Size or Lot Area:** These terms are defined as the area contained within the boundary lines of a lot, said area shall contain a contiguous portion of land that, to varying degrees, meets the restriction of being located in the Town of Oxford and is not defined in M.G.L. c.131 §40 as "bank, fresh water wetland, marsh, meadow or swamp bordering on any creek, river, stream, pond, or lake, or any land under said waters". The degrees of variability are as follows: in the R-1 zoning district, lots shall contain at least 80% of the required lot size or lot area that meets the above restriction; in the R-2 zoning district, lots shall contain at least 90% of the required lot size or lot area that meets the above restriction; and in all other zoning districts, lots shall contain 100% of the required lot size or lot area that meets the above restriction.

05/14/96 **Lot Width:** The distance between the side lot lines measured parallel to the frontage of the lot at that point of the principal building which is closest to the frontage. For corner lots, the width shall be measured between the lot lines which project from the street on which the lot derives its frontage.

**Maximum Lot Coverage:** The percentage of lot area which may be occupied by the ground floor area of all primary and accessory buildings.

**Mining and Quarrying:** The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure for which a building permit has been issued. Includes establishments engaged in operating sand and gravel pits and in washing, screening or preparing sand and gravel for construction of industrial uses.

**Non-Conforming Lot:** A lot which does not comply with the dimensional requirements for the district in which it is located where such lot was legally recorded prior to the enactment of this By-Law or amendment thereto.

**Non-Conforming Use or Structure:** Any use or structure existing at the effective date of this By-Law or any subsequent amendment thereto which does not conform to one or more provisions of this By-Law.

**Off-Street Loading Space:** A space not located within any street right-of-way used by motor vehicles for the temporary storage of trucks and other commercial vehicles while loading and unloading merchandise or materials.

**Off-Street Parking Space:** A space not located within any street right-of-way used by motor vehicles for the temporary storage of one (1) motor vehicle.

**Parking Bay:** A parking facility unit that has two (2) rows of parking stalls and a central aisle.

**Principal Use:** The main use of a lot or structure.

05/01/97 **Public Utilities and Facilities:** A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and

## TOWN OF OXFORD ZONING BY-LAWS

need, such as electricity, gas, water, transportation, or telephone or telegraph service, including commercial mobile radio service providers whether or not any such business or service is regulated by the Public Utilities Commission.

**Recorded:** Recorded in the Worcester District Registry of Deeds or registered in the Land Court.

**Recorded:** Recorded in the Worcester District Registry of Deeds or registered in the Land Court.

**Restaurant, Drive-In:** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer while in a motor vehicle.

**Restaurant, Fast-Food:** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer for consumption either within the building or for carry-out with consumption off the premises. Food items are usually served in paper, plastic or other disposable containers.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served by a restaurant employee at the same table or counter at which the food is consumed; (2) a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

**Right-of-Way:** A legal right of passage over another person's ground; i.e., public way, railroad, etc. (See "Easement.")

**Roadside Stand:** A stand or other structure for the sale of produce or products principally produced on the premises on which the stand is situated.

**Shopping Center:** A group of two or more primary uses or structures used for retail sales and service occupying a lot in single ownership.

**Sight Prism:** Visibility at intersecting streets shall not be impaired by any vegetation or material obstruction placed within a prism extending thirty (30) feet in either direction and above three (3) feet or below twelve (12) feet measured from grade level.

**Street:** A public or private corridor which is used as a means of vehicular traffic and includes only the following:

- (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way; or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or
- (c) a way in existence when the Subdivision Control Law became effective in the Town of Oxford having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

**Arterial Street:** A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas.

**Collector Street:** A major street which carries traffic from local streets to arterial streets.

**Local Street:** Any street which is not defined herein as either an arterial or collector street.

**Street Line:** A line separating a street from a lot.

**Structure:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, walls, fences and swimming pools.

**Use:** Any purpose for which a lot or structure may be designed, arranged, intended or occupied or any activity, occupation, business or operation carried on in a structure on a lot.

**Yard or Garage Sale:** Any offering for sale to the general public of any and all new or used items of personal property provided that said sale is held on the

## **TOWN OF OXFORD ZONING BY-LAWS**

premises by a resident thereof.

**Yard:** An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

**Front Yard:** The yard extending the full length of the front lot line.

**Side Yard:** A yard extending along the side lot line from the required front yard to the required rear yard setback area.

**Rear Yard:** The yard extending the full length of the rear lot line.

**Buffer Yard:** A yard covered with vegetation and designed to provide an area of separation between different districts or uses.

**Yard Setback Area:** An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the By-Law for front, side or rear yard setbacks.

# TOWN OF OXFORD ZONING BY-LAWS

## CHAPTER XVII Mobile Homes and Recreational Vehicles

### 1.0 DEFINITIONS

The following words shall have the meanings given in this Section unless a contrary intention clearly appears:

**Camper:** An object designed for human habitation which is designed to be capable of being attached to and detached from a motor vehicle such as a pick-up truck. Examples of campers are shown in Illustrations 1(a) and 1(b).

**Mobile Home:** A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. For purposes of these regulations, mobile homes, as a special form of one-family detached dwelling, are subject to such special regulations as are set forth herein. Examples of mobile homes are shown in Illustrations 2(a) and 2(b).

**Mobile Home Park:** A parcel of land that has been planned and improved for the placement of mobile homes and that has continuing local general management with special facilities for common use by the occupants, including such items as common recreational buildings and areas, common open space, laundries and the like.

**Mobile Home Site or Lot:** A parcel of land in a mobile home park that provides facilities for long term occupancy of a mobile home.

**Mobile Home Stand:** That part of a mobile home lot which has been reserved for the placement of mobile home, appurtenance structures or additions.

**Motor Home:** A motor vehicle designed or converted to use for human habitation and shall include the type of vehicle called a motor coach, a converted van and a converted bus. Examples of motor homes are shown in Illustrations 3(a), 3(b) and 3(c).

**Motor Vehicle:** A vehicle constructed and designed for propulsion by power other than muscular power except motorcycles and motorized bicycles.

**Park or Parking:** The standing of a vehicle whether occupied or not.

**Permittee:** Any person, firm or corporation receiving a permit to conduct, operate or maintain a mobile home park.

**Recreational Vehicles:** Campers, mobile homes with an overall length of less than thirty (30) feet, motor homes and tent campers.

**Semi-trailer:** A trailer so designed and used in connection with a tractor upon which some part of the weight of such trailer and that of its load rests, and is carried by, the tractor. Examples of semi-trailers are shown in Illustrations 4(a) and 4(b).

**Store and Storage:** The parking of a vehicle for a period in excess of forty-eight (48) hours.

**Tent Campers:** A trailer containing sleeping and other living facilities, the exterior walls of which are partially collapsible into the body of the trailer to facilitate towing. Examples of tent campers are shown in Illustrations 5(a) and 5(b).

**Tractor:** A motor vehicle designed and used for drawing another vehicle. An

example of a tractor is shown in Illustration 4(a).

**Trailer:** A vehicle or object mounted on wheels and having no motive power of its own which is designed to be drawn or towed by a motor vehicle.

### 2.0 ILLUSTRATIONS

The illustrations contained herein and accompanying text constitute a part of this Chapter.

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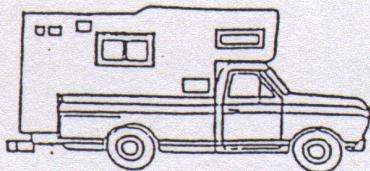


Illustration 1(a). Camper attached to pick-up truck.

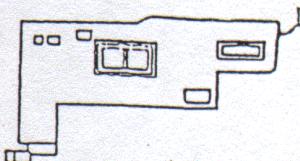


Illustration 1(b). Camper detached from pick-up truck.

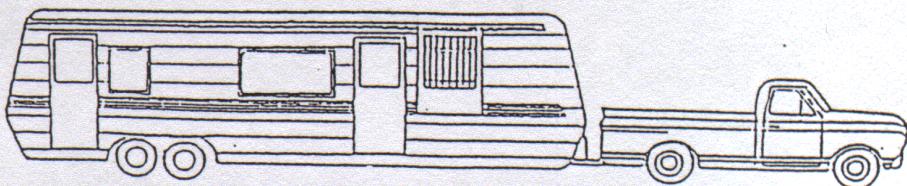


Illustration 2(a). Mobile home attached to pick-up truck.

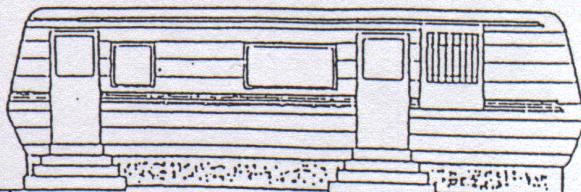


Illustration 2(b). Mobile home mounted on foundation.

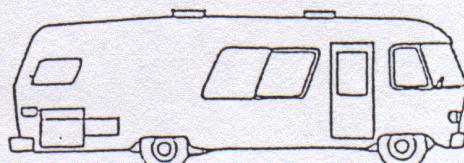


Illustration 3(a). Motor Coach type Motor Home.

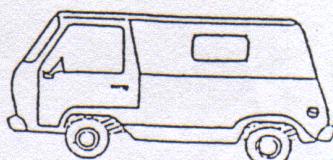


Illustration 3(b). Converted van type motor home.

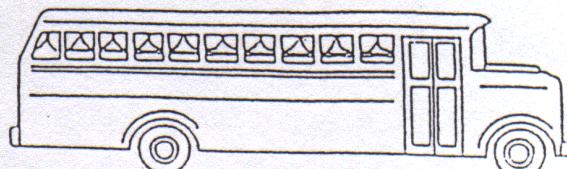


Illustration 3(c). Converted bus type motor home.

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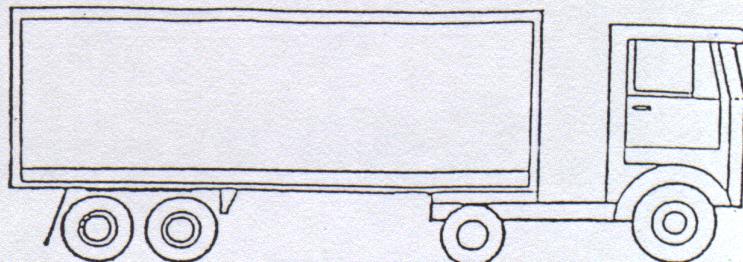


Illustration 4(a). Semi-trailer attached to tractor.

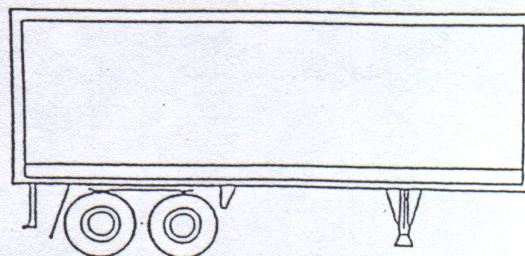


Illustration 4(b). Semi-trailer detached from tractor.

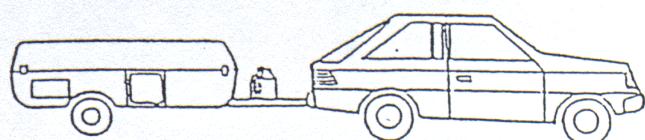


Illustration 5(a). Tent camper attached to automobile.

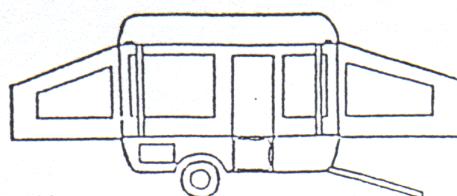


Illustration 5(b). Tent camper detached from automobile.

# **TOWN OF OXFORD ZONING BY-LAWS**

## **3.0 USE REGULATIONS**

Any individual mobile home, trailer or recreational vehicle may only be parked, stored or occupied in compliance with the provisions of this Section.

