

**BYLAWS OF THE
TOWN OF SANDISFIELD, MASSACHUSETTS
ADAPTED NOVEMBER 9, 1963 – APPROVED APRIL 13, 1964
WITH ALL AMENDMENTS TO MAY 16, 2009**

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**BYLAWS OF THE
TOWN OF SANDISFIELD, MASSACHUSETTS**

With all amendments to August 25, 1997

**CHAPTER I
GENERAL PROVISIONS**

- Section 1.** The following provisions shall constitute the general bylaws of the Town of Sandisfield, and shall be in lieu of all bylaws heretofore in force and the same are hereby repealed.
- Section 2.** The repeal of a bylaw shall not thereby have the effect of reviving any bylaw therefore repealed.
- Section 3.** Words and phrases specifying or naming any officer, board or committee of the Town shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board or committee.
- Section 4.** When in a bylaw anything is prohibited from being done with out the license or permission of a certain officer, board or committee, such officer, board or committee shall have the right to license or permit such thing to be done.
- Section 5.** Any and all of these bylaws may be repealed or amended or additional bylaws may be adapted at any town meeting, except any bylaw relating to zoning or any amendment or repeal of a zoning bylaw, by the article for the purpose having been inserted in the warrant for such meeting by the Selectmen or in the manner provided by law, such change to be effective after approval of the Attorney General and proper advertising.
- Section 6.** All Town departments, commissions or functions not governed by those bylaws are covered by pertinent provisions of the General Laws.

CHAPTER II TOWN MEETING

Section 1. The Annual Town Meeting for the election of such Town Officers or other officers required by law to be elected and for the determination of a matter to be voted for on a ballot as required by law, shall be held on the first Monday after the second Tuesday of May of each year, except when said Monday falls on a holiday, then the meeting shall be held on the following day.

Section 2. The Annual Town Meeting for the transaction of all business on the Warrant except the election of officers and the determination of such matters as are required to be elected or determined by ballot shall be held on the first Saturday after the second Tuesday in May.

Section 1. and Section 2. of Chapter II.
Amended at Town Meeting March 9, 1974.
Approved by the Attorney General March 25, 1974.

Section 3. Warning of every Town Meeting shall be given by the Town Clerk causing the posting of attested copies of the Warrant in at least three public places in the Town not less than seven days before the day fixed for such posting.

Section 4. At least seven days before the day fixed by the Warrant for the Annual Town Meeting, the Selectmen shall cause to be mailed or delivered to each household of registered voters, as determined by the current voters list, one copy of the Annual Town report, and to forward to other resident or taxpayer households copies of the Annual Town Report upon request. The failure, however, to comply with this section shall not, in any way, invalidate the proceedings of the meeting subsequently held.

Section 4. of Chapter II,
Amended at Town Meeting, May 13, 1978.
Approved by the Attorney General, September 5, 1978.

Section 5. As soon as practicable after adjournment of any Town Meeting, on a vote to adjourn to another day, the Town Clerk shall cause a statement as to the day and hour and place to which such meeting was adjourned and shall give notice of the same by causing attested copies of said statement to be posted in the three public places in Town, and, if practicable, by publishing notice of the same in a newspaper printed within the county.

Section 6. The number of voters necessary to constitute a quorum of any Town Meeting shall be 15, provided, however, that a lesser number may, from time to time, vote to adjourn a meeting and set a time and place of Town Meetings as are devoted exclusively to election of town officers or other officials to be chosen by ballot or relating to questions which are to be determined by secret ballot.

Section 6 of Chapter 11
Amended at a Town Meeting, May 18, 1996
Approved by the Attorney General, July 30, 1996

Section 7. The articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting and any article appearing in the Warrant requiring other than a majority vote for passage shall have the proportion of the vote required stated immediately following the article in the Warrant.

Section 8. Articles in the Warrant covering items that the Town is obliged to pay shall be listed in such manner that they may, if deemed practicable, be voted on as one.

Section 9. Motions shall be made in writing if so directed by the Moderator.

Section 10. If a motion is susceptible of division, in the opinion of the Moderator, It shall be divided and the question shall be put separately upon each portion thereof if ten voters so request.

Section 11. Town meetings shall be conducted in accordance with the provisions detailed in the handbook, "Town Meeting Time," unless otherwise required by the General Statutes and/or these bylaws.

Section 11. of Chapter II.
Amended at Town Meeting, May 14, 1983.
Approved by the Attorney General, June 22, 1983.

Section 12 When a question is put, the sense of the meeting shall be determined by the choice of the voters and the Moderator shall declare the votes as it appears to him. If the Moderator is unable to decide the vote by the sound of the voices, or his decision is immediately questioned by seven or more voters, he shall determine the vote by polling or division and he may appoint tellers to make and return the count.

Section 12.A. The Moderator shall decide all votes. If a two-thirds vote is require, he/she may declare and record the vote as meeting the requirement, provided however, that if a vote so declared is immediately questioned by three or more voters, he/she shall verify the vote by polling voters.

Section 12A. of Chapter II.

Amended at a Town Meeting May 12, 2007

Approved by the Attorney General July 17, 2007

Section 13. The meeting may order that the vote upon any motion shall be taken by a Yes or No ballot.

Section 14. Only persons registered to vote in the Town shall have a vote at the Town Meeting. Any other person may be allowed to attend and speak at the discretion of the Moderator, unless ten voters shall object thereto; if as many as ten voters so desire any such person shall be allowed to speak, anything in this section to the contrary notwithstanding, any attorney representing the Town or a voter shall disclose the fact of his representation before speaking on any matter.

Section 15. No person shall speak more than once on any question to the exclusion of any other person who may desire to or another person who may desire to speak thereon, nor more than twice without first obtaining leave of the meeting, except that, in either case, with the approval of the Moderator, a person may speak again briefly to correct an error or misunderstanding resulting from his previous statement.

Section 16. No person shall speak for more than seven minutes on any question unless his time shall be extended by vote of the meeting or unanimous consent.

Section 17. All boards and committees shall, without delay, after the Town election, elect a chairman or clerk or secretary, and give notice in writing of such election to the Town Clerk.

Section 18. All committees shall report as directed and, in no case, later than the Annual Town Meeting succeeding the meeting at which the committee was originally designated and all committees shall be dissolved at such succeeding Annual Meeting unless extended thereat by vote of the meeting or a later date for reporting was set in the original vote authorizing the committee.

