

Chapter 125, ZONING BYLAWS – TOWN OF SUNDERLAND

§ 125 - ARTICLE I: General Provisions add the following definitions:

2. Definitions

In this Zoning Bylaw, the following terms shall have the following meanings unless another meaning is required by the context or is specifically prescribed.

Sunderland Zoning Map, which shall be on file in the Town Clerk's office. [Added 11-29-1999 STM, Art. 1]

ACCESSORY BATTERY ENERGY STORAGE FACILITY – A solar energy installation that primarily supports on-site energy needs and that is mounted on the ground, either directly or on supports which do not constitute a building under the building code. Accessory battery energy storage facilities will be sized to store the energy generated by the associated solar array.

STAND ALONE BATTERY ENERGY STORAGE FACILITY – A system of mechanical, electrical, chemical or electrochemical devices that charges or collects energy from the local electric grid or an electric generating facility and then discharges that energy at a later time to provide electricity to the grid or homes and businesses. Battery Energy Storage Facilities may be stand alone or an accessory facility to a Large-Scale Ground-Mounted Solar Energy Installation.

§ 125 - ARTICLE II: Use and Dimension Regulations

2. Use Regulations add the following to the other principal uses table:

- A. General – No structure shall be erected or used or land used except as set forth in the Use Regulations Schedule or in § 125-Article II-5 Accessory Uses and Structures, unless exempted by § 125-Article II-3-E Dimensional Schedule or by statute. [Amended 11-29-1999 STM, Art. 1]
- B. Applicability – When an activity might be classified under more than one (1) of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.
- C. Use Regulations Schedule – More than one use on a lot or within a building on a lot may be allowed by special permit in the C-1 Commercial District and the VC Village Center District according to the requirements of § 125-Article IV-3 Planned Unit Development Overlay District. [Amended 4-24-1987 ATM, Art. 32; 4-13-1993 STM, Art. 40; 4-26-1985 ATM, Art. 11; 4-28-1995 ATM, Arts. 27, 30; 11-29-1999 STM, Art. 1; 4-28-2000 ATM, Art. 46; 4-29-2005 ATM, Art. 28; 4-24-2009 ATM, Art. 11; 4-29-2011 ATM, Art. 7; 4-27-2012 ATM, Art. 14; 4-27-2012 ATM, Art. 15]

KEY:

Symbols employed shall mean the following:

- Y A permitted use
- N An excluded or prohibited use
- SP Permitted only upon issuance of a special permit by the Board of Appeals, as provided in § 125-Article VI-3 Special Permits.
- PB Permitted only upon issuance of a special permit by the Planning Board
- SPR Site Plan Review required

Principal Uses (Note: for accessory uses, see § 125-Article II-5 Accessory Uses and Structures.)

	District				
	VR	RR	VC	C-1	C-2
<i>Other principal uses</i>					
Where physical appearance, operation, parking requirements, and traffic impact resemble a use permitted (Y or SP) above, and which will not have a detrimental impact on adjacent or nearby uses	N	N	SP	SP	SP

	District				
<i>Other principal uses</i>	VR	RR	VC	C-1	C-2
Large-Scale Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet up to 4 acres and meeting the requirements of § 125-Article V-3 without accessory battery energy storage facilities. ¹	PB	PB	PB	PB	SPR ²
Large-Scale Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet up to 4 acres and meeting the requirements of § 125-Article V-3 with accessory battery energy storage facilities.	N	N	N	N	PB
Large-Scale Ground-Mounted Solar Electric Installations occupying more than 4 acres and meeting the requirements of § 125-Article V-3 without accessory battery energy storage facilities.	PB	PB	PB	PB	PB
Large-Scale Ground-Mounted Solar Electric Installations occupying more than 4 acres and meeting the requirements of § 125-Article V-3 with accessory battery energy storage facilities.	N	N	N	N	PB
Stand Alone Battery Energy Storage Facility up to 4 acres and meeting the requirements of § 125-Article V-3 Large-Scale Ground-Mounted Solar Electric Installations and Stand Alone Battery Energy Storage Facilities. ¹	N	N	N	N	PB
Stand Alone Battery Energy Storage Facility greater than 4 acres	N	N	N	N	N

NOTES

¹Ground-mounted solar electric installations occupying 1,000 square feet or less which are an accessory use to a residential or non-residential use are allowed "by right." Roof-mounted solar electric installations are allowed "by right."

²Ground-mounted solar electric installations in the C-2 district occupying four acres of land or less are allowed "by right" but are subject to the requirements of § 125-Article V-3 Large-Scale Ground-Mounted Solar Electric Installations and Site Plan Review under § 125-Article VI-1-B Site Plan Review.