- 3.1 Existing mobile homes not in compliance with the provisions of this By-Law are allowed to remain and may be replaced by new mobile homes provided they are certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development effective June 15, 1976 (the "Standards").
- 3.2 The owner and occupier of a residence destroyed by fire or other natural holocaust may occupy a mobile home on such site for a period not to exceed twelve (12) months while the residence is being rebuilt thereon.
- 3.3 The Building Inspector may grant a permit for a period not to exceed one (1) year to allow the temporary occupancy of a mobile home for a use incidental to construction or development, such as for a construction or security office; but not dwelling purposes. Such permits may be renewed for successive periods not exceeding one (1) year each.
- 3.4 One (1) mobile home or recreational vehicle may be temporarily occupied by non-paying guests of the owner of the premises for a period not to exceed two (2) weeks in any six (6) month period.
- 3.5 Mobile homes and recreational vehicles may be stored within a building on a lot and one (1) mobile home or recreational vehicle may be stored in the open incidental to a permitted use provided that it is not a safety hazard or in violation of this Zoning By-Law.
- 3.6 Establishments providing for the storage of mobile homes, recreational vehicles and trailers for a fee are permitted in a General Business (GB) district provided that such storage occurs within all required yard setback areas and such storage is screened from a public way by a fence installed at a height of six (6) feet.
- 3.7 Campgrounds for recreational vehicles providing water and/or sewer hook-ups may be located in a R-1 or R-2 district upon the grant of a special permit by the Planning Board and submission of a site plan meeting the requirements of Chapter XV of this By-Law.
- 3.8 No trailer may be parked overnight on any public way in the Town.

## **4.0 MOBILE HOME PARKS**

### **4.1 Purpose**

It is the intent of this Section to allow carefully designed and constructed mobile home parks to be located in the Town of Oxford to provide an affordable housing alternative to conventional single family dwellings. Such parks shall be located, designed and improved to provide a desirable residential community, to protect the park from adverse neighboring influences, to protect adjacent residential properties and to minimize adverse effects on the physical environment of the Town of Oxford.

### **4.2 Location**

Mobile home parks may be permitted upon grant of a special permit by

the Planning Board in the following districts: Suburban (R-2), Residential (R-3) and Multi-family (R-4). Immediate access shall be available from an arterial or collector street.

### **4.3 Procedure**

A site plan shall be submitted to the Planning Board in accordance with the provisions of Chapter XV, Section 3.0 (Contents). Public hearings, required notices of

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same and votes of the Board shall be that as required for special permits in Chapter XIV, Section 5.0. A special permit issued hereunder is only an authorization for the specified use and does not exempt the land from conformance with the Board's Subdivision Control Rules and Regulations. Subsequent approval by the Board shall be required as set forth in the Subdivision Regulations including approval of street and utility systems whether or not the subject proposal is a subdivision as defined by the Subdivision Control Law.

### **4.4 Additional Contents of Site Plan**

In addition to the information required in Section 3.0 of Chapter XV, the following additional information shall be submitted:

- 4.4.1 Location, size and number of plotted mobile home lots.
- 4.4.2 Location and size of common open space, required yards and common recreation and community facilities.
- 4.4.3 A landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas and screening of objectional features.

### **4.5 Uses Permitted**

- 4.5.1 Single family detached mobile homes.
- 4.5.2 Parks, playgrounds, community centers and non-commercial recreation facilities.
- 4.5.3 Uses and structures required for operation of a public utility function or any function necessary for the operation and maintenance of the park.
- 4.5.4 The sale of mobile homes shall be limited to those being placed in the park.
- 4.5.5 Where commercial and service establishments are not conveniently available in the neighboring area, such establishments may be allowed, shall serve only persons within the park and be designed and located to protect the character of the park and surrounding neighborhood. If such an establishment is to be added after the special permit has been obtained, a separate special permit shall be required.
- 4.5.6 Outdoor storage areas, including those for recreational vehicles are permitted if designed and located to protect adjoining uses from adverse visual or other effects. Such areas shall occupy no more than five (5) percent of the park and shall serve only occupants of the park. If such an area is to be added after the special permit has been obtained, a separate permit shall be required.
- 4.5.7 Enclosed tenant storage may be provided for material which is used only seasonally or infrequently. Community storage or individual

storage buildings on mobile home sites must be uniformly constructed and erected on a concrete slab. Individual storage buildings shall not exceed one (100) hundred square feet in floor area or seven (7) feet in height and shall be located in the rear of each lot and where possible two (2) or four (4) units may be combined. There shall be no storage underneath the perimeter of the mobile home.

### **4.6 Dimensional Requirements**

- 4.6.1 The tract shall be at least twenty (20) acres and shall comprise a single plot except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility, maintenance or storage facilities.
- 4.6.2 The minimum width for portions used for general vehicular access shall be fifty (50) feet and for portions containing sites for buildings, the minimum width shall be two hundred (200) feet.
- 4.6.3 The minimum number of mobile homes in one park shall be forty (40) and the minimum number of lots completed and ready for occupancy before first

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occupancy shall be twenty (20) percent of the total number of lots, but not less than (20).

- 4.6.4 The maximum number of mobile homes permitted in the Town of Oxford shall not exceed three (3) percent of the existing number of housing units in the Town of Oxford at the time of application.
- 4.6.5 The maximum density shall not exceed six (6) units per gross acre. For purposes of this Article gross acreage shall be computed as all area within the external boundaries of the property, excluding water bodies which shall be included at the rate of one third (1/3) their area; all other land within the floodplain district shall be included at the rate of one-half (1/2) their area.
- 4.6.6 Mobile homes with their accessory buildings shall occupy not more than thirty-five (35) percent of the lot area.
- 4.6.7 The maximum height of any structure in the mobile home park shall be thirty-five (35) feet.
- 4.6.8 A mobile home shall be so located on its lot that there shall be a minimum of side and end clearance of thirty (30) feet between adjacent mobile homes and attached accessory buildings. No mobile home shall be located closer than twenty (20) feet to a paved street within the park.
- 4.6.9 Where an exterior boundary of a mobile home park adjoins a public street, a Town boundary or a zoning district boundary, there shall be provided a yard of at least twenty-five (25) feet in width which may contain mobile home lots, but no accessory structures, parking facilities or community facilities and no direct vehicular access to individual lots shall be permitted through such yards.

### **4.7 Common Recreation Facilities**

Not less than ten (10) percent of the gross acreage of the mobile home park shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, play areas and ways for pedestrians and cyclists. At least one principal recreation and community

center shall contain not less than five (5) percent of the gross acreage.

- 4.7.1 Ways for pedestrians and cyclists shall be at least ten (10) feet in width and form part of a system leading to principal destinations. Such ways may also be used for installation of utilities.
- 4.7.2 To be countable as common recreational areas, such areas shall be at least twenty (20) feet in width and shall contain not less than one thousand (1,000) square feet.

### **4.8 Water and Sewer Services**

Where common sanitary sewer and public water supply systems are accessible adjoining the property and where permission to enter such systems can be obtained from the authority having jurisdiction over them, connections shall be made thereto and these systems used exclusively.

- 4.8.1 Where a public water supply is not available, a private water supply system may be developed and used. Such a system shall meet the standards established in the "Water Supply Guidelines for Public Water Systems" of the Massachusetts Department of Environmental Quality Engineering (DEQE) and approval of the plans by DEQE shall be obtained prior to the issuance of a building permit by the Building Inspector.
- 4.8.2 The water system serving the mobile home park shall meet the standards of the National Fire Protection Association established in publication NFPA 501-A "Standards for Fire Safety Criteria for Mobile Home Installations, Sites and Communities."

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4.8.3 Where a common sanitary sewer system is not available a subsurface sewage disposal system shall be designed by a Professional Engineer or other person authorized by law to prepare such plans and such system shall meet the requirements of Title V of the State Environmental Code, "Minimum Requirements for the Subsurface Disposal of Sanitary Sewage." No permit for its location, construction, alteration, repair or installation shall be issued until the plans for such system have been approved by DEQE.

### 4.9 General Requirements

4.9.1 Each site shall be provided with an underground electrical connection. All transformer boxes, substations, pumping stations and meters shall be located and designed so as not to be unsightly or hazardous to the public.

4.9.2 There shall be provided two (2) parking spaces per mobile home, at least one of which shall be provided on the lot, shall be hard-surfaced, have dimensions of not less than ten (10) feet by twenty (20) feet and have a hard-surfaced driveway connecting the spaces to the street. Spaces located on the street or in parking lots shall meet the requirements of Chapter XI of this By-Law.

4.9.3 The mobile home stand shall provide an adequate foundation for the placement of a mobile home and shall be of such construction as to prevent heaving, shifting or settling due to frost action. Any improvements necessary for the support or anchoring of the mobile

home shall be provided to the dwelling before occupancy, as specified in NFPA-501.

4.9.4 After approval of the mobile home park there shall be no further subdivision which would increase allowable net density.

4.9.5 Along the exterior boundary of the mobile home park, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences or to protect occupants of adjoining residential uses. In particular extensive areas for off-street parking and loading and for storage and collection of trash and garbage shall be screened.

### 4.10 Streets and Walkways

The mobile home park shall provide safe and convenient access from abutting public streets to dwellings and common facilities and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the park. All streets shall be paved, well-drained and maintained in good condition.

4.10.1 Streets that are to be dedicated to the Town, if any, shall be dimensioned and improved in accord with the Planning Board's Subdivision Regulations.

4.10.2 For other streets required paving widths shall be a minimum of fourteen (14) feet for one-way circulation and twenty (20) feet for two-way circulation with additional parallel parking lanes of eight (8) feet in locations where on-street parking is to be permitted. Prior to final Planning Board approval the owner of the Park shall file at the Worcester District Registry of Deeds a covenant, running with the

land, that the owner or any future owner shall not file a petition to any governmental entity which would cause the Town of Oxford to own, maintain or plow such streets within the Park.

4.10.3 Walkways not less than thirty (30) inches wide shall be provided from each mobile home stand to the street.

### 4.11 Responsibilities of Permittee

4.11.1 The permittee shall operate the park in compliance with all regulations and provide adequate supervision to maintain the park, its facilities and equipment

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in good order and in clean and sanitary condition.

- 4.11.2 All private roads in the park shall be maintained by the permittee and kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee at his expense.
- 4.11.3 The permittee shall be responsible for notifying the Chief Assessor of the arrival or impending departure of any occupied mobile home or change of ownership that occurs in the park.

## **CHAPTER XVIII Earth Removal**

### **1.0 DEFINITIONS**

The following words shall have the meanings herein given, unless a contrary intention clearly appears:

**Earth:** All forms of soil including, without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone or mineral products.

**Removal:** Stripping, digging, excavating or blasting earth from one lot and removing or carrying it away from said lot.

**Lot:** In addition to the definition of lot presented elsewhere in this By-Law, for purposes of this Chapter all contiguous land held in the same ownership shall constitute one lot even though such land was acquired by deed containing more than one parcel or by more than one deed and even though such land is shown on a plan or plans as divided into more than one parcel.

**Owner:** The owner of a lot with respect to which earth is sought to be removed or the person lawfully standing in the stead of such owner, as, for example, a lessee or tenant or person with written authorization for such removal from the owner.

**Board:** The Board of Selectmen of the Town of Oxford.

**Abutter:** The owner of land abutting a lot including land on the opposite side of an abutting way.

**Person:** "Person" shall include corporations, societies, associations and partnerships.

### **2.0 SCOPE**

This Chapter shall apply to all earth removal operations in the Town of Oxford except as otherwise provided in Section 5 below. It shall apply to all areas regardless of zoning district.

### **3.0 SPECIAL PERMIT REQUIRED**

Except as otherwise provided no earth shall be removed from any lot in the Town of Oxford unless the Board of Selectmen grants a special permit to the owner of such lot. Procedures for issuing special permits are specified in Chapter XIV, Section 5.0. The Conservation Commission shall have the right to participate in the required public hearing including the right to interrogate the petitioner. Within fourteen (14) days of the conclusion of the hearing, the Conservation Commission shall file with the Board a report containing its recommendations.