Section 19. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the Warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to adjournment of meeting at a later stated time and place, or indefinite postponement tabling or passing over any matter.

Section 20. To be included in the Warrant for the Annual Town Meeting of any year, articles must be presented to the Selectmen not later than five weeks before said meeting.

CHAPTER III TOWN OFFICERS

Section 1. There shall be three Selectmen, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.

- A.** The Selectmen shall seven (7) days before the Annual Town Meeting of each year, cause to be printed and distributed annual reports of the Town Officers, appointees and committees. This report shall contain a statement of the financial condition of the Town, together with a detailed report of all receipts and expenditures incurred during the preceding year.
- B.** The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law and/or these bylaws.
- C.** The Selectmen may from time to time establish traffic rules and regulations as they may deem advisable.

Section 2. **A.** The Planning Board, established under Chapter 41, Section 81A of the General Laws, shall have (5) permanent members. At the first Annual Town Meeting for the election of such members; one candidate for a term of five (5) years, one candidate for a term (4) years, one candidate for a term of three (3) years, one candidate for a term of two (2) years, one candidate for a term of one (1) year, and at each succeeding Town Meeting one member shall be elected for a term of five (5) years. Members shall serve without pay, shall choose their own officers, and shall be sworn to the faithful performance of their duties. Vacancies shall be filled by the Selectmen in accordance with

Chapter 41, Section 11 of the General Laws, which appointees shall serve until the next annual Town Meeting at which time the vacancy shall be filled by election for the remainder of the term.

- B.** It shall be the duty of the Board to make a study of future needs of the Town and develop a long range program subject to future change, having due regard to a balance between the liberties of the individual and the welfare of the community. The Board shall make recommendation, by annual report, pertaining to the laying out of private and public roads, development of real estate subdivisions, future sites for schools, playgrounds, parks, water supplies, sewage disposal, police and fire protection, zoning and locations, and all other subjects of general interest which affect the welfare, health and safety of the inhabitants relative to the possibilities, resources and needs of the Town.

Section 2.A of Chapter III

Amended at Town Meeting, March 11, 1967.

Approved by the Attorney General, March 21, 1967.

Section 3. The following Town Officers, Boards or Committees not provided for theretofore, shall be elected at Annual Town Meeting for a term of three (3) years:

- A.** The Town Treasurer
- B.** The Town Clerk: It shall be the duty of the Town clerk as soon as possible after every Town Meeting, to notify in writing all members of the committee who may be elected or appointed at such meeting, stating the business on which they are to act and the names of the persons composing the committees, and also to notify all officers, boards and committees of all articles passed at such meeting that in any way affect them.
- C.** The Collector of Taxes
- D.** Library Trustees: There shall be three Library Trustees to be elected for terms of five (5) years.
- E.** The Constables

- F.** Board of Health: There shall be a three-member Board of Health, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three (3) year term.
- G.** School Committee: There shall be a three (3) members of the School Committee, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.

Section 3.G of Chapter III
Adopted at Town Meeting May 16, 2009
Approved by the Attorney General July 16, 2009

- H.** Board of Assessors: There shall be three(3) assessors, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.

Section 3. of Chapter III
Adopted at Town Meeting, March 9, 1974.
Approved by the Attorney General, March 25, 1974.

Section 3. D. of Chapter III
Amended at Town Meeting November 21, 1980.
Approved by the Attorney General, February 27, 1981.

Section 3.F. of Chapter III
Adopted at Town Meeting, May 15, 1976.
Approved by the Attorney General, August 13, 1976.

Section 4. The following Town Officers, Boards or Committees not provided for heretofore, shall be elected at Annual Town Meetings for a term of one (1) year.

- A.** Moderator – who shall not hold the office of Selectmen, or sit on any committee for which the Moderator holds the responsibility of appointment.
- B.** Auditor

Section 4.A. of Chapter III
Amended at Town Meeting, May 15, 1976.

Approved by the Attorney General, August 13, 1976.

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Section 5. The following Town Officers, Boards or Committees not provided for Heretofore, shall be appointed by the Selectmen.

- A.** There shall be a Zoning Board of Appeals consisting of three (3) members to be appointed by the Board of Selectmen, who may also appoint two (2) associate members, as provided in Section 12, Chapter 40A of the General Laws. The Board shall act within its statutory powers as provided in Section 14, Chapter 40A (G.L.) and on matters within its jurisdiction under this bylaw in a manner prescribed in Section 15, Chapter 40A (G.L.). This Board of Appeals shall also serve as the Board of Appeals under the Subdivision Control Law as provided in Chapter 41, Section 81-Z of the General Laws.

Section 5. of Chapter III

Amended at Town Meeting, May 13, 1978.

Approved by the Attorney General, September 5, 1978.

- B.** Tree Warden.

- C.** Council on Aging: There shall be a five (5) member Council on Aging. Beginning in 1988 and continuing every third year thereafter there shall be appointed one (1) member to the Council on Aging for a term of three (3) years. At all other years there shall be appointed two (2) members to the Council on Aging for a term of three (3) years.

Section 5. C. of Chapter III

Adopted at the Town Meeting, May 16, 1987.

Approved by the Attorney General, August 24, 1987.

- D.** Historical Commission: There shall be a five (5) member Historical Commission . Beginning in 1989 and continuing every third year thereafter there shall be appointed one member to the Historical Commission for a term of three years. At all other years there shall be appointed two (2) members to the Historical Commission for a term of three (3) years.

Section 5.D. of Chapter III

Amended at Town Meeting, May 13, 1989.

Approved by the Attorney General, September 22, 1989

- Section 6.** A. Finance Committee: There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter, appointed by the Moderator of the Town for a term of three (3) years. Beginning in 1990 and continuing every third year thereafter, the Moderator shall appoint one (1) member of the Finance Committee. The Moderator shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The duties of the Finance Committee shall be those prescribed by Statute.
Section 6. of Chapter III
Amended at Town Meeting, May 17, 1997.
Approved by the Attorney General, August 25, 1997

CHAPTER IV FINANCIAL AFFAIRS

- Section 1.** Each officer, board or committee authorized to spend money shall, on or before July tenth of each year, transmit to the Town Accountant all unpaid bills outstanding as of June thirty.