§ 125 - ARTICLE V: Special Regulations

3. Large-Scale Ground-Mounted Solar Electric Installations and Battery Energy Storage Facilities

[Added 4-27-2012 ATM, Art. 15; amended 4-25-2014, Art. 17]

A. Purpose – The purpose of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Large-Scale Ground-Mounted Solar Electric Installations with or without Accessory Battery Energy Storage Facilities and Stand Alone Battery Energy Storage Facilities. The standards address public safety, minimize impacts on environmental, scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

(1) Applicability

- (a) The provisions set forth in this section shall apply to the construction, operation, repair and/or removal of Large-Scale Ground-Mounted Solar Electric Installations with or without Accessory Battery Energy Storage Facilities occupying more than 1,000 square feet of land and Stand Alone Battery Energy Storage Facilities of any size. Smaller scale (occupying 1,000 square feet of land or less) ground-mounted solar electric installations with or without an Accessory Battery Energy Storage Facility that are accessory structures to existing residential or nonresidential uses do not need to comply with this section, but require building permits and must comply with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other provisions of Sunderland's Zoning Bylaws such as setback requirements.
- (b) Large-Scale Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet without an Accessory Battery Energy Storage Facility, proposed to be constructed on one or more adjacent parcels in common ownership (including those separated by a roadway) in the Village Residential (VR), Rural Residential (RR), Village Center (VC) and Commercial-1 (C-1) Zoning Districts require a Special Permit and must meet the requirements of this section.
- (c) Large-Scale Ground-Mounted Solar Electric Installations without an Accessory Battery Energy Storage Facility in the Commercial-2 (C-2) Zoning District occupying four acres of land or less are allowed "by-right" and are subject to the requirements of this section and Site Plan Review under § 125-Article VI-1-B Site Plan Review.
- (d) Large-Scale Ground-Mounted Solar Electric Installations with an Accessory Battery Storage Facility in the Commercial-2 (C-2) Zoning District occupying more than 1,000 square feet require a Special Permit and Site Plan Review and must meet the requirements of this section.
- (e) Stand Alone Battery Energy Storage Facilities in the C-2 District require Site Plan Review and a Special Permit and shall not exceed 4 acres. Stand Alone Battery Storage Facilities of any size are not allowed in other Zoning Districts.
- (f) This section also pertains to physical modifications that materially alter the type, configuration, or size of Large-Scale Ground-Mounted Solar Electric installations or related equipment.

B. General Requirements – The following requirements are common to all Large-Scale Ground-Mounted Solar Electric Installations and Battery Energy Storage Facilities:

- (1) Compliance with Laws and Regulations. The construction and operation of all Large-Scale Ground-Mounted Solar Electric Installations and Battery Energy Storage Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.
- (2) Building Permit and Building Inspection. No Large-Scale Ground-Mounted Solar Electric Installations with or without Accessory Battery Energy Facilities or Stand Alone Battery Energy Storage Facilities shall be constructed, installed or modified as provided in this section without prior issuance of a building permit and payment of any required fees.

C. Special Permit/Site Plan Review – Large-Scale Ground-Mounted Solar Electric Installations with or without Accessory Battery Energy Storage Facilities and Stand Alone Battery Energy Storage Facilities must be issued a Special Permit by the Planning Board prior to construction, installation or modification as provided in this section, except for Large-Scale Ground-Mounted Solar Electric Installations occupying up to 4 acres in the Commercial-2 Zoning District which only require Site Plan Review. Upon submission of an application for a special permit or for site plan review, the Planning Board will be authorized to hire outside consultants, including legal counsel, pursuant to G.L. c.44, § 53G, to assist the Planning Board with its review of the application. The Planning Board may direct the applicant to deposit funds with the Board for such review at the time the application is determined to be complete and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the Planning Board, including any interest accrued, shall be refunded to the applicant.

(1) General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. (2) Required Documents.

(a) The project proponent shall provide the following documents:

[1] A site plan showing:

- [a] Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
- [b] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- [c] Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- [d] Locations of Floodplains or inundation areas for moderate or high hazard dams;
- [e] Locations of local or National Historic Districts and Priority Heritage Landscapes;
- [f] A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate;