### **4.0 INFORMATION REQUIRED**

Each application for a special permit shall be filed with the Board with a copy sent to the Conservation Commission and shall be accompanied by the following information and support documentation:

4.1 The location of the lot on which it is proposed to carry out earth removal operations.

4.2 The legal name and address of the owner of the lot.

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- 4.3 The legal name and address of the applicant.
- 4.4 Adequate evidence of the applicant's ownership or authority to seek the permit, as the case may be.
- 4.5 The names and addresses of all abutters as they appear upon the most recent tax list.
- 4.6 A plan of the portion of the lot on which it is proposed to carry out earth removal operations together with the surrounding land to a distance of at least one hundred (100) feet showing all manmade features, property lines, vegetative cover, soil characteristics, drainage facilities and existing grades by five (5) foot contour intervals.
- 4.7 The form of the bond proposed to be submitted in accordance with Section 7.5 of this Chapter.

### **5.0 CRITERIA FOR EVALUATION**

The Board shall not grant the special permit if it appears that such removal will:

- 5.1 Endanger the public health or safety.
- 5.2 Constitute a nuisance.
- 5.3 Result in detriment to the normal use of adjacent property by reason of noise, dust or vibration; or
- 5.4 Result in operations within two hundred (200) feet of a way open to the public use, whether public or private, or within two hundred fifty (250) feet of a building or other structure unless the Board is reasonably satisfied that such operations will not undermine such way or building or other structure.

### **6.0 TIME PERIOD**

No special permit shall be issued for a period in excess of five (5) years. The duration of the special permit including the beginning and terminating dates shall be set forth on the special permit.

### **7.0 APPROVAL AND CONDITIONS**

Applications for special permits may be granted, denied or granted in part and denied in part. Each special permit issued by the Board shall be subject to the following conditions which shall be set forth on the special permit.

- 7.1 No excavation below the natural grade of any lot boundary shall be permitted nearer than fifty (50) feet to such boundary unless the abutting land is subject to an earth removal permit granted under this Chapter and the owner of such abutting land has granted written approval of such excavation.
- 7.2 No slope created by earth removal operations shall be finished at a grade in excess of two (2) (horizontal) to one (1) (vertical) unless specifically otherwise authorized in the permit.
- 7.3 Upon the conclusion of earth removal operations, all areas upon which such operations have been conducted shall be covered with not less than four (4) inches of topsoil capable of supporting vegetation, brought to the finished grades and seeded with a suitable cover crops except where ledge rock is

exposed and all large stones and boulders which protrude above finished grade shall be buried or removed. The Board may require the applicant to guarantee growth of the crop cover on such areas within two (2) years of seeding.

- 7.4 Such other reasonable requirements consistent with the provisions of this Chapter and such rules and regulations as the Board may adopt hereunder including, but not limited to, grading, seeding and planting, fencing necessary for public safety, methods of removal, location and use of buildings and other structures, hours of operation, routes of transportation of earth removal, control of drainage and disposition of waste

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incidental to the removal operations.

7.5 The applicant post with the Treasurer of the Town of Oxford a proper bond in such amount and with such sureties as determined by the Board to be sufficient to guarantee compliance with the terms and conditions of the permit.

## **8.0 RENEWAL**

Upon application for a renewal of a special permit the Board may in its discretion grant three (3) renewals for periods of up to three (3) additional years each without a public hearing provided, however, that the Board has given notice of such application by advertisement in a newspaper of general circulation in the Town and by certified mail, postage prepaid, to all abutters, as they appear upon the most recent tax list, and no written notice of objection by any abutter to such renewal has been filed with the Town Clerk within twenty-one (21) days of the giving of such notice.

## **9.0 EXEMPTIONS**

The following earth removal operations are exempted from the provisions of this Chapter:

- 9.1 Earth removal operations for any municipal purpose by or on behalf of the Town of Oxford or any department or agency thereof.
- 9.2 Earth removal operations which are customarily incidental to farming, agricultural, gardening or nursery operations.
- 9.3 The removal of not more than five hundred (500) cubic yards of earth from a lot for the purpose of constructing a building or other structure and associated facilities on such lot in accordance with a building permit.
- 9.4 The removal of not more than five hundred (500) cubic yards of earth from a lot for the purpose of constructing or improving a private way on such lot.
- 9.5 The removal of not more than a total of five hundred (500) cubic yards of earth from a lot for any purpose other than constructing a building or other structure and associated facilities on such lot in accordance with a building permit or constructing or improving a private way on such lot. All amounts of earth removed from a lot within any period of ten (10) consecutive years shall be added together in the computation of such total.

## **10.0 WAIVER OF REQUIREMENTS**

In the case of an application for a permit to remove more than five hundred

(500) cubic yards of earth from a lot for the purpose of constructing a building or other structure and associated facilities on such lot in accordance with a building permit or constructing or improving a private way on such lot, the Board may in its discretion waive any or all of the requirements of Section 4.6, Section 7.3 and Section 7.5 of this Chapter.

## **11.0 GENERAL PROVISIONS**

- 11.1 The Board may adopt reasonable rules and regulations to carry out the purposes of this Chapter. Such regulations shall take effect upon their being filed in the office of the Town Clerk.
- 11.2 Any person violating the provisions of this By-Law shall be subject to the enforcement provisions of this By-Law.

## **12.0 REPEAL**

Chapter 41, Earth Removal, of the General By-Laws is hereby repealed.

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10/09/96

## **CHAPTER XIX Adult Uses**

### **1.0 PURPOSE AND INTENT**

It is the purpose and intent of this Chapter of the Oxford Zoning By-Law to address and mitigate the secondary effects of the Adult Uses and sexually oriented businesses referenced and defined herein. Such secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety, and general welfare of the Town of Oxford and its inhabitants.

The provisions of this Chapter of the Oxford Zoning By-Law have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Chapter of the Oxford Zoning By-Law to restrict or deny access by adults to Adult Uses and to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts, nor restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this Chapter of the Oxford Zoning By-Law to legalize the sale, rental, distribution, or exhibition of obscene or other illegal matter or materials.

### **2.0 DEFINITIONS**

**Adult Uses** as used in this Chapter include the following businesses herein defined:

**Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

**Adult Motion Picture Theatre:** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

**Adult Paraphernalia Store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

**Adult Video Store:** An establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

**Establishment Which Displays Live Nudity for its Patrons:** Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in M.G.L. Chapter 272, Section 31.

### **3.0 SPECIAL PERMIT REQUIRED**

Except as otherwise provided in this chapter, no Adult Book Store, Adult Motion Picture Theatre, Adult Paraphernalia Store, Adult Video Store, or Establishment Which Displays Live Nudity for its Patrons, shall be established or maintained in the Town of Oxford unless the Board of Selectmen grants a special permit for adult uses to the owner or operator of such business. Procedures for issuing special permits are specified in Chapter XIV, Section 5.0.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **4.0 INFORMATION REQUIRED**

Each application for a special permit for adult uses shall be submitted in accordance with the provisions of Section 5.0 of Chapter XIV of these by-laws and shall include the following information and supporting documentation:

- 4.1 The legal name and address of the owner of the parcel on which the business will be established.
- 4.2 The legal name and address of the applicant for the special permit for adult uses.
- 4.3 Adequate evidence of the applicant's ownership or authority to use the premises for the purposes to be allowed by the special permit for adult uses.
- 4.4 A detailed property line plan, prepared by a Massachusetts Registered Land Surveyor, showing the location of the parcel for which the adult use is proposed and that parcel's precise distances from the following: the boundary of any residential zoning district, the property line of any parcel currently used for a church, school, day care facility, public playground, park, recreational facility, adult book store, adult motion picture theatre, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons.
- 4.5 The names and addresses of all abutters as they appear upon the most recent tax list.
- 4.6 A site plan prepared in accordance with Chapter XV of these by-laws.

### **5.0 CRITERIA FOR EVALUATION**

The Board of Selectmen shall not grant a special permit for adult uses if it is determined that:

- 5.1 The applicant is a person convicted of violating the provisions of M.G.L. Chapter 119, Section 63, or M.G.L. Chapter 272, Section 28.
- 5.2 The parcel on which the adult use is proposed is located less than 800 feet from the boundary of any residential zoning district, the property line of any parcel currently used for a church, school, day care facility, public playground, park, recreational facility, adult book store, adult motion picture theatre, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons.

### **6.0 MANDATORY CONDITIONS OF APPROVAL**

In order to promote the purpose and intent of this Chapter of the Oxford Zoning By-Law, each special permit for adult uses issued by the Board of Selectmen

shall be subject to the following conditions which shall be set forth on the special permit:

- 6.1 No special permit for adult uses shall be issued for a period in excess of five (5) years. The duration of the special permit for adult uses shall begin on the effective date of the special permit as defined by M.G.L. Chapter 40A, Section 11.
- 6.2 No special permit for adult uses shall be transferred to another without prior written approval of the Board of Selectmen..
- 6.3 No Adult Use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, Section 31.
- 6.4 Such other reasonable requirements consistent with the provisions of this Chapter and such rules and regulations as the Board of Selectmen may adopt hereunder.

### **7.0 EXISTING ADULT USES**

Existing Adult Uses shall apply for an adult use special permit within 90 days of the adoption of this Chapter.

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### **8.0 GENERAL PROVISIONS**

- 8.1 The Board of Selectmen shall adopt reasonable rules and regulations to carry out the purposes of this Chapter. Such rules and regulations shall take effect upon their being filed in the office of the Town Clerk.
- 8.2 Any person violating the provisions of this Chapter shall be subject to the enforcement provisions of this By-Law.

### **9.0 SEVERABILITY**

Should any section of this Chapter of the Oxford Zoning By-Law be determined by the Attorney General or declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the By-Law as a whole, nor the validity of any section of the Chapter other than the one so found unconstitutional or invalid.

10/07/09

## **CHAPTER XX Public Utilities and Facilities**

### **1.0 PURPOSE AND INTENT**

It is the purpose and intent of this Chapter of the Oxford Zoning By-Law to describe the special permit requirements for Public Utilities and Facilities in order to promote the development of and provide guidance for the siting of public utilities installations while: providing protection for the health, safety and welfare of its inhabitants; providing protection to ecological, scenic, historic and recreational values of the Town; and, providing protection from adverse visual and operational effects that might contribute to blighting, deterioration of property values or other adverse effects to surrounding neighborhoods.

The provisions of this Chapter of the Oxford Zoning By-Law have neither the purpose, nor the intent, of imposing a limitation or restriction on the competition among deregulated service providers, nor to provide an unfair advantage to existing service providers.

### **2.0 DEFINITIONS**

**Public Utility Installation:** That portion of Public Utilities and Facilities comprised of any and all materials, equipment and structures, other than customer premises equipment, used to provide a service or product.

**Wireless Communication Facility (WCF):** Any and all materials, equipment, storage, structures, towers, dishes and antennas, other than customer premises equipment, used by a commercial telecommunications carrier to provide telecommunication or data services. This definition does not include facilities used by a federally licensed amateur radio operator.

**Tower:** Any equipment mounting structure that is used primarily to support reception or transmission equipment and that measures twelve (12) feet or more in its longest vertical dimension.

**Service Provider:** An individual, partnership or corporation authorized by the Federal Communications Commission (FCC) to construct and operate a commercial mobile telecommunications system.

### **3.0 APPLICABILITY**

Except as otherwise provided in this chapter, no public utility installation shall be established or maintained in the Town of Oxford unless the Planning Board grants a special permit for such use to the owner or operator of such installation or the owner of the land on which such installation is to be located, if different from the owner or operator of such installation. In addition to the procedures, both substantive and

## **TOWN OF OXFORD ZONING BY-LAWS**

otherwise, for issuing special permits as specified in Chapter XIV, Section 5.0, applications for special permits for public utility installations shall be governed by this chapter.