Section 1. of Chapter IV
Amended at Town Meeting, May 14, 1977.

- Section 2.** The Collector of Taxes shall have all the means of collecting taxes that the Treasurer would have if he were appointed Collector of Taxes,
- A. The Collector of Taxes shall collect under the title of Town Collector all accounts due the Town, except interest on investments of trust funds, fees for licenses and permits issued or granted by the various departments of the Town, or other accounts otherwise provided for by law.
- B. The Collector of Taxes shall report to the Selectmen from time to time, as they may direct upon all uncollected accounts in his hands. The Selectmen shall take such action with respect to all such accounts as they deem expedient and consistent with the interest of the Town.
- C. The Collector of Taxes shall, at least once in every ten days, remit to the Town Treasurer all money received by him on every account.

Section 3. The Town Treasurer shall, at least once in every ten days, deposit in the bank all money in his possession, belonging to the Town.

A. Except as otherwise provided by the law, the Treasurer shall have custody of the deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town.

Section 4. Every officer shall turn over to the Treasurer of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

Section 5. The Town Accountant shall prescribe the methods of accounting and the forms to be used by the several boards, committees, and disbursements, and shall provided that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations made thereunder.

CHAPTER V CONTRACTS

Section 1. Any person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation on a full regular, part-time, intermittent, or consultant basis, but excluding elected members of a Town Meeting, shall comply with all provisions applicable to Municipal Employees as outlined in Chapter 268A Amended (Conduct of Public Officials and Employees approved July 26, 1962, to take effect May 1, 1963.)

Section 2. No contract shall be awarded for any work or service to be performed for the Town, and no purchase of materials, supplies, or equipment shall be made, unless the contract is awarded in compliance with Massachusetts General Laws Chapter 30B.

Section 2 of Chapter V (first paragraph)
Amended at Town Meeting May 15, 2005

The Selectmen may exempt a purchase or contract from any or all of the provision of this section when, in their opinion, an emergency exists requiring immediate action to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or contracted for. evidence indicating that such an emergency exists or that no reasonable substitute for a purchase or a service can be obtained, shall be furnished in writing by the Selectmen, and shall be kept on file with other records of such transactions.

Section 2. of Chapter V

Amended at Town Meeting, March 9, 1974.

Approved by the Attorney General, March 25, 1974.

Section 2. (first paragraph) of Chapter V

Amended at the Town Meeting, May 14, 1988.

Section 2. of Chapter V

Amended at the Town Meeting, May 13, 1995

Approved by the Attorney General, Nov. 13, 1995

CHAPTER VI LEGAL AFFAIRS

Section 1. The Selectmen shall be agents of the Town to institute, prosecute and defend any and all claims, actions, and proceedings to which the Town is a party or in which the interests of the Town may be involved.

Section 2. The Selectmen may at their discretion compromise or settle any claim to which the Town is a party, which does not require payment by the Town of an amount in excess of One Thousand Dollars(\$1,000.00) with the approval of the Town Meeting. No settlement of a claim or suit obligating the Town in an amount in excess of One Thousand Dollars (1,000.00) shall be made, except as authorized by law, without the consent of the Town Meeting.

Section 3. The Selectmen in their annual report shall state what actions have been brought against the Town, what cases have been compromised or

settled, and the current standing of all suits involving the Town or any of its interests.

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Section 4. The Selectmen shall annually in May after final adjournment of the Annual Town Meeting, appoint a resident or non-resident of the Town Who is a member in good standing or the Bar, to serve as Town Counsel for the term of one year from the first day of June following and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the un-expired term, and may employ Special Counsel whenever, in their judgment necessity arises.

Section 4. of Chapter VI

Amended at Town Meeting, March 9, 1974.

Approved by the Attorney General, March 25, 1974.

Section 5. It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise claims, actions and proceedings to which the Town is a party, and the prosecutions of actions, or proceedings by or on behalf of any Town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any Town officers, board or committee as such when the Selectmen, having determined that any right or interest of the Town is or may be involved therein, shall so request; to conduct proceedings brought by or against the Assessors, before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any bylaw of the Town, when requested so to do by the board or office enforcing same; to examine and report upon titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town in involved; to appear at any and all hearings on behalf of the Town whenever his services may be required; and generally to advise and act for the Town officers, boards and committees upon and in legal matters touching the duties of their respective offices.

CHAPTER VII RECORDS AND REPORTS

Section 1. All officers, boards and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the authorized Town Offices, and shall not be removed there from. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

Section 2. All officers, boards, standing committees and special committees of the Town, having charge of the expenditures of Town money, shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the 15th day of March of each year.

Section 2. of Chapter VII

Amended at Town Meeting, March 9, 1974.

Approved by the Attorney General, March 25, 1974.

Section 3. The Annual Town Report shall contain, in addition to the reports of the officers, boards and committees as hereinbefore provided, a detailed report of all monies received into and paid out of the Town Treasury in the financial year next preceding, showing, separately, payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized; a statement of transfers made to or from any appropriations; abstract of records of the meetings of the Town held since publication of the last Annual Report; and such other matters as the said Report is required to contain, or as may be inserted under the discretion granted them by law.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Section 1. All officers, boards or departments may dispose of such personal property of the Town (not real estate) in their custody when they deem it advisable and in the best interests of the Town, after such disposition shall be approved and authorized in writing by the Selectmen. It, in the judgment of any officer, board or department, the value of the property to be disposed of by sale exceeds One Hundred Dollars (\$100.00), the property shall be advertised in a newspaper published in the County and bids requested. Every officer, board or department shall include in its Annual Report a list of property so sold, the amount therefore and the name of the Purchaser.

Section 2. All officers, boards or departments must submit annually to the Selectmen

a list if all Town property in their custody; this list to reflect what purchases had been acquired during the current year. Said list to be filed in the Town Office.

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Section 3. No person shall make any excavation in any public way, or remove earth, or gravel there from, without first having obtained the written permit therefore from the Road Superintendent. No person shall deposit or sweep rubbish onto any public way.

Section 4. The Selectmen shall cause copies of these bylaws to be kept in the Town Offices, where copies may be had upon application.