- [g] Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - [h] Provision of water including that needed for fire protection; and
 - [i] Existing trees of 6" caliper or larger and shrubs.
- [2] A copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar photovoltaic installation and/or Battery Energy Storage Facility, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - [3] Documentation of the major system components to be used, including the electric generating or Battery Energy Storage Facility components, transmission systems, mounting system, inverter, etc.;
 - [4] Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;
 - [5] Name, address, and contact information for proposed system installer;
 - [6] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - [7] The name, contact information and signature of any agents representing the project proponent;
 - [8] Documentation of actual or prospective access and control of the project site (for more detail, see § 125-Article V-3-D Site Control);
 - [9] An Operation and Maintenance Plan (for more detail, see § 125-Article V-3-E Operation and Maintenance Plan
- [10] Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose];
 - [11] Proof of liability insurance. The owner or operator shall provide the Town Clerk with a certificate of insurance showing that the project has sufficient liability coverage pursuant to industry standards.
- (b) The Planning Board may waive documentary requirements as it deems appropriate.
- D. Site Control – The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation or Battery Energy Storage Facility.
 - E. Operation and Maintenance Plan – The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation with or without Accessory Battery Energy Storage Facilities or Stand Alone Battery Energy Storage Facility, which shall include measures for maintaining safe access to the installation, storm water and vegetation controls, hazardous materials storage safety as well as general procedures for operational maintenance of the installation.

F. Utility Notification – No Large-Scale Ground-Mounted Solar Electric Installation with or without Accessory Battery Energy Storage Facilities or Stand Alone Battery Energy Storage Facility shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation or Battery Energy Storage Facility owner or operator's intent to install an interconnected facility. Off-grid systems shall be exempt from this requirement.

G. Dimension and Height Requirements

(1) Setbacks for Large-Scale Ground-Mounted Solar Electric Installations with or without Accessory Battery Energy Storage Facilities and Stand Alone Battery Energy Storage Facilities shall be as follows:

(a) Front yard. The front yard depth shall not be less than 75 feet.

(b) Side yard. Each side yard shall have a depth of at least 75 feet.

(c) Rear yard. The rear yard depth shall not be less than 75 feet.

(d) Other setbacks. Any Battery Energy Storage Facility shall be sited at least 750 feet from any water supply well and/or septic system.

The Planning Board may reduce these setback requirements if it determines there is no threat to public safety, health, or welfare, in accordance with MGL c. 40A, § 3, paragraph 9.

(2) Height of Structures. No component of a Large-Scale Ground-Mounted Solar Electric Installation shall exceed 15 feet.

(3) Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations or Battery Energy Storage Facilities shall be subject to regulations concerning the bulk and height of structures, lot area, and setbacks as specified in § 125-Article V-3-G Dimension and Height Requirements. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. All appurtenant structures shall be joined or clustered whenever reasonable to avoid adverse visual impacts.

Design and Performance Standards

(1) Lighting. Lighting of solar electric installations or Battery Energy Storage Facilities shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting of the solar electric installation or Battery Energy Storage Facilities shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(2) Fencing. Accessory or Stand Alone Battery Energy Storage Facilities, including all mechanical equipment, shall be enclosed by a minimum eight-foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow or exhaust from the Battery Energy Storage Facility and components.

- (3) Containment. Accessory or Stand Alone Battery Energy Storage Facilities must be placed on a pad or have some other form of secondary containment that would prohibit any potential battery leak from coming in contact with the ground or stormwater.
- (2) Signage.
- (a) Signs on Large-Scale Ground-Mounted Solar Electric Installations or Battery Energy Storage Facilities shall comply with Sunderland's sign bylaw, § 125-Article III-2 Signs. A sign consistent with Sunderland's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.
 - (b) Solar electric installations or Battery Energy Storage Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.
- (3) Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric or Battery Energy Storage installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (4) Roads. Access roads shall be constructed to minimize grading and removal of stone walls or trees and to minimize impacts to environmental or historic resources.
- (5) Landscape Maintenance/Control of Vegetation. When possible, a diversity of plant species shall be used, with a preference for species native to New England. Use of exotic plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited. Herbicides shall only be applied by properly licensed personnel, as enforced by the Massachusetts Department of Agricultural Resources. Mowing, grazing, or using geotextile materials underneath the solar arrays are possible alternatives.
- (6) Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric or Battery Energy Storage Facility equipment then impervious containment areas capable of controlling any release to the environment to prevent potential contamination of groundwater are required.
- (7) Noise.
- (a) Noise generated by Large-Scale Ground-Mounted Solar Electric Installations or Battery Energy Storage Facility and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

[1] Increases the broadband sound level by more than 5db(A) above ambient; or

- [2] Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more; or
 - [3] Results in sound or noise levels greater than 30 dBA.
- (b) Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP. Noise generated shall further comply with § 125-Article III-3-E Disturbances and Noise of the Town of Sunderland bylaws.
- (8) Impact on Agricultural and Environmentally Sensitive Land. The facility shall be designed to minimize impacts to environmentally sensitive land, land in the Prime Agricultural District, prime agricultural soils and active cropland. The design of the facility should be compatible with the continued agricultural use of the land to the maximum extent possible.
 - (9) Drainage. Solar electric systems shall be installed on water permeable surfaces, as approved by the Planning Board. The design shall minimize the use of concrete and other impervious materials to the greatest extent possible.
 - (10) Screening. Large-Scale Ground-Mounted Solar Electric Installations or Battery Energy Storage Facilities and any appurtenant structures shall be screened from view by a minimum fifteen (15) foot wide staggered and grouped planting of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screen shall be completed prior to final approval of the electric installation by the Building Inspector.