The provisions of this chapter shall not apply to any of the following installations:

- 3.1 Receive only dish antennas and television antennas that are considered accessory uses.
- 3.2 Radio communication antenna and communication facilities operated by the Commonwealth of Massachusetts or any subdivision thereof.
- 3.3 Public sewage collection systems installed by, or under the authority of, the Town of Oxford or any other public agency authorized to operate such facilities.
- 3.4 Gas or water distribution pipes and appurtenances installed in existing public ways or in duly recorded easements and electric, telephone, or cable television service lines and appurtenances installed either above ground or under ground in existing public ways or in duly recorded easements.
- 3.5 Water and sewage treatment, pumping, storage, or metering facilities.

### **4.0 INFORMATION REQUIRED**

Each application for a special permit for a Public Utility Installation shall be submitted in accordance with the provisions of Chapter XIV, Section 5.0 of these By-Laws and shall include the following information and supporting documentation:

- 4.1 The legal name and address of the owner of the parcel on which the use will be established.
- 4.2 The legal name and address of the applicant for the special permit and adequate evidence of his status as a Service Provider or other entity authorized to operate a public utility.
- 4.3 Adequate evidence of the applicant's ownership or authority to use the premises for the purposes to be allowed by the special permit.
- 4.4 Plan and elevation views of the proposed installation.
- 4.5 A detailed property line plan showing the location of the parcel for which the public utility installation is proposed.
- 4.6 A site plan prepared in accordance with Chapter XV of these by-laws based on the above required property line plan showing precise distances between the proposed installation and property boundaries.
- 4.7 The site plan shall show enough information to demonstrate that the applicant has deeded control of enough property to provide for an adequate fall zone equal to at least one and one-half (1 ½ ) times the height of the tower, from the base of the tower, to any property line, road, right-of-way or any building used by people other than an associated building containing equipment for the tower's operation
- 4.8 The names and addresses of all "Parties In Interest" as defined in Chapter XIV, Section 4.4 of this By-Law.
- 4.9 For Wireless Communication Facilities and Towers, material describing a specific plan for a "balloon" or similar test of a size, color and duration acceptable to the Planning Board, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in the legal notice of the Public Hearing and for inclusion in the notice to Parties In Interest.
- 4.10 Applicant shall provide copies of all information submitted, to the Massachusetts Department of Public Health, Radiation Control Program for 105 CMR 122, including initial filing and ongoing monitoring.

### **5.0 CRITERIA FOR EVALUATION**

In addition to decision criteria identified in Chapter XIV, Section 5.4 of this

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Zoning By-Law, the Planning Board shall not grant a special permit for a public utility installation if it is determined by adequate documentation that:

- 5.1 The public utility installation will cause a detriment to a residential neighborhood by virtue of noise, odor or other emission.
- 5.2 The public utility installation will cause a detriment to a residential neighborhood by virtue of traffic generation of a type uncommon in a residential neighborhood or by turning movements that result in a serious hazard to other vehicles or pedestrians.
- 5.3 For wireless communication facilities, there exists adequate space on an existing tower within one mile of the proposed facility to accommodate the proposal.
- 5.4 The tower exceeds 150' in height, unless the applicant demonstrates that a greater height is required to allow for provision of the wireless communications services or unless the Planning Board finds that co-location on said tower is both practical and preferable.

### **6.0 MANDATORY CONDITIONS OF APPROVAL**

- 6.1 In order to promote the purpose and intent of this Chapter of the Oxford Zoning By-Law, the Planning Board shall condition the grant of each special permit for a public utility installation by requiring that:
  - 6.1.1 Landscaping and security fencing shall be specified, installed and maintained to provide screening from residences. If appropriate, a landscaping warranty shall be provided for a period of two (2) years after installation.
  - 6.1.2 Access ways shall be graded and constructed in a manner appropriate to the planned use and in a manner to control stormwater runoff to prevent erosion and damage to neighboring parcels and wetland resources.
  - 6.1.3 No signs shall be allowed in, or on, the public utility installation other than those indicating warnings to trespassers.
  - 6.1.4 For wireless communication facilities and towers, a covenant agreement, from the owner of the land on which the installation is to be built, shall be submitted for acceptance by the Planning Board restricting the development or division of his land in the vicinity of the tower for a distance equal to one and one-half times the height of the tower which is to be released upon removal of the tower. Said covenant shall be accepted and recorded by the Planning Board upon grant of the special permit.
- 6.2 Special permit issued under this Chapter shall provide that all such requirements shall be noted on, or incorporated into, the site plan, as appropriate, prior to approval of said site plan under Chapter XV of this By-Law. The Planning Board shall impose on the grant of a special permit issued under this Chapter, such other reasonable requirements and conditions as are consistent with the provisions of this Chapter and with such rules and regulations as the Planning Board may adopt hereunder.

### **7.0 GENERAL PROVISIONS**

The Planning Board shall adopt reasonable rules and regulations to carry out the purposes of this Chapter. Such rules and regulations shall take effect upon their being filed in the Office of the Town Clerk.

**TOWN OF OXFORD  
ZONING BY-LAWS**

11/16/05

**CHAPTER XXI  
Growth Management Restrictions**

**1.0 PURPOSE**

The purpose of this Chapter is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing a time of managed growth in the number of dwelling units. This is to allow the Town time to research resources available to meet the needs of its rapidly growing community and also give the Town adequate time to meet the needs of education, schools, fire and police protection, and infrastructure and road maintenance and improvements.

**2.0 APPLICABILITY**

This Chapter shall apply to all applications for building permits to construct new dwelling units submitted after the effective date of this Chapter, except as exempted below. This Chapter shall be effective through June 30, 2010.

**3.0 BUILDING PERMIT LIMITATIONS**

- 3.1 Building permits shall not be issued for the construction of more than thirty-six (36) new dwelling units in any period of twelve (12) consecutive months. Said building permits shall not be issued at a rate to exceed five (5) per calendar month and shall be available on a first come first served basis.
- 3.2 Building permits shall not be issued for the construction of more than five (5) new dwelling units in any period of twelve (12) consecutive months to any one applicant. Said building permits shall not be issued at a rate to exceed two (2) per month per applicant. For the purposes of this section, "applicant" shall refer to the holder of a Construction Supervisor License, or individuals, as well as to partnerships, corporations, trusts, or other legal entities in which a named applicant holds a legal or beneficial ownership interest of greater than 1%.
- 3.3 Building permits shall not be issued for the construction of more than five (5) new dwelling units in any period of twelve (12) consecutive months on any lot of record in existence at the time of adoption of this Chapter.
- 3.4 Building permits that would result in the creation of new dwelling units issued for lots that are exempted from operation of this Chapter by M.G.L. c.40A, §6 will not be counted toward the limitations.
- 3.5 Building permits that would have resulted in the creation of new dwelling units that have not been used within six (6) months of issuance shall be counted in the limitations.

**4.0 EXEMPTIONS**

The following building permits are exempted from the limitations stated above:

- 4.1 Building permits for the restoration, expansion, alteration, renovation, or reconstruction of dwelling units in existence at the time of adoption of this Chapter.
- 4.2 Building permits for dwelling units that would count toward the Town's inventory of low and moderate income housing units for purposes of satisfying M.G.L. c 40B.
- 4.3 Building permits for dwelling units created in accordance with the special permits issued for accessory apartments or assisted living residences.
- 4.4 Building permits for dwelling units constructed expressly for use as housing for persons 55 years of age or over, in accordance with the provisions of M.G.L. chapter 151B, section 4, paragraph 6, and deed restricted for such use in perpetuity.

5/03/06

# **TOWN OF OXFORD ZONING BY-LAWS**

05/03/06

## **CHAPTER XXII Robinson Pond Protection District**

### **1.0 PURPOSE**

The purpose of the Robinson Pond Protection District is to provide special controls on the intensity and type of land use within the boundaries of an area around Robinson Pond. The intent of the district is: to protect the pond's water quality from the adverse impacts of stormwater runoff and on-site sewage disposal from residential development; to protect the scenic vistas around the pond; and promote and protect open space and passive recreation around the pond.

### **2.0 OVERLAY DEFINITION**

The Robinson Pond Protection District (RPP) is an overlay district superimposed over all underlying districts within its boundaries and, as such, uses permitted in each underlying district shall be subject to the restrictions set forth below for the RPP District in addition to the use and development regulations applicable in the underlying districts. Provided, however, to the extent that the provisions in this Chapter conflict with any otherwise applicable regulations for the underlying district, the provisions of this Chapter shall control.

### **3.0 DISTRICT DEFINITION**

The Robinson Pond Protection District is defined as the drainage basin of Robinson Pond as determined by use of the U.S. Geological Survey Map for the area. If the boundary of the district is in dispute, the rules on interpretation of district boundaries found in Chapter II of this by-law shall apply.

### **4.0 REGULATIONS**

The following additional land use regulations shall apply to existing parcels within the Robinson Pond Protection District:

- 4.1 No construction and no clearing of land shall be allowed within two hundred (200.00) feet of Robinson Pond or within one hundred (100.00) feet of the statutory wetlands, as defined by M.G.L. Chapter 131 §40, surrounding the Pond or the streams tributary to the Pond.
- 4.2 Any subdivision of land shall be of the Cluster Development type of subdivision as allowed by Chapter XIII of this By-Law.
- 4.3 The net density of residential development in any subcatchment area draining to the pond, its wetlands or tributary streams, shall not exceed four (4) bedrooms for every 60,000 square feet of land area within the sub catchment area.
- 10/7/20 4.4 No gas or diesel powered motorized watercraft shall be allowed in any ponds, wetlands or tributary streams. Electric power watercraft is permitted in any ponds, wetlands or tributary streams.

**\*\*Approved by Massachusetts Environmental Police on February 14, 2022.**

# **TOWN OF OXFORD ZONING BY-LAWS**

05/02/18  
05/04/22

## **CHAPTER XXIII Marijuana Overlay District**

### **1.0 ESTABLISHMENT**

The Marijuana Overlay District (“MOD”) is established as an overlay district. The MOD shall extend along Route 20 a/k/a Southbridge Road, from the western line of the Route 56 a/k/a Leicester Street layout westerly to the western most property line of property depicted as Parcel A14 on Assessor’s Map 09 a depth of 500 feet north of the northern line of the Route 20 layout, and from the western line of the Route 56 a/k/a Leicester Street layout westerly to the western most property lines of property depicted as Parcels B19 and B25 on Assessor’s Map 10A a depth of 550 feet south of the southern line of the Route 20 layout, and to include parcels along Route 20 a/k/a Southbridge Road identified as Parcel B09 on Assessor’s Map 06A and Parcel B85.02 on Assessor’s Map 08A, a portion of Parcel A03 on Assessor’s Map 03 at a depth of 250 feet north of the northern line of the Route 20 layout, and a portion of Parcel B01 and Parcel B02 on Assessor’s Map 08A, at a depth of 40 feet south of the southern line of the Route 20 layout. The MOD shall further include that parcel of property known as 425 Main Street and depicted as Parcel E14 on Assessors’ Map 29A. The MOD is further shown on the Town zoning map on file with the Town Clerk.

### **2.0 PURPOSE**

The purpose and intent of the Marijuana Overlay District is to provide for the placement of Marijuana Businesses in the Town of Oxford in suitable locations and to minimize adverse impacts on adjacent properties, residential neighborhoods, and schools by regulating the siting, placement, security and removal of Marijuana Businesses.

### **3.0 OVERLAY DEFINITION**

The Marijuana Overlay District (MOD) is an overlay district superimposed over all underlying districts within its boundaries. Within the MOD, all requirements of the underlying district remain in effect, except where these regulations provide an alternative to such requirements. Land within the MOD may be used either for (1) a Marijuana Business; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the boundary of the district is in dispute, the rules on interpretation of district boundaries found in Chapter II of this by-law shall apply.