Section 5. No person or corporation within the Town shall be a collector of, dealer in or keeper of a shop for sale or barter of junk, old metals, or second hand articles unless licensed by the Board of Selectmen as provided by statute, except that permits for fund raising sales of second hand articles by local religious, social or charitable organizations, may be issued by the Board of Selectmen.

Section 6. Owners or keepers of unlicensed dogs as of June 1st of each license year, shall be subject to a fine of \$25.00 per dog. Owners or keepers of dogs whom have failed to vaccinate against rabies shall be subject to a fine of \$50.00 per dog. By order of the Board of Selectmen, dogs shall be restrained from running at large. The penalty for each violation of not restraining the dog/s shall be a fine of \$25.00 per dog. The penalty shall be separate from and in addition to any penalties or remedies at law provided under the Massachusetts General Laws.

Section 6. Chapter VIII

Adopted at Town Meeting, May 14, 1983.

Approved by the Attorney General, June 22, 1983.

Section 7

1. No person shall hunt on any Town owned or Private Property in the Town of Sandisfield without first obtaining written permission of the landowner on a form provided by the Town Clerk or Chief of Police. The written permission must be carried while hunting and must be renewed annually on a calendar year basis.

2. Violators of this By Law may be penalized by indictment or on complaint brought in the district court or by a non-criminal disposition, as provided by Section 21D of Chapter 40 of the Massachusetts General Laws.

3. Fine for a first offense shall be \$100.00 (One Hundred Dollars). Fine for a second or subsequent offense shall be a minimum of

\$200.00 (Two Hundred Dollars) to a maximum of \$300.00 (Three Hundred Dollars).

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4. This By Law may be enforced by all state and local enforcement agents and may be administered by Massachusetts General Laws Chapter 40, Section 21D, but nothing in this By Law shall prevent the enforcement of any other provisions of the General Laws including, but not limited to, Massachusetts General Laws Chapter 131, Section 87.

5. The owner of land shall enjoy all the protection afforded him under M.G.L. Chapter 21, Section 17C. In particular, the owner of land who permits the public to use such land for hunting purposes, without charge or fee therefore, shall not be liable for injuries or property sustained while on said land except for willful, wanton or reckless conduct by such owner.

Section 7. of Chapter VIII

Adopted at the Town Meeting, May 16, 1987.

Approved by the Attorney General, August 24, 1987,

Section 7. of Chapter VIII

Adopted at the Town Meeting, May 13, 1995

Approved by the Attorney General, November 13, 1995

Section 8. Under the authorization and direction of the Selectmen on behalf of the Town, all persons and businesses are required to separate unbroken glass, metal and paper in designated areas or containers at the transfer station.

Section 8. of Chapter VIII

Adopted at Special Town Meeting, May 14, 1988.

Section 9. No person shall act as a hawker, peddler, or transient vendor within the Town of Sandisfield until he has first obtained a license from the Board of Selectmen.

Section 10. Sound trucks and other advertising sound wagons or vehicles shall not operate on the public highways with said sound or other noise apparatus or devices in operation, except in accordance with a written permit from the Board of Selectmen.

Section 11. Upon complaint in writing to the Selectmen or Chief of Police, the owner of premises upon which unregistered and dilapidated motor vehicle and/or parts thereof has been allowed to stand thereon shall remove said unregistered and dilapidated motor vehicle and/or parts within four(4)

weeks of being informed of said complain by the Selectmen or Chief of

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Police from any premises unlicensed under Chapter 140, Section 57 of the Massachusetts General Laws. The Selectmen's judgement shall be final as to determining whether or not a motor vehicle is junked or dilapidated.

Whoever violates any of the provisions of this bylaw shall pay a fine not to exceed \$20.00 for each offense. Each dilapidated motor vehicle or part thereof that has been allowed to stay on the premises beyond the four (4) week period may constitute a separate offense, and each continuing day of such violation may also be considered a separate offense.

Section 12. A non-resident property owner may receive a separate conspicuous statement with their property tax bill, stating that notice of hearings under Chapter 40A shall be sent by mail, postage prepaid, to any such owner who files an annual request for such a notice with the Town Clerk before January 1st, and pays a reasonable fee to be established by the Board of Selectmen.

Section 12. Chapter VIII

Amended at Town Meeting, May 13, 1978.

Approved by the Attorney General, September 5, 1978.

Section 13. Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges.

a: The tax collector or other municipal official responsible for the Records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority that licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, thereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

b. The licensing authority may deny, revoke or suspend any licensing or permit, including renewals and transfers or any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however,

that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not

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earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect so such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- c. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- d. The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A of the Massachusetts General Laws in the business or activity conducted in or on said property.
- e. This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes; section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one, marriage licenses, section twenty-eight of chapter two hundred and seven ad theatrical events, public exhibition permits, section one hundred and eight-one of chapter one hundred and forty.

Section 13 of Chapter VIII
Adopted at the Town Meeting May 16, 2009
Approved by the Attorney General July 16, 2009

CHAPTER IX

ZONING

Zoning Bylaws amended at Town Meeting, May 13, 1978
Approved by the Attorney General, September 5, 1978

Section 1. PURPOSE: The purpose of this bylaw is to provide for the Town of Sandisfield all the protection authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A and any amendments Thereof.

Section 2. DEFINITIONS: Interpretation of Terms and Words.

For the purpose of this bylaw certain terms and words are defined in the Glossary and shall have the meanings thereby assigned to them. Words not defined in said Glossary shall have the meaning given in Webster’s Unabridged Dictionary. The word “shall” is mandatory; the word “may” is permissive.

GLOSSARY

- Accessory Use of Structure:** A use of structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use of the structure.
- Basement:** That portion of a building which is partly below and partly above grade, and having at least one-half its height above grade.
- Cellar:** That portion of a building which is partly or completely below grade having at least one-half its height below grade.
- Dwelling, One Family:** A detached residential building designed for or occupied by one (1) family only, but not including mobile homes whether placed on a foundation or not.
- Dwelling Unit:** One or more rooms constituting a separate, independent house-keeping establishment with cooking, living, sanitary and sleeping facilities for the use of one family.
- Floodplain:** Low lying land near rivers, lakes, etc. that is expected to flood during a 100 year flood.
- Floodway:** Land adjacent to rivers, lakes, etc. subject to seasonal annual flooding.