I. Safety and Environmental Standards

- (1) Emergency Services. The Large-Scale Ground-Mounted Solar Electric Installations and/or Battery Energy Storage Facility owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric installation and/or Battery Energy Storage Facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (2) Training. The operator of the installation shall provide annual training of emergency responders, upon request of the Sunderland Fire Department, to respond to fires at the Large-Scale Ground-Mounted Solar Electric Installation with Accessory Battery Energy Storage or Stand Alone Battery Energy Storage Facility. The operator will provide and maintain equipment and materials for the suppression of fires related to the Large-Scale Ground-Mounted Solar Electric Installation with Accessory Battery Energy Storage and/or Stand Alone Battery Energy Storage Facility in coordination with and subject to the approval of the Sunderland Fire Department.

(3) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation or Battery Energy Storage Facility or what is otherwise prescribed by applicable laws, regulations, and bylaws, including § 125-Article III-3-A Erosion Control. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion.

J. Monitoring, Maintenance and Reporting

- (1) Solar Electric Installation or Battery Energy Storage Facility Conditions. The Large-Scale Ground-Mounted Solar Electric Installation or Battery Energy Storage Facility owner or operator shall maintain the facility in good condition as documented or certified in the Annual Report described in § 125-Article V-13-J-(3) Annual Reporting. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and/or Battery Energy Storage Facility and any access road(s).
- (2) Modifications. All material modifications to a Large-Scale Ground-Mounted Solar Electric Installation or Battery Energy Storage Facility made after issuance of the required building permit shall require approval by the Planning Board.
- (3) Annual Reporting. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated or stored by the facility and identify any hazardous materials safety or fire hazard issues and measures to address them. The Annual Report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

K. Abandonment or Decommissioning

- (1) Removal Requirements. Any Large-Scale Ground-Mounted Solar Electric Installation and/or Battery Energy Storage Facility that has reached the end of its useful life or has been abandoned consistent with this subsection (§ 125-Article V-3-K Abandonment or Decommissioning) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning, and if not the town retains the right, after the receipt of an appropriate court order or as otherwise duly authorized by law, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground-Mounted Solar Electric Installation or Battery Energy Storage Facility. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property. The owner or operator shall notify

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

- (a) Physical removal of all Large-Scale Ground-Mounted Solar Electric Installations and/or Battery Energy Storage Facilities, structures, equipment, security barriers and transmission lines from the site, including any materials used to limit vegetation.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - (d) Restoration of designated prime agricultural land to a condition suitable for resumption of agricultural production.
- (2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation and/or Battery Energy Storage Facility shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the Large-Scale Ground-Mounted Solar Electric Installation and/or Battery Energy Storage Facility fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation after the receipt of an appropriate court order or as otherwise duly authorized by law.
- (3) Financial Surety. Proponents of Large-Scale Ground-Mounted Solar Electric Installations and/or Battery Energy Storage Facilities shall provide a form of surety, either through escrow account or other form of surety approved by the Select Board, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Select Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified professional engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

§ 125 - ARTICLE VI: Administration and Enforcement (add following changes to Special Permit section)

3. Special Permits

A. Special Permit Granting Authority – Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority. [Amended 11-29-1999 STM, Art. 1]

B. Public Hearings – Special permits shall only be issued following public hearings held within sixty-five (65) days after filing with the special permit granting authority a completed application, a copy of which shall forthwith be given to the Town Clerk by the applicant.

C. Criteria – Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:

- (1) Social, economic or community needs which are served by the proposal.
- (2) Traffic flow and safety.
- (3) Adequacy of utilities and other public services.
- (4) Neighborhood character and social structures.
- (5) Qualities of the natural environment.
- (6) Potential fiscal impact.
- (7) Impact on drainage or stormwater management, or drinking water recharge areas. [Added 4-29-2011 ATM, Art. 7]
- (8) Impact on public safety and municipal services.

D. Conditions – Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this Zoning Bylaw.

E. Expiration – Special permits shall lapse twenty-four (24) months following special permit approval (plus such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.