### **4.0 REGULATIONS**

#### **4.1 Intent**

The purpose of this by-law is to:

4.1.1 Allow state-licensed Marijuana Establishments and Medical Marijuana Treatment Centers (also known as Registered Marijuana Dispensaries) to exist in the Town of Oxford in accordance with applicable laws and regulations, including An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017, and Massachusetts General Laws Chapter 94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed); Chapter 369 of the Acts of 2012 and Massachusetts General Laws Chapter 94I (Medical Use of Marijuana); and all regulations which have or may be issued thereunder, including, but not limited to 105 CMR 725.00 et seq. and 935 CMR 500.00, et seq.;

4.1.2 Provide safe and effective access to medical and recreational cannabis in the Town of Oxford.

4.1.3 Impose reasonable safeguards to govern the time, place, and manner of Marijuana Business operations to ensure public health, safety, well-being, and undue impacts on the natural environments as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning By-Law, Massachusetts General Laws. Chapter 40A (State Zoning

## **TOWN OF OXFORD ZONING BY-LAWS**

Act), and Massachusetts General Laws Chapter 94G and Massachusetts General Laws Chapter 94I.

### **4.2. Definitions**

Where not expressly defined in the Zoning By-law, terms used in this bylaw shall be interpreted as defined in G.L. c.94G and G.L. c.94I and regulations promulgated and/or incorporated thereunder, and otherwise by their plain language.

4.2.1 Marijuana Business: A Medical Marijuana Treatment Center, Marijuana Establishment, or any combination or part thereof.

4.2.2 Marijuana Cultivator: Pursuant to Massachusetts General Laws c.94G, §1 and regulations promulgated thereunder, an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers:

4.2.3 Marijuana Establishment: a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana related business, for the non-medical use of marijuana, as set forth in G.L. 94G, and regulations promulgated thereunder.

4.2.4 Marijuana Retailer: Pursuant to Massachusetts General Laws c.94G, §1 and regulations promulgated thereunder, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers (except that nothing in this definition or By-Law shall allow for the consumption of marijuana on the premises where marijuana is sold).

4.2.5 Medical Marijuana Treatment Center: As defined by 105 CMR 725.000, et al., as it may be amended or superseded, and pursuant to all other applicable state laws and regulations, means an entity registered under 105 CMR 725.100, otherwise known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, as those terms are defined under 105 CMR 725.004. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of Marijuana.

### **4.3. Applicability**

4.3.1 Marijuana Businesses are permitted by Special Permit and Site Plan Review and Approval in the Marijuana Overlay District.

4.3.2 Consumption or use of marijuana on the premises of a Marijuana Business is prohibited in the Town, except as may be expressly provided for by law with respect to the operation of an RMD, or as authorized pursuant to G.L. c.94G, §3(b).

4.3.3 The Planning Board shall be the Special Permit Granting Authority for all Marijuana Businesses.

4.3.4 Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

4.3.5 The provisions of this By-Law shall not operate to prevent the conversion of an existing RMD, licensed or registered by the State on or before July 1, 2017, in its present location, to a Marijuana Establishment engaged in the same type of activity, in accordance with State law. The conversion shall be subject to all requirements of this Section, including special permit, site plan, and host agreement requirements.

### **4.4. Application Requirements**

#### **4.4.1 Security Plan:**

4.4.1.1 The applicant shall submit a security plan to the Oxford Police

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Department and the Planning Board to demonstrate that there is limited undue burden on the Town's public safety officials as a result of the proposed Marijuana Business.

4.4.1.2 The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.

### 4.4.2 Energy Use Plan:

4.4.2.1 All Marijuana Cultivators shall submit an energy use plan to the Planning Board to demonstrate best practices for energy conservation and ensure there are no undue impacts on the natural environment.

4.4.2.2 The plan shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand.

### 4.4.3 Line Queue Plan:

4.4.3.1 The applicant shall submit a line queue plan to ensure the movement of pedestrian and/or vehicular traffic along the public right of ways.

4.4.4 **Host Community Agreement:** The applicant shall have entered into a Host Community Agreement with the Town as required pursuant to G.L.c.94G, §3.

4.4.5 **Special Permit Requirements:** Application requirements and procedures for a Special Permit shall be conducted pursuant to Chapter XIV, Administration and Enforcement.

4.4.6 **Site Plan Requirements:** Application requirements and procedures for Site Plan Review and Approval shall be conducted pursuant to Chapter XV, Site Plan Review.

4.4.7 All other applicable provisions of the Town of Oxford Zoning By-Law shall also apply, unless such provisions conflict with the requirements of this bylaw, in which case such requirements shall control.

## 4.5. Standards and Conditions

4.5.1 No Marijuana Business shall be located within five hundred (500') feet of any building housing a child care center or an elementary, middle, preparatory, vocational, or high school.

4.5.2 Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Business is located. No outside storage is permitted.

4.5.3 All operations of Marijuana Businesses, including cultivation, processing, testing, product manufacturing, retail, and any other licensed use, must take place within a fully enclosed building.

4.5.4 No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance, a danger to public health, or impair public comfort and convenience. Marijuana Businesses shall incorporate odor-control technology and provisions, and ensure that emissions do not violate Massachusetts General Laws Chapter 111, Section 31C, including but not limited to those specified for odors.

4.5.5 All business signage shall be subject to the requirements promulgated by the Massachusetts Cannabis Control Commission and subject to the requirements of Chapter XII (Signs) of the Zoning By-Law.

4.5.6 No Marijuana Retailer shall be managed by any person other than the licensee or their designee. Such licensee or designee shall be on the premises during regular hours of operation and responsible for all activities within the licensed business and shall provide emergency contact information for the Oxford Police Department to have on file.

4.5.7 Marijuana Retailers shall be open to the public no earlier than 8:00 a.m. or later than 8:00 p.m.

4.5.8 Per Massachusetts General Laws Chapter 94G, §3, the number of Marijuana Retailers shall not exceed 20% of the number of licenses issued in the Town of Oxford for package store sales of alcoholic beverages under Massachusetts General Laws Chapter 138, §15. When 20% of

## **TOWN OF OXFORD ZONING BY-LAWS**

the number of package store licenses is not a whole number, it shall be rounded up to the next whole number for purposes of calculating the number of allowed Marijuana Retailers.

4.5.9 Marijuana Retailers shall not be located within fifty (50') feet of other state licensed marijuana retail businesses, as measured from property line to property line.

4.5.10 No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises of a Marijuana Business, except as may be expressly provided for by law with respect to the operation of a RMD, or as authorized pursuant to G.L. c.94G, §3(b).

4.5.11 Marijuana Businesses are not permitted as a Home Occupation, as defined in Chapter III, Section 2.0 of the Town of Oxford By-Law.

### **4.6. Decision Criteria**

The Planning Board shall not grant a Special Permit for a Marijuana Business unless it finds that:

4.6.1 The Marijuana Business is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in Massachusetts General Laws Chapter 40A, Section 11.

4.6.2 The Marijuana Business demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations;

4.6.3 The Marijuana Business provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;

4.6.4 The applicant has adequately addressed issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses; and

4.6.5 The applicant has satisfied all of the conditions and requirements set forth herein.

### **4.7 Transfer/Discontinuance of Use**

4.7.1 A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Business, and shall lapse

- (i) If the permit holder ceases operation of the Marijuana Business; or
- (ii) The permit holder's State license expires or is terminated.

4.7.2 A Marijuana Business shall remove all material, plants, equipment, and other paraphernalia from its premises, which removal shall comply with 105 CMR 725.105 (J) and (O) and all other applicable regulation, immediately upon lapse of its Special Permit.

### **4.8. Severability**

If any provision of this bylaw is found to be invalid by a court of competent jurisdiction, the remainder of this bylaw shall not be affected but shall remain in full force. The invalidity of any provision of this bylaw shall not affect the validity of the remainder of the Town's Zoning By-Law.

# **TOWN OF OXFORD ZONING BY-LAWS**

05/01/19

## **CHAPTER XXIV Housing Opportunity Overlay (HOO) Zone [map at end]**

### **1.0 ESTABLISHMENT**

The Housing Opportunity Overlay Zone (HOO) is established as an overlay district to the current (underlying) zoning. The HOO area is generally bounded by Front Street on the north, Clover Street on the south, the Providence and Worcester Railroad tracks on the east, and West Street, Fremont Street, Pine Street, and Spruce Street on the west. The boundaries of the HOO zone are depicted on the Town of Oxford Housing Opportunity Overlay Zone Map.

### **2.0 PURPOSE**

The Housing Opportunity Overlay Zone (HOO) is intended to create additional multi-family housing opportunities within Oxford while promoting the appropriate development of Oxford's historic town center and other areas of the community.

### **3.0 VISION STATEMENT**

Recognizing the need for more diverse housing opportunities in the Town of Oxford and the surrounding area, this bylaw shall serve to provide for that need by allowing, by Special Permit, multi-family housing developments within the Housing Opportunity Overlay Zone.

### **4.0 OVERLAY DEFINITION**

The Housing Opportunity Overlay Zone (HOO) is an overlay district superimposed over all underlying districts within its boundaries. Within the HOO zone, all requirements of the underlying district remain in effect, except where these regulations provide an alternative to such requirements. The HOO zone enables a property owner to apply for approval of a multi-family housing development using the provisions of this Chapter instead of those for the underlying zone. In the event of any conflict between the provisions of this Chapter and any other Chapter of the Zoning Bylaw, the provisions of this Chapter shall control.

### **5.0 REGULATIONS**

#### **5.1 Permitted Principal Uses**

The following uses are permitted in the HOO zone subject to granting of a Special Permit by the Planning Board acting as the Special Permit Granting Authority.

1. Multi-Family Dwellings
  - a. Multi-family residential development, of two (2) bedroom units or less, at up to 20 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain).
  - b. Uses and structures accessory thereto.

#### **5.2 Dimensional Standards**

The dimensional standards of the underlying zone shall continue to apply except that the Special Permit Granting Authority may modify any dimensional standard in considering an application for Multi-Family Dwelling special permit in order to:

1. Facilitate the creation of multi-family housing opportunities as provided in this Chapter.
2. Address on-site constraints or protect important resources.
3. Enhance the development and/or surrounding neighborhoods.

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4. Be consistent with the setback of nearby buildings.

## **5.3 Additional Provisions**

1. Unless otherwise approved by the Special Permit Granting Authority, any development approved under this Chapter shall provide for off-street parking as provided in Chapter XI, Section 3.0 of the Oxford Zoning Regulations.
2. Any developments proposed under this Chapter shall, unless modified by the Special Permit Granting Authority, construct or improve the sidewalks abutting the project site in order to enhance the pedestrian nature and character of the proposed development and the surrounding area.

## **6.0 BUILDING DESIGN AND CONSTRUCTION GUIDELINES**

Preserving the small-town, historic character of Oxford is a priority, and the design of buildings and sites is a crucial part of integrating housing at permissible densities into the community. The design of multi-family housing development in the HOO zone shall meet the following criteria.

### **6.1 Overall Character**

- a. Proposed development projects should enhance the general essence of a historic New England community and complement the scale and architecture of adjacent buildings.
- b. An overall design theme (including building placement, building massing, exterior treatments, signage, and other design considerations) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
- c. The illustrative HOO zone design guidelines handbook as provided by the Planning Board shall be used by applicants and the Planning Board as a general reference for desirable characteristics of buildings and sites.

## **CHAPTER XXV Large Scale Ground Mounted Solar Energy Systems**

06/25/20

### **1.0 PURPOSE**

It is the purpose of this Chapter is to regulate the development of new large scale ground mounted solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such systems that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

### **2.0 APPLICABILITY**

This provisions set forth in this Chapter shall apply to the construction, operation, and/or repair of all large ground mounted solar energy systems and to physical modifications that materially alter the type, configuration, or size of these systems or related equipment. Solar energy systems for the primary purpose of agriculture are exempt from this Chapter except where necessary to protect public health, safety or welfare pursuant to MGL c. 40A §3. Solar energy systems for one and two family dwellings are also exempt from this Chapter. The Planning Board shall approve no more than 15 total Large Scale Ground Mounted Solar Energy Systems town-wide and no system shall exceed 5 MW dc. This limit shall not include roof-mounted, canopy, or municipal systems on Town owned parcels.