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

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Home Occupation: A business engaged in a dwelling by a resident thereof involving No external evidence thereof or no undue traffic or noise. For the purpose of the bylaw “Home Occupation” does not include gift shop or any similar retail establishment.

Lot: An area of land in one ownership or one leasehold with ascertainable boundaries established by deed or deeds of record, or a segment of land ownership defined by lot boundary lines on a land division plan duly recorded, said plan having been either approved by the Planning Board under Subdivision Control Law, or endorsed by the Planning Board “approval under the Subdivision Control Law not required.”

Lot, Frontage: The continuous distance along the street line which provides direct access to the lot. A private street approved by the Planning Board under the Subdivision Control Law may provide frontage only for lots which are contained within the approved subdivision.

Lot, width: The width of the lot measured at the minimum front setback line.

Mobile Home: A portable completely enclosed vehicular structure built on a permanent chassis, designed as a dwelling unit to be transported after fabrication on its own wheels or on flatbed or detached wheels. For the purpose of this bylaw the term “mobile home” includes trailers incorporating the characteristics of mobile homes as herein defined.

Street: A public way, or a private way either shown on a plan approved in accordance with the Subdivision Control Law, or otherwise qualifying lots along it for frontage under the Subdivision Control Law.

Section 3. ZONING DISTRICT: For the purposes of this bylaw the whole area of the town shall constitute a single district with uniform regulations for each class or kind of structure or use permitted.

A. DENSITY REGULATIONS: Dwelling and accessory buildings hereafter erected or structurally altered shall provide a lot area of not less than one (1) acre. Such lot shall have a minimum frontage distance of not less than 200 feet on a public road or right of way, a minimum depth of not less than 150 feet, and any building hereafter erected thereon shall be set at least 30 feet from the nearest point of the right of way line of the bounding street or road and from all other sides and rear property lines. No more than one dwelling unit shall be erected on any such lot.

Section 4. FLOODWAY/FLOODPLAIN DISTRICTS

A. PURPOSE: The purpose of Flood Plain Districts is to ensure that the development of land is done with the awareness and understanding of the potential flood hazards in these areas, and more specifically:

1. To provide that lands in the Town subject to seasonal or periodic flooding shall not be used for residence or other purpose in such a manner as to endanger the health or safety of the occupants thereof or of the public.
2. To protect, preserve, and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town.
3. To assure the continuation of the natural flow pattern of the water course(s) within the Town in order to provide adequate and safe flood water storage capacity to protect persons and property against the hazards of flood inundation.

B. DISTRICT DELINEATION: Flood Plain Districts shall be considered as overlaying the other zoning districts and shall include all zones A, A1-30, and the regulatory floodways shown on the Flood Insurance Rate Map and Flood Boundary and Floodway Map, a part of the U.S. Department of Housing and Urban Development, dated December 4, 1984, which is hereby made a part of this bylaw, and is on file with the Town Clerk.

Section 4. FLOODWAY/FLOODPLAIN DISTRICTS

C. PERMITTED USES: Land in Flood Plain Districts may be used for Any purpose otherwise permitted and as regulated in the underlying zoning district, subject to the restriction and conditions set forth herein.

D. RESTRICTIONS CONDITIONS AND PROCEDURE:

- 1: Any person desiring to establish, change or expand any permitted use, make alterations on a river, (stream) course or to make alterations to the landscape (other than those listed in Section 4.E exceptions) in a flood plain district involving or requiring: the erection of new structures or alterations of

or moving of existing structures; the dumping, filling, transfer, relocation or excavation of earth materials; the outdoor storage of materials or equipment or the construction of roadways, shall submit an application for a special permit to the

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Selectmen describing in detail the proposed use of the property and work to be performed; accompanied by plans showing:

a: The boundaries, dimensions, and the specific location of the lot in relationship to the Floodway and/or base level.

b: Mean sea level contour line elevations of two feet or less separation for the existing and proposed land surface, basement, first floor, and sewage disposal facilities.

2: Copies of the application and plans shall be delivered by the applicant and plans shall be delivered by the applicant to the Building Inspector, Planning Board, Board of Health, and Conservation Commission; all of whom shall report back to the Selectmen in writing within thirty (30) days of receipt of application and plans.

3: The Selectmen may issue a special permit, after utilizing the latest flood data and reports, if they find that the proposed use is in compliance with requirements set forth below and that it will not endanger the health, safety, or welfare of the public, or the occupants of the proposed use or of the flood hazard area. The Selectmen may impose such additional requirements and conditions as are necessary to insure the required protection and further safeguard of the surrounding area and the Town. The burden of proving that the proposed use will not endanger health, safety, and welfare shall rest upon the applicant who shall submit such engineering and hydrological data as may be necessary. Without limiting the generality of the foregoing, the Selectmen shall insure:

a: That the carrying capacity of any altered watercourse is maintained.

b: That the proposed development, including public utilities and facilities is so designed as to provide adequate drainage and minimize any potential flood damage. Any new or replacement water or sewer systems shall be so located and designed as to avoid impairment from flood waters.

c: That all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level, and that all new construction or substantial improvements of non-residential structures have the lowest floor (including

basement) elevated or flood-proofed to or above the base level.

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- d:** That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural storage, or increase storm water runoff so that water levels on other land are substantially raised, or danger from flooding increased.
- e:** That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding.
- f:** That the proposed on-site waste disposal system, if any, is approved by the Board of Health and is in compliance with Title 5 of the State Environmental Code.

4. Within Zone A (100 year flood boundary), where the base flood elevation is not provided on the Flood Insurance Rate Maps, the applicant shall produce any already existing, reasonable base flood elevation data and it shall be used to meet the requirements of D.1 above.

5. Where watertight flood-proofing of a structure is permitted, a registered professional engineer or architect shall certify to the Building Inspector that the methods used are adequate to withstand the flood depths, pressures and velocities, impact and uplift forces, and other factors associated with the 100 year flood.

6. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:
Prohibit encroachments including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100 year flood.

7. A special permit issued under this section shall take effect only after all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law and a copy of each such permit has been filed with the Selectmen. No building permit shall be issued and no fills shall be put in place until the special permit has been issued under this section or until ninety (90) days have elapsed following action thereon.

This Board also has the right to grant variances as provided by Section 10, Chapter 40A of the Massachusetts General Laws.