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## 3.0 DEFINITIONS

- 3.1 Large Scale Ground Mounted Solar Energy System. A solar energy system that is structurally mounted on the ground and is not roof mounted and has a minimum nameplate capacity of greater than 250kw DC and is designed, constructed and intended to convert solar energy to electricity (generated for residential or commercial use).
- 3.2 Small Scale Ground Mounted Solar Energy System. A solar energy system that is structurally mounted on the ground (not roof-mounted) and has less than a minimum nameplate capacity of 250 kW DC.
- 3.3. Roof-Mounted Solar Energy System. A solar energy system that is structurally mounted to the roof of a building.
- 3.4 Rated Nameplate Capacity. The maximum rated output of electric power production of the solar energy system in Direct Current (DC).
- 3.5. Solar Parking Canopy. An elevated structure that hosts solar panels installed over parking lots or other hardscape areas. Also may be called solar carport installation.
- 3.6 Project Area. The project area shall consist of that area of land used for the installation of the solar panels, utility poles, appurtenant structures, fencing, entrance and interior access ways, drainage infrastructure, electronics, and any surrounding shade management areas.

## 4.0 GENERAL REQUIREMENTS

- 4.1 Special Permit and Site Plan Review. All large scale ground mounted energy systems, require a special permit and site plan approval by the Planning Board prior to construction, installation or modification as provided in this Chapter.
- 4.2 Stormwater Management and Land Disturbance. Projects within the jurisdiction of the Conservation Commission [with respect to wetlands] shall file a Notice of Intent, Stormwater Management Permit, and Land Disturbance Permit applications with the Conservation Commission concurrently with the Planning Board, and shall comply with the regulations of Chapters Sixty-Six and Sixty-Seven of the Town of Oxford General By-Laws, Stormwater Management and Land Disturbance and Stormwater Management Requirements, in addition to meeting Massachusetts Stormwater Standards. If the project is not within the jurisdiction of the Conservation Commission, the Stormwater Management and Land Disturbance permit applications shall be filed with the Planning Board in conjunction with the special permit and site plan applications.
- 4.3 The construction and operation of all large scale solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable environmental, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.
- 4.4 No large scale solar energy system shall be constructed, installed or modified as provided in this Chapter without first obtaining a building permit.

## 5.0 REQUIRED DOCUMENTS. In addition to the submission requirements for Site Plan Review in this By-Law, the applicant shall provide the following documents:

- 5.1 Plans and drawings of the solar energy system signed and stamped by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system, to include the zoning district designation for the parcel(s) of land comprising the project site, and an “existing conditions” plan sufficient to determine “pre-construction condition” for purposes of stabilizing and/or re-vegetating the site to its original state and minimize erosion upon discontinuance, decommissioning or abandonment of the solar energy system, including an inventory and plan of all vegetation proposed to be removed.
- 5.2 Technical specifications of the major system components, including the solar arrays, mounting system, electrical equipment, battery storage components, and other supporting equipment and structures. No arrays/panels shall exceed a height of eight (8) feet. Accessory battery units and

## **TOWN OF OXFORD ZONING BY-LAWS**

cooling equipment shall not exceed ten (10) feet in height and are limited to one 50 feet long x 15 feet wide x 10 feet tall unit per 2 MW of system capacity.

5.3 Documentation of the major system components to be used including the PV panels, mounting system, and inverter, and any battery storage components.

5.4 One-line or three-line electrical diagram detailing the solar energy system, associated components and electrical interconnection methods, with all Massachusetts Electrical Code, 527 CMR §12.00 compliant disconnects and overcurrent devices.

5.5 Color renderings not less than 1 inch = 50 feet showing sight line views from abutting streets and properties of the proposed installation.

5.6 Color aerial view both before and after proposed installation showing tree coverage and buffer zone not less than 1 inch = 50 feet.

5.7 A glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties.

5.8 The names, addresses, telephone numbers, and e-mail addresses of: the owner and applicant, as well as all co-proponents or property owners, if any; and of the proposed system installer and operator and agents authorized to act on their behalf, which information shall be updated within 30 days whenever the land changes ownership, a new installer is retained by the owner or applicant, or a new operator takes over operation of the system.

5.9 Documentation evidencing actual or prospective access to and control of the project site sufficient to allow for construction and operation of the proposed system, e.g., an easement, lease or license agreement, or an option to enter into the same, fully executed by the record owner of the property and the applicant.

5.10 The applicant shall submit evidence satisfactory to the Planning Board that the utility company has been informed in writing of the intent to install a solar energy system and that the utility company has responded in writing to the interconnection notice.

5.11 If the applicant enters into a purchase agreement for the sale of energy produced from the project, the Assessor's office shall be notified and copied on the signed agreement.

5.12 Irrespective of whether the project would otherwise be exempt, in whole or in part, from the payment of personal or real property taxes, the applicant shall, before any building permit is issued for the project, pursuant to G.L. c.59, §38H (or successor statutory provision), enter into a tax agreement or Payment in Lieu of Taxes agreement with the Town that provides for payment to the Town of an amount that is a fair approximation of what the taxes for the project, based on full and fair cash value, would have been in the absence of such an exemption, as determined by the Board of Assessors. The applicant shall provide the Board of Assessors with such information regarding the project as the Board of Assessors requests in order to develop a valuation of the project

5.13 Financial surety that satisfies Section 12 of this Chapter.

5.14 Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the Large Scale Solar Energy System along with a signed agreement with a maintenance company. This plan shall include measures for maintaining year round safe access for emergency vehicles, snow plowing, stormwater controls, vegetation control, and general procedures for operating and maintaining the energy system including the fencing, fire access roads and landscaping. Use of pesticides and herbicides is prohibited. Adherence to the Operation and Maintenance Plan shall be included as a condition of the Special Permit.

5.15 Stormwater Pollution Prevention Plan (SWPP) shall be submitted to the Town prior to the start of any site work.

5.16 Proof of liability insurance.

5.17 A decommissioning plan that satisfies Section 11 of this Chapter.

The Planning Board may waive documentary requirements as it deems appropriate.

## **6.0 DESIGN, DIMENSIONAL AND DENSITY REQUIREMENTS**

6.1 Setback and Height Restrictions. The project and its facilities, including appurtenant structures (including but not limited to equipment shelters, storage facilities, transformers, fences and

## TOWN OF OXFORD ZONING BY-LAWS

substations) shall have a setback from front, side and rear property lines and public ways of at least two hundred (200') feet and if the system abuts an open field, i.e., farmland or pasture land, it shall have a setback from front, side and rear property lines and public ways of at least three hundred (300') feet. The Planning Board may reduce visual mitigation planting requirements if sufficient natural vegetation exists in the setback area.

6.2 Each Large Scale Solar Energy System shall provide the following:

6.2.1 Fencing: (a) shall be not greater than eight (8') feet in height and shall surround the entire field; (b) shall be placed six (6") inches off the ground to allow migration of wildlife; (c) solid fencing may also be required at the discretion of the Planning Board; and (d) fencing shall consist of a commercial grade, high quality (HF40 or better) framework, galvanized chain link, ends, corners and posts. The Planning Board may require additional measures such as coated galvanized fencing and screening bands or aluminized chain link.

6.2.2 Emergency Access System (EAS) padlock or box shall be provided at each gate.

6.2.3 Signage with emergency contact information: (a) a minimum of 24 inch x 36 inch white background and black lettering; (b) street name and number; (c) owner of solar system; and (24 hour emergency contact name and phone number.

6.2.4 Low growth ground cover routinely maintained no closer than six (6") inches of lowest point on solar panels.

6.2.5 Access roads and turn-around areas sufficient for emergency access around the perimeter of the project and within the project area as determined by the Fire Department to be adequate for emergency apparatus and response. Said access shall be agreed upon between the applicant and the Fire Department prior to approval by the Planning Board.

6.2.6 Training for emergency services shall be provided by the applicant or owner for emergency responders including fire, police, and EMS services in regards to shutdown procedures, as approved sufficient by the emergency services.

6.3 Buffering/Visual Mitigation: The visual impact of the project, including all appurtenant structures, shall be visually mitigated. Structures shall be buffered/shielded from view and/or clustered to avoid adverse visual impacts as deemed necessary by the Planning Board using landscaping and natural features as appropriate to accomplish the mitigation. Evergreens shall be at least 8 feet tall at time of planting and shall be spaces four (4') feet apart or at the discretion of the Planning Board. Plant choices to incorporate habitat forage plantings for pollinators is encouraged. Water bags shall be filled as needed for three growing seasons to assure the plants' survival. Dead or diseased plants shall be replaced. A proposed project in a residential zone shall provide a buffer with a minimum width of two hundred (200') feet measured from the fence of the proposed solar system to the property line of all abutting properties.

6.4 Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cut-off fixtures to reduce light pollution.

6.5 Signage. No signage is permitted except the emergency sign required in Section 6.2.3 above.

6.6 Utility Connections. All utility connections within two hundred (200') feet of a public way shall be underground. The Planning Board may grant a waiver depending on soil conditions, shape or topography of the site.

6.7 Land Clearing. Clearing shall be limited to 30% of the total parcel, as determined by the Planning Board, for the construction, operation and maintenance of the solar energy system.

6.8 Environmental Impacts. Proposed structures (including panels) shall be integrated into the existing terrain and surrounding landscape by: (a) minimizing impacts to wetlands, steep slopes and hilltops (b) protecting visual amenities and scenic views; (c) minimizing tree, vegetation, and soil removal; and (d) minimizing grade changes.

6.9 Stormwater Runoff Volume Impacts. In addition to meeting the Massachusetts Stormwater Standards, stormwater runoff from the proposed project shall not adversely impact downgradient properties and wetland resources. The applicant shall provide pre-development and post-development stormwater runoff volume calculations for the 2, 10, and 100 year storm events. An

## **TOWN OF OXFORD ZONING BY-LAWS**

analysis of downgradient impacts shall be performed to determine if there will be any changes to the hydrological character of wetlands and if there will be flooding to downstream properties, drainage systems and wetland resource areas. Mitigation measures shall be included to reduce any impacts resulting from increases or decreases in stormwater runoff volumes.

6.10 **Stormwater Management System.** The stormwater system shall not allow discharge of water until all contributing ground surfaces are stabilized and stormwater is clean. Prior to full operation of the stormwater system, all basins, forebays and conveyance systems shall be cleaned of all sediment.

6.11 **Site Re-Vegetation.** Stabilization methods shall include re-vegetating disturbed areas other than array areas with the same non-invasive native species that were removed. These areas include along roadways, around arrays and fences, and cut and fill areas. Any of those areas of pre-development that were growing invasive or non-native species that are disturbed shall be replaced with native vegetative cover and consideration shall be given to selecting plants for pollinators where appropriate. A planting schedule and plan shall be submitted for approval by the Board.

6.12 **Replacement of Shade Trees.** Tree canopies proposed to be removed beyond the solar panels due to shading shall be replaced with lower height native trees or shrubs upon approval by the Board. A shading analysis shall be provided for any such areas.

6.13 **Noise.** Noise generated by solar energy systems, cooling fans, associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 6.14. In addition, for the purposes of this by-law, a source of sound will be considered in violation of this section if the source increases the broadband sound level by more than 5db(C).

**7.0 DURING CONSTRUCTION.** During the construction phase of the system, the applicant, owner, contractor, etc. shall adhere to the following:

7.1 **Hours of Construction.** Hours of construction shall be Monday through Friday from 7:00 a.m. to 6:00 p.m.

7.2 The applicant shall Hydro seed the site as construction progresses.

7.3 The applicant shall engage engineering and surveying services as construction progresses to ensure compliance with the Planning Board's requirement for an as-built plan prior to issuance of an occupancy permit.

7.4 While construction progresses, the applicant shall submit field reports by its civil engineer to the Board on a weekly basis, and before and after every rain event of 0.5 inches or more until the site is completely stabilized. The field report shall include standard field report information, weather conditions, type of inspection, present phase of construction, storm event information since the last inspection, and reports of any stormwater discharges.

7.5 The applicant shall request inspections for erosion control measures and stormwater management components in accordance with the requirements of the Stormwater Management By-Law, Land Disturbance By-Law, and any Order of Conditions granted by the Conservation Commission.

**8.0 EMERGENCY SERVICES.** The operator shall provide a copy of the Operations and Maintenance Plan, electrical schematic and site plan to the Oxford Fire and Police Departments. The operator shall cooperate with local emergency services in developing an emergency response plan which plan shall be reviewed annually with local emergency officials and revised as necessary. All means of shutting down the solar energy system shall be clearly marked. The premises shall identify a qualified emergency contact person to provide assistance during an emergency. The operator shall change the contact information immediately and so notify the Oxford Fire and Police Departments whenever there is a change in the contact person.

**9.0 POST APPROVAL ACTIVITIES.**

9.1 The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, equipment inspection for fluid leakage, tree planting health, and integrity of fencing and other security measures. The operator shall be responsible for

## **TOWN OF OXFORD ZONING BY-LAWS**

maintaining access for emergency vehicles that is determined to be adequate by the Oxford Fire and Police Departments, and any other local emergency services, and for maintaining adequate access for any maintenance equipment.

9.2 The operator shall provide the Planning Board with a yearly operations and maintenance report of the operation status, including but not limited to efficiency of energy production. This report shall be submitted no later than 45 days after the end of the calendar year. The applicant shall incur the cost for the Town to hire an engineer to review the report. If said report is not submitted, the Town may consider this as evidence the facility has been abandoned and the Planning Board may take action as described in Section 10.0.

9.3 The Town, through its boards and agents, shall be permitted to enter the premises in the event of emergency, or otherwise, upon 48 hours' written notice to the applicant for the purpose of monitoring compliance with the terms of the Special Permit.

**10.0 MODIFICATIONS.** Proposed modification of an approved facility requires preliminary review by the Planning Board to determine if amendment of the existing special permit and site plan approval is required. No building permit shall issue for such modification until such review is completed and further approvals are obtained as required.

**11.0 DISCONTINUANCE, DECOMMISSIONING, ABANDONMENT AND REMOVAL.**

11.1 Removal Requirements. Any project that has reached the end of its useful life, or is operating at less than 25% of its original MW capacity or has been discontinued, decommissioned, or abandoned, as defined below in Section 10.4, shall be removed. The owner or operator shall physically remove the energy system within one hundred fifty (150) days after the date of discontinuance or abandoned operations or decommissioning. The owner or operator shall notify the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations or decommissioning and submit the plans for removal.

11.2 Removal. Removal shall consist of physical removal of all equipment from the site, including, but not limited to, the solar arrays, structures, foundations, equipment, battery storage equipment, security barriers, and electrical transmission lines.

11.3 Stabilization/Re-Vegetation. Upon discontinuance, decommissioning or abandonment of the project, the applicant shall stabilize or re-vegetate the site as necessary to return the site to its original state and minimize erosion. This may include plantings to ensure re-vegetation of fields to prevent run-off and wetland impacts. The Planning Board may waive this requirement if the applicant submits a proposed re-use plan for the site.

11.4 Abandonment. The system shall be considered abandoned upon: (a) notice by the owner or operator to the Planning Board, as provided in Section 10.1, stating a proposed date of discontinuance or decommissioning; (b) when the solar energy system fails to operate at 25% of the original capacity; or (c) operations are discontinued for more than one (1) year without the written consent of the Planning Board. If the owner or operator fails to remove the energy facility in accordance with the requirements of this Section, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the system.

**12.0 FINANCIAL SURETY.**

12.1 Prior to the issuance of a building permit, the applicant shall provide security in the form of a cash deposit in an amount determined by the Planning Board to be sufficient for the Town to cover the cost of stabilization of the site in the event the applicant abandons construction of the project, or in the event the construction of the project threatens public health and safety, including the integrity of surrounding property.

12.2 Prior to issuance of a building permit, the applicant shall provide a performance bond covering the decommissioning and removal of the project and restoration of the project site in accordance with this Section 12. The bond shall be in form and content approved by the Planning Board; shall be issued by a surety qualified to do business in Massachusetts; and shall be maintained without

## **TOWN OF OXFORD ZONING BY-LAWS**

interruption until the removal of the project and restoration of the project site in accordance with the decommissioning plan submitted by applicant under this Section 12, although the bond may be renewed on an annual or other basis.

12.3 Prior to issuance of a building permit and submission of a signed performance bond, the applicant shall provide a form of performance bond for review and approval of the Planning Board; a detailed, written decommissioning plan describing the manner by which the project will be decommissioned and removed and the project site restored as near as practicable to its original condition, reasonable wear and tear excepted; and a detailed, written estimate by a professional engineer (registered in Massachusetts) of the cost of such decommissioning, removal and restoration (without deduction for the salvage value of the project). Such estimate shall include but not be limited to the costs for lawful disposal of all materials including fluids and hazardous materials.

12.4 Notwithstanding the foregoing, in the sole discretion of the Planning Board, in lieu of a performance bond an applicant may be permitted or required by the Planning Board to furnish financial security in the form of a cash deposit or Stand by Letter of Credit or other reasonable form.

12.5 The sum of the bond or financial security shall be in an amount approved by the Planning Board, and shall include an escalator for inflation during the term of such bond or security.

13.0 **SPECIAL PERMIT CRITERIA.** The Planning Board may approve an application for a large solar energy system if the Board finds that the system complies with the Site Plan Review and Approval criteria in Chapter XIV and with the conditions for granting Special Permits in Chapter XV. Large scale solar energy systems shall also satisfy the following additional criteria:

13.1 Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.

13.2 The visual impact of the system on the immediate abutters and on the nearby neighborhood has been effectively neutralized through appropriate design, landscaping or structural screening.

13.3 The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the Town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.

13.4 No occupancy permit shall be granted by the Building Inspector, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner. The Planning Board may, in its discretion, approve an as-built plan upon provision of a proper bond, covenant or third party agreement to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties. The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction that would prevent the applicant from interconnecting to the utility. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Planning Board.

14.0 **SEVERABILITY.** If any provision of this by-law is found to be invalid by a court of competent jurisdiction, the remainder of this by-law shall not be affected but shall remain in full force. The invalidity of any provisions of this by-law shall not affect the validity of the remainder of the Zoning By-Law.

### **USES ALLOWED IN RESIDENTIAL DISTRICTS TABLE I**

**TOWN OF OXFORD  
ZONING BY-LAWS**

<b>USE</b>	<b>DISTRICT</b>			
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>AGRICULTURE</b>				
Agriculture, horticulture, floriculture and viticulture	P	P	P	P
Roadside stands (for sale of products primarily produced on the land under five (5) acres, on which the facility is located)	P	P	-	-
<b>RECREATION</b>				
Golf Courses	P	P	S	S*
Outdoor Tennis or Swimming Club	S*	S	S	S*
Day Camps	S*	S	S	S*
Campgrounds with Tent Sites	S*	S*	-	-
Picnic and Outing Areas	S	S	S	S
Hiking, Jogging or Fitness Trails	P	P	P	P
Riding Stables	P	P	-	-
<b>RESIDENTIAL</b>				
One Family Dwellings Detached	P	P	P	P
Boarding or Lodging Houses for not greater than four (4) paying guests	-	S	S	P
Two Family Dwellings and Duplexes	-	P	P	P
Multiple Family Dwelling	-	S*	S*	P
11/16/05 Cluster Residential Developments	P	P	P	P
05/08/14 Accessory/In-Law Apartments	S	S	S	S
05/05/99 Assisted Living Residence	-	S*	S*	S*
<b>INSTITUTIONAL</b>				
Municipal Structures or Uses	P	P	P	P
Museums	-	S	P	P
Churches	P	P	P	P
Cemeteries	P	P	-	-
Philanthropic, Historical or Charitable Organizations	-	S	S*	-
<b>OTHER</b>				
Earth Removal Operations	-	S	S	S
Public Utilities and Facilities	S	S	S	S
Airfields	-	S	-	-
Large Scale Ground Mounted Solar Energy Systems	S*	S*	S*	

Note: See Chapter XIV, Section 5.0, regarding Special Permit Process.

10/03/18

**USES ALLOWED IN COMMERCIAL DISTRICTS  
TABLE II**

**ESTABLISHMENT**

**DISTRICT**

**TOWN OF OXFORD  
ZONING BY-LAWS**

	NOB	GB	OP	HI	VB
<b>COMMERCIAL</b>					
Wholesale Trade	-	P	-	-	-
Building Materials Dealers, Hardware Stores	P	P	-	S	-
Lumber Dealers	-	P	-	S	-
Retail Nurseries, Lawn and Garden Supply Stores	-	P	-	-	-
Mobile Home Dealers	-	P	-	-	-
General Merchandise Stores such as department stores and variety stores	P	P	-	P	S*
Food Stores	P	P	-	P	P
Automotive Dealers and Gasoline Service Stations	-	P	-	S	-
Auto and Home Supply Stores	-	P	-	P	-
Apparel and Accessories Stores	P	P	-	P	P
Furniture, Home Furnishings and Equipment Stores	P	P	-	P	P
Eating Places, except Fast Foods and Drive-In Restaurants	P	P	P	P	S*
Fast Foods and Drive-In Restaurants	-	P	S	S*	-
Drinking Places for consumption of alcohol on site	-	P	-	S*	-
Miscellaneous Retail Stores	P	P	-	P	P
Fuel and Ice Dealers	-	P	-	-	-
All Finance, Insurance and Real Estate Establishments	P	P	P	P	P
Free-Standing Automatic Bank Machines	S	S	S	S	S*
Hotels, Motels and Country Inns	S	P	S	P	S*
Personal Services, such as laundries, beauty and barber shops	P	P	-	-	P
Photographic Studios	P	P	-	P	P
Commercial Darkroom	-	-	-	-	-
Funeral Service and Crematories	-	P	-	-	P
<b>BUSINESS SERVICES</b>					
Automobile Renting and Leasing Services without Drivers	-	P	-	-	-
Parking Lots and Structures	P	P	P	P	P
Auto Repair Shops	-	P	-	S*	-
Automotive Services, such as car washes and towing services	-	P	-	S	-
Miscellaneous Repair Services	P	P	-	-	S
Motion Picture Theaters	-	P	-	P	-
Amusement and Recreation Services, including only dance studios and schools, bowling alleys and billiard parlors, athletic clubs and indoor tennis courts	P	P	S	P	P
Health Services, including offices of physicians, dentists, osteopaths, other health practitioners, outpatient care facilities and health and allied services	P	P	P	S	P
Nursing and Personal Care Facilities such as nursing homes and rest homes	-	P	-	-	S*
Hospitals	-	P	-	-	-
Medical and Dental Laboratories	-	P	P	S	-
Legal Services	P	P	P	-	P
Individual and Family Social Services including psychological and counselling services	P	P	P	-	P
Job Training and Vocational Rehabilitation Services	P	P	P	-	P
Child Day Care Services for more than six (6) children	P	P	S	S	P
Residential Care	-	S	-	-	-

**TOWN OF OXFORD  
ZONING BY-LAWS**

Other Social Service Agencies	P	P	P	-	P
Engineering, architectural accounting and bookkeeping, psychological and counseling services	P	P	P	P	P
Non-commercial, scientific and research organizations	S	S	S	S	S*
Veterinary Services	-	P	-	-	S*
Kennels	-	P	-	S	-
Planned Shopping Center or Mall	-	P	-	P	-
Office Buildings	P	P	P	P	P
Auto Wrecking, Junk and Scrap Establishments	-	S*	-	-	-
<b>AGRICULTURE</b>					
Agriculture, Horticulture, Floriculture and Viticulture on parcels of more than five (5) acres	P	P	P	P	P
<b>RECREATION</b>					
Hiking, Jogging or Fitness Trails	-	P	P	P	-
<b>RESIDENTIAL</b>					
One Family Detached Dwellings	-	-	-	-	P
Boarding or Lodging Houses for not greater than four (4) paying guests	S	-	-	-	S
Two Family Dwellings and Duplexes	-	-	-	-	S
Multiple Family Dwellings	-	-	-	-	S
Accessory Apartments	S	S	-	-	S
Multi-use Residential/Commercial	-	-	-	-	S
<b>INSTITUTIONAL</b>					
Non-Profit Educational Facilities	P	P	P	P	P
For Profit Educational Facilities	P	P	P	P	P
Museums, Art Galleries, Botanical and Zoological Gardens	P	P	P	P	P
Churches	P	P	P	P	P
Cemeteries	-	P	-	-	-
Philanthropic, Historical or Charitable Organizations	P	P	P	P	P
Private Clubs, Business Associations, Professional Membership Organizations, Labor Unions	P	P	P	P	P
Organizations having a civic, social, fraternal, political, religious or charitable purpose	P	P	P	P	P
Public Utilities and Facilities	S	S	S	S	S*
Large Scale Ground Mounted Solar Energy Systems	S*	S*	S*	S*	S*
<b>OTHER ACTIVITIES</b>					
All other non-industrial uses found consistent with the Intent of this Chapter	-	S*	S*	S*	S*

Note: See Chapter XIV, Section 5.0, regarding Special Permit Process.