8. Granting of a special permit by the Selectmen does not indicate in any way compliance with Wetlands Protection Act, Chapter 131, Section 40 (G.L.), or with any order by the Conservation Commission. In riverline situations the Conservation Commission shall notify adjacent communities and the Massachusetts Division of Water Resources prior to any alterations or relocation of a water course and submit copies of such notifications to the Flood Insurance Administration.

9. The Building Inspector shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures as provided in the State Building Code and keep records whether elevated structures contain a basement or not.

E. EXCEPTIONS: The requirements of this section are not intended to govern the normal customary grading in the area of an existing or newly constructed building, including but not limited to, the preparation and construction of sidewalks, driveways, and patios. Such grading and earth moving shall be approved by the Building Inspector at the time of the issuance of the building permits, provided that a plan showing proper drainage and protection of adjoining property has been submitted.

Section 4. of Chapter IX

Adopted at the town Meeting, May 18, 1985

Approved by the Attorney-General, August 19, 1985.

Section 5. USE REGULATIONS: Except as provided by law or in the by-law, no building or structure shall be erected, and no building, structure, or land or part thereof shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized, in accordance with the provisions of the bylaw.

A. USE AND STRUCTURE PERMITTED BY RIGHT

1: One-family dwelling unit.

2: Use of land and structure for agriculture, horticulture, or floriculture.

3: Municipal or governmental use including parks, playgrounds, or other recreational facilities owned or operated by a town agency.

4: Religious or educational use on land or leased by the Commonwealth, or any of its agencies, sect, or denomination, or by a non-profit educational corporation subject to the regulations set forth in 5.A.6.

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5: Accessory uses and structures that are normally associated with a principal permitted use on the same premises, including but not limited to the following:

a: The use of a room or rooms in a dwelling or accessory building by a resident occupant for practice of a recognized profession, or by a resident carpenter, painter, plumber, electrician, or other tradesman and artisan in connection with his trade, or by a resident engaged in a customary home occupation, provided that there is no external evidence of any business other than a permitted sign.

b: Rental of not more than four(4) rooms in a dwelling unity by a resident family provided no separate kitchen facilities are maintained.

c: The display and sale by a resident of the premises at a roadside stand or otherwise, of natural products the major portion of which are produced on the premises.

d: Display of sign or signs as regulated in section 6 of this bylaw.

6: Any non-municipal educational use or any religious use is subject to the following regulations:

a: A site plan and informational statement must be presented to the permit granting authority before any change of use of the land or building or before any construction, reconstruction, or alteration of any building or structure. The site plan at a scale of 1" to 40' (or larger) prepared by a registered architect or civil engineer must show existing buildings, roads, parking areas, sewer and water lines, drainage systems, water courses, trees over twelve inches in diameter at breast height, and any other significant existing manmade or natural features.

b: The informational statement shall detail the probable effect of the use of the following:

1. Attendance at public schools.
2. Increase in vehicle traffic.
3. Change in the number of legal residents.
4. Increase in municipal service costs.
5. Load on public utilities or future demand for them.
6. Public safety, police and fire protection.
7. Change in tax revenue.
8. Changes in surface drainage.

9. Increase in refuse disposal.
10. Land erosion or loss of tree cover.
11. Character of surrounding neighborhood.

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c: Restrictions:

1. Maximum building coverage four percent (4%)
2. Setback hundred (200) feet buffer surrounding the property to be kept undeveloped except for entrance and exit roadways.
3. Major access roads and major parking areas subject to frequent use by day or night shall be approved by the Planning Board. Major roads are to be eighteen (18) feet wide and shall not exceed seven and one-half percent (7 ½) grade.
4. Parking areas shall be within three hundred (300) feet of the building to be served.

B. USE AND STRUCTURES PERMITTED BY SPECIAL PERMIT:

Use and Structures which may be authorized by the Board of Selectmen by Special Permit in accordance with provisions of this bylaw:

The following uses are permitted if approved, after a public hearing thereon, by special permit from the Board of Selectmen, who shall determine that the use will not be injurious, noxious, or offensive; and only if found to be consistent with the intent of the bylaw. Upon receipt of a request for a permit the Board of Selectmen shall notify the Planning Board and the Board of Health of the request, and said Boards shall respond to the Board of Selectmen within thirty five (35) days thereafter by written reports of their findings in respect of their specific fields of responsibilities. If deemed necessary said Boards shall make on site plan reviews and inspections.

1. Commercial greenhouse, ice house, sawmill, motel.
2. Antique, craft or gift shop, summer camp, recreational camp, movie theater.
3. Aviation field, golf course, boat livery, riding stable or ski tow, recreational camps for children.
4. Commercial dog kennel or veterinary hospital.

5. Earth removal for commercial purposes – subject to requirements in Section 10.
6. Logging – subject to regulations of special permit granting authority. 26
7. Any other use determined by the Board to be similar in character to one or more uses specifically authorized herein, provided the Board finds that the proposed use is in harmony with the general purpose and intent of this bylaw and not offensive or detrimental to the neighborhood.
8. An accessory use to a by-right use, whether or not on the same parcel, which is necessary in connection with scientific research or development or related production provided the Board finds that the proposed accessory use does not substantially derogate from the public good.

Section 5. USE REGULATIONS
C. PROHIBITED USES:

1. The following uses are expressly prohibited:
 - a. Junk yard, fur farm, slaughter house, travel trailer park, mobil home park, or any use which may create undue traffic or is commonly regarded as hazardous, injurious, or noxious.
 - b. No land within any use district in the Town of Sandisfield may be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste.

Section 5.C.1:b of Chapter VIII
 Adopted at Town Meeting, August 28, 1981
 Approved by the Attorney-General, December 1, 1983

Section 6. SPECIAL PROVISIONS:
A. NONCONFORMING STRUCTURES, USES AND LOTS

1. The provisions of this bylaw shall not apply to structures or Uses lawfully in existence or lawfully begun at the time of the adoption of this bylaw as provided in Section 6, Chapter 40A. (G.L.).

Pre-existing nonconforming structures or uses may be extended, altered, or changed to another nonconforming use by special permit from the Board of Selectmen provided that the Board finds that

such change, extension, or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

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B. TEMPORARY STRUCTURES

1. Temporary structures include all portable buildings used for storage or temporary shelter such as trailers, dog houses, and small outbuildings not set on a permanent foundation. Not included are children's playground equipment and structures set on permanent foundations and structures used for habitation.