**USES ALLOWED IN INDUSTRIAL DISTRICTS  
TABLE III**

ESTABLISHMENT	DISTRICT
	LI      I

**TOWN OF OXFORD  
ZONING BY-LAWS**

"EXTRACTIVE" INDUSTRIES such as earth removal, quarries mining, etc.	S*	S*
"SMOKESTACK" INDUSTRIES large scale facilities such as steel mills, foundries, power generation, petroleum refineries, paper mills, saw mills, rock crushing, food processing, etc.	-	S*
"MANUFACTURING" INDUSTRIES Manufacturing Industries those firms that specialize in the conversion of refined raw materials into or the manufacture of products or components	-	P
Accessory Manufacturing Activities those conversion or manufacturing activities that are accessory to a primary function such as assembly, fabrication, or distribution of a product	P	P
"TRANSPORTATION" INDUSTRIES Freight and Trucking Terminals	-	S*
Wholesale Distribution Facilities	S*	P
Accessory Warehouse and Distribution	P	P
"ASSEMBLY & FABRICATION" INDUSTRIES Heavy products - those finished products that require rail or large truck transport such as automobiles, truck bodies, and construction components (structural members, precast concrete, etc.)	-	P
Light Products - those finished products that are more easily transported such as personal computers and related electronic products, plastic and light metal or glass products, and clothing or related products	P	P

**USES ALLOWED IN INDUSTRIAL DISTRICTS**

**TABLE III**

- 2 -

ESTABLISHMENT	DISTRICT	
	LI	I
<b><u>OFFICE FACILITIES</u></b>		
Accessory Offices	P	P
Office Buildings for large users that generate primarily commuter rather than consumer traffic (e.g. an Insurance		

# **TOWN OF OXFORD ZONING BY-LAWS**

Company rather than an Insurance Agent, a medical research facility rather than a doctor's office)

P

## "RECYCLING" INDUSTRIES

Auto Wrecking, Junk and Scrap Establishments	S*	S*
Recycling Centers for Plastic, Paper and Glass	S*	S*
Hazardous Waste Facilities	-	S*
Refuse Treatment and Disposal Facilities	-	S*

## "MISCELLANEOUS" ACTIVITIES

10/19/94	Retail Activities of Products Produced on Site	P	P	
	Job Training and Vocational Services		P	P
	Churches	P	P	
	Large Scale Ground Mounted Solar Energy Systems		S*	S*
	All other non-residential uses found consistent with the Intent of this Chapter		S*	S*

Note: See Chapter XIV, Section 5.0, regarding Special Permit Process.

## CHAPTER XXVI

5/4/2022

## Large Scale Battery Energy Storage Systems

## 1.0 PURPOSE

The purpose of this Chapter is to regulate the development of large-scale battery energy storage systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems that address public safety, minimize impacts on scenic, natural, and historic resources and to provide adequate financial assurance for the decommissioning of such systems.

## 2.0 **APPLICABILITY**

The requirements of this Chapter shall apply to all large-scale battery energy storage systems permitted, installed, or modified after the effective date of this By-Law, excluding general maintenance and repair. Modifications to, retrofits, or replacements of any existing system that increase the total battery energy storage system shall be subject to this Chapter. Large-scale battery storage systems shall be permitted in the Light Industrial Zoning District and Industrial District by special permit with site plan approval. Battery Energy Storage Systems as part of a solar energy system shall be permitted in accordance with G.L. c.40A, §3. The Planning Board shall be the Special Permit Granting Authority for this Chapter.

### 3.0 DEFINITIONS

**Battery Energy Storage System (BESS):** An energy storage system consisting of an array of batteries to provide electrical power during outages and supplement available resources during times of high demand. For the purposes of this definition, a BESS shall not be considered a Public Utility and Facility.

**Energy Storage System:** One or more devices, assembled, capable of storing energy to supply electrical energy at a future time to the local power loads, to the utility grid, or for grid support.

**Large-Scale Battery Energy Storage System:** A battery storage system with a total power of 5 MW/10 MWh or more.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **4.0 GENERAL REQUIREMENTS**

- 4.1 All large-scale battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this Chapter.
- 4.2 Projects within the jurisdiction of the Conservation Commission shall file a Notice of Intent, along with a Stormwater Management and Land Disturbance application with the Conservation Commission concurrently with the Planning Board's application.
- 4.3 If the project is not within the jurisdiction of the Conservation Commission, the Stormwater Management and Land Disturbance permit application must be filed with the Planning Board in conjunction with the special permit and site plan applications.
- 4.4 The construction, operation, and decommissioning of all large-scale battery storage electrical systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
- 4.5 No construction, installation, or modification as provided in this Chapter shall start without first obtaining a building permit.

### **5.0 REQUIRED DOCUMENTS**

In addition to the submission requirements for Site Plan Review and Special Permits in the Oxford Zoning By-Law, the applicant shall include the following documents as part of their submission to the Planning Board:

- 5.1 Plans and drawings of the system signed and stamped by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system, to include the Zoning district designation for the parcel(s) of land comprising the project site.
- 5.2 Technical specifications and design plan of the battery management system as well as the thermal runaway detection system, ventilation safety control plan, the fire detection, suppression, and control system, and the spill control and fire water containment plan.
- 5.3 A noise study to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures. Furthermore, the report must be prepared by a qualified individual with experience in environmental acoustics.
- 5.4 The names, addresses, telephone numbers, and e-mail addresses of the following: the owner and applicant, as well as all co-proponents or property owners, if any; and of the proposed system installer and operator and agents authorized to act on their behalf, which information shall be updated within 30 days whenever the land changes ownership, a new installer is retained by the owner or applicant, or a new operator takes over operation of the system.

### **6.0 DESIGN & SITE STANDARDS**

In addition to the standards for Special Permit and Site Plan Review in the Oxford Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:

- 6.1 Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
- 6.2 Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

## **TOWN OF OXFORD ZONING BY-LAWS**

6.3 **Lighting.** Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

6.4 **Vegetation and Tree-Cutting.** Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized.

6.5 **Noise.** The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line.

### **7.0 DECOMMISSIONING**

As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:

7.1 A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.

7.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

7.3 The anticipated life of the battery energy storage systems.

7.4 The estimated decommissioning costs and how said estimate was determined.

7.5 The method of ensuring that funds will be available for decommissioning and restoration.

7.6 The method by which the decommissioning cost will be kept current.

7.7 The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

7.8 A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

### **8.0 SURETY**

The property owner or operator shall provide financial surety to the Planning Board for the removal of the battery energy storage system, in an amount and form acceptable to the Planning Board, for the period of the life of the facility, and shall include an escalator for inflation during the term of such security. All costs of the financial surety shall be borne by the applicant. The surety shall be reviewed by the Board every ten (10) years, when a new entity takes over the operation of the system, or land changes ownership. The Board may require additional surety as needed.

### **9.0 OWNERSHIP CHANGE**

If the owner of the battery energy storage system changes, or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Planning Board in writing of such change in ownership or operator within sixty (60) days of the change. The special permit shall be void if a new owner or operator fails to provide written notification to the Planning Board in the required timeframe. Reinstatement of a void special permit will be subject to the same review and approval processes for new applications.

## **TOWN OF OXFORD ZONING BY-LAWS**

### **10. ABANDONMENT**

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town of Oxford, may, at its discretion, and utilize the available bond or surety for the removal of a system and restore the site in accordance with the decommissioning plan.

### **11.0 MODIFICATIONS**

Proposed modification of an approved facility requires preliminary review by the Planning Board to determine if an amendment of the existing special permit and site plan approval is required. No building permit shall issue for such modification until such review is completed and further approvals are obtained as required.

### **12.0 SPECIAL PERMIT CRITERIA**

The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria in CHAPTER XIV and with the conditions for granting Special Permits in CHAPTER XV. Large-scale battery energy systems shall also satisfy the following additional criteria:

12.1 Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.

12.2 The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.

12.3 No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.

12.4 The Planning Board may, in its discretion, approve an as-built plan upon provision of a proper bond, covenant, or third-party agreement to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.

12.5 The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

### **13. SEVERABILITY**

If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Oxford Zoning By-Law.

**TOWN OF OXFORD  
ZONING BY-LAWS**

**USES ALLOWED IN INDUSTRIAL DISTRICTS  
TABLE III**

<b>ESTABLISHMENT</b>	<b>DISTRICT</b>	
	LI	I
"EXTRACTIVE" INDUSTRIES such as earth removal, quarries mining, etc.	S*	S*
"SMOKESTACK" INDUSTRIES large scale facilities such as steel mills, foundries, power generation, petroleum refineries, paper mills, saw mills, rock crushing, food processing, etc.	-	S*
"MANUFACTURING" INDUSTRIES Manufacturing Industries those firms that specialize in the conversion of refined raw materials into or the manufacture of products or components	-	P
Accessory Manufacturing Activities those conversion or manufacturing activities that are accessory to a primary function such as assembly, fabrication, or distribution of a product	P	P
"TRANSPORTATION" INDUSTRIES Freight and Trucking Terminals Wholesale Distribution Facilities Accessory Warehouse and Distribution	-	S*
"ASSEMBLY & FABRICATION" INDUSTRIES Heavy products - those finished products that require rail or large truck transport such as automobiles, truck bodies, and construction components (structural members, precast concrete, etc.)	-	P
Light Products - those finished products that are more easily transported such as personal computers and related electronic products, plastic and light metal or glass products, and clothing or related products	P	P
<b><u>OFFICE FACILITIES</u></b>		
Accessory Offices	P	P
Office Buildings for large users that generate primarily commuter rather than consumer traffic (e.g. an Insurance Company rather than an Insurance Agent, a medical research facility rather than		

**TOWN OF OXFORD  
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	a doctor's office)		P	-
<b><u>"RECYCLING" INDUSTRIES</u></b>				
	Auto Wrecking, Junk and Scrap Establishments	S*	S*	
	Recycling Centers for Plastic, Paper and Glass	S*	S*	
	Hazardous Waste Facilities	-	S*	
	Refuse Treatment and Disposal Facilities	-		S*
<b><u>"MISCELLANEOUS" ACTIVITIES</u></b>				
	Retail Activities of Products Produced on Site	P	P	
	Job Training and Vocational Services		P	P
	Churches	P	P	
6/25/20	Large Scale Ground Mounted Solar Energy Systems		S*	S*
	<b><i>Large Scale Battery Energy Storage Systems</i></b>	S*	S*	
10/19/94	All other non-residential uses found consistent with the Intent of this Chapter		S*	S*
5/5/21	<b><u>"COMMERCIAL" INDUSTRIES</u></b>			
	Hotels, Motels and Country Inns		S*	S*

Note: See Chapter XIV, Section 5.0, regarding Special Permit Process.