REGULATIONS

- a. Temporary structures shall not be placed closer than 15 feet from any property boundary.
- b. Temporary structures shall not be over 14 feet high.
- c. Temporary structures may be located closer than 15 feet from a property boundary if the owner has first obtained a written agreement from the owner of the abutting property and given a copy of that agreement to the Sandisfield Building Inspector prior to erection or placement of the temporary structure.

CHAPTER IX

ZONING

Section 6. SPECIAL PROVISIONS

C. DRIVEWAYS

1. "Driveway" is defined as any road used for vehicular access from a public road to a public or private building. Access roads used only occasionally, such as those used to access a field for haying, are not intended to be included in these bylaws.
2. Should terrain or other conditions make these driveway bylaws exceedingly difficult or impossible to follow, a solution must be developed and approved by consulting with the Building Inspector. If a solution can not be developed in this manner, then the Sandisfield Selectmen will determine the solution.

3. Driveway entrance onto public or private road shall be situated so driver has a minimum sight line of 100 feet in each direction when entering any of Sandisfield's roads.

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4. No driveway entrance shall be located closer than 75 feet to any intersection.

5. No portion of a driveway, including its cuts, fills, culverts, etc. shall come closer than 10 feet to any abutting property.

6. Driveways coming down onto a public road shall have a grade no steeper than 12% within the first 50 feet from the edge of the traveled roadway.

7. Any new or additional driveway entering onto a paved road must have a paved concrete or asphalt apron at least 4 inches thick, not less than 15 feet wide, and not less than 5 feet long connecting the driveway and road.

8. Driveways shall be a minimum of 12 feet wide with a surface of 6 inches of well compacted gravel within the first 50 feet from the edge of the traveled roadway.

9. Driveways shall be adequately crowned to direct surface water runoff to appropriate gutters within the first 50 feet from the edge of the traveled roadway.

10. Driveway gutters and culverts shall be of adequate size and location to handle all anticipated surface runoff, and shall be directed to follow previous natural runoff pattern and shall in no instance be changed to flow onto adjacent property or roads, private or public.

11. Driveway cuts and fills shall be sloped no steeper than 1 foot rise to 2 feet run.

12. Cuts and fills must be stabilized with vegetation or stone covering, and protected from erosion with straw mulch and hay bales and/or stabilization fabric until vegetation or stone covering is effectively in place.

13. All driveway plans must be inspected and approved by the Sandisfield Road Superintendent with respect to necessary culverts, paved apron, and sightlines.

14. All driveway excavation and construction must follow the approved plan and be inspected and approved by the Sandisfield Building Inspector. The property owner is responsible for notifying the proper town authorities at least 48 hours before an inspection is due.

Adopted at Town Meeting May 15, 1993

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Approved by the Attn. General Feb. 7, 1994

Section 6. D. FENCING REGULATIONS

- 1.** Fences erected more than 30 feet from any property boundary may be of any material or height.
- 2.** Fences erected within 30 feet of any property boundary are subject to the following restrictions.
 - a.** Fences may be of any material but may not exceed 10 feet in height and must have at least 50% open area above the 6 foot height.
 - b.** Fences may be located on the owner's private property.
 - c.** Fences may be located 3 feet or more from any property boundary between private properties.
 - d.** Fences may be located on or within 3 feet of a private property boundary if the owner has first obtained a written agreement from the owner of the abutting property and given a copy of the agreement to the Sandisfield Building Inspector prior to erection of the fence.
 - e.** No fence may be of a height or in a location which, in the opinion of the Sandisfield Road Superintendent, shall obstruct a driver's ability to see approaching traffic at an intersection.
- 3.** Repair and/or replacement of fences in existence prior to adoption of this bylaw is permitted providing that the repaired and/or replaced fence is no higher, is of the same type material and construction, and is the same location as the existing fence.
- 4** The Town of Sandisfield Building Inspector shall serve as fence viewer and enforcer of this bylaw.

Section 6 B, C, D, of Chapter XI

Adopted at the Town Meeting, May 15, 1993

Approved by the Attorney-General, Feb. 7, 1994

Section 7 SPECIAL PERMITS:

Any Board designated as Special Permit Granting Authority in the bylaw may hear and decide applications for Special Permits upon which such Board is specifically authorized to act under this bylaw, in accordance with provisions of Section 9, Chapter 40A of the General Laws. 30

- A. Special Permits shall only be issued following public hearings held within sixty five (65) days after filing an application with the Special Permit Granting Authority, a copy of which shall forthwith be given to the Town Clerk by the applicant.
- B. Special Permit shall lapse in two (2) years of substantial use of construction has not begun under the permit by such date except for a good cause.

Section 8. SIGN REGULATIONS.

A. Permitted Accessory Signs.

- 1. A sign not exceeding two (2) square feet in area and bearing only the names of residents or their identification of premises not having commercial connotations.
- 2. One sign, not exceeding ten (10) square feet in area for a permitted accessory use on the premises with a permit from the Board of Selectmen.
- 3. One sign for a commercial or other non-residential use, not exceeding twenty (20) square feet in total area.
- 4. Temporary signs which do not comply with this bylaw may be authorized for a period not over ten (10) days by the Board of Selectmen for special events such as an opening of a new business or industry, or announcing a public event sponsored by a civic, fraternal, social, or religious organization. The Board of Selectmen may at their discretion require the posting of a bond or cash deposit large enough to cover the cost of removal of temporary signs if such signs are not removed promptly after expiration of the permit.
- 5. The provisions of this bylaw shall not apply to signs lawfully in existence at the time of the adoption of this bylaw.

B. Sign Restrictions.

- 1. No sign shall use moving parts, noise making devices, or

blinking, rotating, or flashing, or red lights, or lights changing in light intensity, and no sign shall be placed on the roof of any building or structure, or extend above the parapet or eave line.

2. No sign or light shall be placed so as to constitute a traffic hazard or a nuisance.

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3. A free standing sign may not exceed fifteen (15) feet in height above grade or be closer to the front property line than twenty (20) feet, except with a special permit from the Board of Selectmen where the Board finds the requirements of the particular location dictate greater height or smaller setback.
4. No sign shall be located off the premises to which it applies, except that directional, informational, or identification signs may be permitted by special permit from the Board of Selectmen where the Board finds that such signs will serve the public convenience and not be detrimental to the neighborhood with respect to size, location, or design.

Section 9. OFF STREET PARKING PROVISIONS.

Any building or structure hereafter erected or converted for business use or public use shall be located on a lot sufficient in size so as to provide suitable off-street parking area and shall be at least one hundred (100) feet from any lot line, with adequate disposal of storm water capable to accommodate, in the judgment of the Board of Selectmen, parked vehicles for maximum use of the proposed facility.

Section 10. EARTH REMOVAL REGULATIONS.

Removal of earth materials for commercial purposes including loam, top soil, gravel, sand or stone, may be authorized with a Special Permit from the Board of Selectmen subject to the following requirements.

- A. An application for a Special Permit under this section must be accompanied by a plan, which shall show all structures, property lines, vegetative cover, presence of natural waterways, wet areas, flood plains, and groundwater recharge areas, and topographic lines at five (5) foot intervals, or less, carried on hundred (100) feet beyond the limits of the proposed excavation.
- B. No excavation, processing, loading or other operations, structures or facilities shall be closer than fifty (50) feet of any property line and one hundred (100) feet from a town or state highway, except if otherwise authorized by Special Permit.

- C. No permit shall be issued under this section until a plan for rehabilitation of the land, showing existing and proposed final contours, and restoring the land for its ultimate reuse, has been submitted to the Board of Selectmen.

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- D. A bond with surety satisfactory to the Board of Selectmen has been furnished to the town and approved as to form by the Town Counsel in an amount sufficient in the opinion of the Board of Selectmen to secure performance of the restoration of the land in accordance with the approved plan, and for preserving the sightlines of the area, and for meeting the requirements of public safety.
- E. The Board of Selectmen may impose conditions and restrictions with regard to length of time the Permit will remain in force; the hours of the day during which activities related to the removal of earth materials may be conducted; the method of excavating earth materials; the routes of transporting excavated earth materials from the premises; the control of underground and surface drainage; the protection of groundwater supplies; the disposal of rocks, trees, stumps and other debris; the provision for landscaping, screening, fencing or other barriers against nuisances and hazards to the public safety and welfare; and in order to protect the area from becoming an eyesore.
- F. The Board of Selectmen is authorized to exempt earth removal operations consisting of less than one hundred (100) cubic yards within twelve (12) months from any or all of the conditions and requirements of this section.

Section 11. TRAVEL TRAILER, MOBIL HOME

- A. A travel trailer or mobil home may be permitted by the Selectmen, in accordance with the provisions of the General Laws and Section 8 thereof, in their capacity as enforcing agents, but only to be occupied for temporary living quarters by the owner of the premises on which it is located for one (1) year provided that such owner is in the process of constructing a dwelling for his own occupancy and further provided that such travel trailer or mobil home is, and the dwelling being constructed will be in conformity to the Sanitary Code of the Commonwealth of Massachusetts. Such permits may be extended if the work on the dwelling is proceeding in good faith.
- B. A travel trailer or mobil home issued a permit by the Selectmen and located and occupied prior to the adoption of this bylaw may continue to be used provided a certificate from the Board of Health is submitted to the Selectmen stating compliance with the Sanitary code of the Commonwealth of Massachusetts, and further provided that such trailer or mobil home may be placed by another on the same premises and under the same conditions.

Notwithstanding other provisions of this section, a travel trailer may be parked upon an owner's premises provided the same is not used for purposes of human habitation on such site.

Section 12. ENFORCEMENT

This bylaw shall be administered and enforced by the Board of Selectmen through the Building Inspector. Anyone violating any of the provisions of this bylaw may be fined not more than one hundred dollars (\$100) for each offense. Each day such violation continues shall constitute a separate offense.

No permit shall be issued by the Building Inspector unless the application for a permit indicates compliance with this bylaw, the State Sanitary Code and The Board of Health Regulations, the Planning Board's Subdivision Control Regulations, and the Wetlands' Protection Act, if applicable.

CHAPTER X

BYLAW AMENDMENTS & VALIDITY

Section 1. AMENDMENTS

This bylaw may be amended from time to time at an annual or special town meeting in accordance with the provisions of Chapter 40A of the General Laws.

Section 2. VALIDITY

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

Section 3. SEPARABILITY

If any section or any portion of any section of these bylaws shall be declared invalid, it shall not affect the validity of any other section or portion thereof.

TOWN OF SANDISFIELD

ROAD NAME CHANGES

Approved by the Sandisfield Selectmen, November 25, 1991

- 0001** Hubbard Road to become West Hubbard Road west of West Street, East Hubbard Road east of West Street to closed portion through swamp. Remaining portion from Town Hill Road to swamp to become Abbey Road.
- 0003** West Street portion along Buck River to become Lower West Street.
- 0006** Cold Spring – West Otis – Hawley – Nash Road to become Cold Spring Road through both Sandisfield and Otis.
- 0011** Beech Plain Road to become North Beech Plain Road north of Cold Spring Road, South Beech Plain Road south of Cold Spring Road to Route 57 (which becomes Sandisfield Road)
- 0012, 0021** Route 57 to become Sandisfield Road west of Route 8, Tolland Road east of Route 8.
- 0013** Lower Beech Plain Road to become Hammertown Road.
- 0017, 0047, & 0053** Route Eight (8) to become North Main Street north of Route 57, South Main Street south of Route 57.
- 0022** Old Route Eight (8) to become Roosterville Road.
- 0024** West New Boston Road New Hartford road to become Sears Road.
- 0027** Sandisfield New Hartford Road to become New Hartford Road.
- 0028** Sandisfield New Hartford Road to become Silverbrook Road.
- 0031** Viets Road to become Elk Road east of Fox Road.
- 0036** South Sandisfield – New Marlborough Road to become Sandy Brook Turnpike.

0040 South Sandisfield Road to remain.*

*The South Sandisfield Road spur connecting to Sandy Brook Turnpike (previously South Sandisfield – New Marlborough Road (#0036) and sometimes called Gabblers Corner to be named Webster Road.

0042 North – South portion of Dodd Road to become Sage Road.

